EXPLANATORY STATEMENT

Veterans’ Entitlements (Class of Debts – Less Than $200) Specification 2015

PURPOSE

The attached instrument is a legislative instrument that has been re-made. Had the instrument not been re-made, it would have been automatically repealed on 1 April 2016.

Subsection 26(1B) of the Legislative Instruments Act 2003 provides that the requirement for an explanatory statement to explain the purpose and operation of an instrument may be met by an explanation that the instrument replaces a specified earlier legislative instrument or a specified provision of an earlier legislative instrument, and is the same in substance as the specified instrument or provision.

The Department of Veterans’ Affairs (DVA) has reviewed the instrument and found it is still required. Accordingly, the instrument has been re-made and is the same in substance as the instrument it replaces.

Section 206 of the Veterans’ Entitlements Act 1986 (the Act) provides, amongst other things, that the Repatriation Commission (Commission) may decide to waive the Commonwealth’s right to recover debts arising under the Act that are included in a class of debts specified by the Minister for Veterans’ Affairs.

The purpose of this instrument is to specify a class of debts that may be waived. The class of debts covers debts under $200. This instrument thus enables the Commission to exercise discretion to waive a debt owed to the Commonwealth that is under $200 in situations where the debt would require manual processing.

CONSULTATION

There has been no consultation in respect of the attached instrument because it is being re-made in essentially the same form and benefits are not being affected. Accordingly, consultation was considered unnecessary.

RETROSPECTIVITY

None.

DOCUMENTS INCORPORATED-BY-REFERENCE

No.

HUMAN RIGHTS STATEMENT


The attached legislative instrument does not engage an applicable right or freedom. The purpose of this instrument is to specify a class of debts arising under the Act that may be waived.
The class of debts covers debts under $200. It ensures that departmental resources are not unnecessarily expended in recovering small amounts of monies.

CONCLUSION

The attached legislative instrument does not engage a human right and is therefore compatible with human rights.

Rule-Maker
Minister for Veterans’ Affairs