

## **EXPLANATORY NOTE FOR TABLING**

### **INSTRUMENT No.5 of 1998**

### **VETERANS' ENTITLEMENTS ACT 1986**

#### **Section 115B**

The Minister for Veterans' Affairs has approved, under subsection 115B(3) of the *Veterans' Entitlements Act 1986* (the Act), the attached instrument, No.5 of 1998, to vary the Veterans' Vocational Rehabilitation Scheme (the Scheme), as prepared by the Repatriation Commission under subsection 115B(2) of the Act.

The Scheme assists specified classes of veterans to find employment and to continue in employment. The Chairman of the Senate Standing Committee on Regulations and Ordinances wrote to the Minister on 5 March 1998 about the Scheme, being Instrument No.5 of 1997, made under the Act. The Committee noted that clause 4.5.2 of the Scheme gives the Secretary a discretion to determine whether or not a grant under the Scheme has been applied for a proper purpose. It was concerned that:

- there did not appear to be any provision in the Act which allowed for review of any decisions of the Secretary; and
- the Explanatory Statement appeared to the Committee to be misleading as it did not explain that the reference to rights of review to decisions made under the Scheme are those of the Commission only.

Chapter 5 of the Scheme deals with rights of review of decisions of the Commission. To address the concerns raised by the Senate Committee, the word "Secretary" has been replaced with the word "Commission" in clause 4.5.2 of the Scheme as a result of which any determination made under this clause will now be reviewable.

The Act requires the Repatriation Commission to consult with such organisations and associations that represent the interests of the veteran community before making, varying or revoking a Veterans' Vocational Rehabilitation Scheme.

Leading national ex-service organisation groups were consulted and have agreed to the variation.