

# House of Representatives

# Supplementary Order Paper

Wednesday, 29 July 2020

## Veterans' Support Amendment Bill (No 2)

### *Proposed amendment*

Chris Penk, in Committee, to move the following amendment:

#### *Clause 9*

Replace *clause 9* (page 5, line 28 to page 6, line 23) with:

**9 Sections 11 to 13 replaced**

Replace sections 11 to 13 with:

**11 VANZ must perform functions and exercise powers on reasonable grounds and in a timely manner**

VANZ must perform its functions and exercise its powers on reasonable grounds and in a timely manner, having regard to the requirements of this Act, the nature of the function or power, and all the circumstances.

**12 VANZ must keep veteran or other claimant informed**

- (1) VANZ must, within 10 working days of receiving a claim, inform the veteran or other claimant that it has received the claim.
- (2) VANZ must keep a veteran or other claimant who makes a claim for an entitlement under this Act up to date on the progress of the veteran's or other claimant's claim.
- (3) VANZ must make a decision on a claim before the later of the following:
  - (a) the date that is 30 working days after the date VANZ received the claim:

- (b) the date that is 10 working days after the date VANZ received, from the veteran, other claimant, or any third party, all information VANZ reasonably believes it requires to make a decision on the claim.
- (4) For the purposes of **subsection (3)(b)**:
- (a) **information** includes—
- (i) information in relation to the claimant's military service, medical records, entitlements, or benefits that the veteran or other claimant may have received from a government agency; and
- (ii) any other information relevant to the claim; and
- (b) **third party** includes any government agency, non-government organisation, or other person.
- 13 VANZ must communicate in writing and inform veteran or other claimant about review rights**
- All notifications and communications required under **sections 11 and 12** must—
- (a) be in writing; and
- (b) in the case of a decision, include the reasons for it having been made; and
- (c) inform the veteran or other claimant of—
- (i) their rights of review under Subpart 2 of Part 7; and
- (ii) in the case of a claim for a veteran's pension, their right of appeal under section 175(1); and
- (d) be given in time to allow the veteran or other claimant to exercise their rights.

### Explanatory note

This Supplementary Order Paper replaces *clause 9* of the Veterans' Support Amendment Bill (No 2) Bill. The amendment aims to ensure that veterans and others who make claims to VANZ receive a timely response and are kept updated on progress at all times.

The default timeframe for a response to a claim under this amendment will be 30 working days, as it currently is under section 11 of the Veterans' Support Act 2014.

This amendment also acknowledges, however, that VANZ is constrained in its ability to respond in a timely manner to the extent that it relies on third parties for the provision of relevant information. VANZ will be afforded 10 working days to consider all the information that it considers relevant to a claim, from the time that VANZ receives it.

More general obligations of timeliness and reasoned decision-making in relation to claims will still apply.