

# Veterans' Affairs Legislation Amendment Bill 2012

*Introduced into the House of Representatives on 27 June 2012*

*Portfolio: Veterans' Affairs*

## Committee view

1.2 The committee considers that this bill is compatible with human rights as defined in the *Human Rights (Parliamentary Scrutiny) Act 2011*.

1.3 The committee notes that the bill advances the right to health and the right to social security contained in Article 12 and Article 9 of the International Covenant on Economic, Cultural and Social Rights (ICESCR).

## Purpose of the bill

1.4 This bill amends Veterans' Affairs and other portfolio legislation to:

- clarify arrangements for the payment of travel expenses for treatment under the Veterans' Entitlements Act and the Australian Participants in British Nuclear Tests (Treatment) Act;
- provide for the more timely provision of special assistance by way of a legislative instrument in place of the current arrangement requiring a regulation;
- ensure that the debt recovery provisions will be applicable to all relevant provisions of the Veterans' Entitlements Act, the regulations and any legislative instrument made under the Veterans' Entitlements Act;
- make technical amendments to provisions in the Military Rehabilitation and Compensation Act that refer to legislative instruments;
- amend the Military Rehabilitation and Compensation Act to replace obsolete references to pharmaceutical allowance and telephone allowance with references to the MRCA supplement;
- rationalise the maintenance income provisions of the Veterans' Entitlements Act by repealing the redundant definitions and operative provisions and aligning the remaining definitions with those used in the Social Security Act;
- exempt as income for the purposes of the social security income test, bereavement payments in respect of indigent veterans or members;
- exempt from income tax, reimbursements made under the Repatriation Pharmaceutical Benefits Scheme and the MRCA Pharmaceutical Benefits Scheme, including payments under the new Veterans' Pharmaceutical Reimbursement Scheme; and
- make minor technical amendments.

Any Member or Senator who wishes to draw matters to the attention of the committee under the *Human Rights (Parliamentary Scrutiny) Act 2011* is invited to do so.

## **Compatibility with human rights**

### *Right to health (Article 12 ICESCR)*

### *Right to social security (Article 9 ICESCR)*

1.5 The statement of compatibility states that amendment will advance the right to the enjoyment of the highest attainable standard of physical and mental health by clarifying the arrangements for the payment of travel expenses for persons receiving treatment under the Veterans' Entitlements Act and the Australian Participants in British Nuclear Tests (Treatment) Act.

1.6 The statement of compatibility also states that the bill will promote the right to social security by making certain bereavement payments exempt lump sums, thereby ensuring that they are not assessed as income for the purposes of the social security income test.