

2019

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Veterans' Entitlements Amendment Bill 2019**

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**A Bill for an Act to amend the Veterans' Entitlements Act 1986 , and  
for related purposes**

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The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Veterans' Entitlements Amendment Act 2019*.

## **2 Commencement**

This Act commences on the day which it receives Royal Assent.

## **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

# **Schedule 1 — Amendments**

## **Veterans' Entitlements Act 1986**

### **1 Subsection 53K(4)**

Omit "section 53M", substitute "sections 53M and 53NAA".

### **2 Subsection 53L(6)**

Omit "section 53M", substitute "sections 53M and 53NAA".

### **3 At the end of section 53N**

Add:

(3) This section has effect subject to section 53NAA.

### **4 After section 53N**

Insert:

### **53NAA Matters affecting bereavement payments under this Subdivision**

If:

- (a) bereavement payments mentioned in subsection 53K(3), 53L(4) or 53N(2) are payable to the pensioner in relation to the death of the partner; and
- (b) after the partner died, an amount of a pension, or a social security pension, to which the partner would have been entitled if the partner had not died has been paid under this Act or the *Social Security Act 1991* ; and
- (c) the Commission is not satisfied that the pensioner has not had the benefit of that amount;

the following provisions have effect:

(d) the amount referred to in paragraph (b) is not recoverable from the pensioner or from the personal representative of the partner, except to the extent (if any) that the amount exceeds the amount of the bereavement payments referred to in paragraph (a);

(e) the amount of the bereavement payments referred to in paragraph (a) is to be reduced by the amount referred to in paragraph (b).

#### **5 Application provision**

Section 53NAA of the *Veterans' Entitlements Act 1986*, as inserted by this Schedule, applies in relation to the following:

(a) bereavement payments referred to in paragraph 53NAA(a) of that Act that became payable on or after 1 January 1996;

(b) deaths referred to in paragraph 53NAA(a) of that Act that occurred on or after 1 January 1996;

(c) amounts referred to in paragraph 53NAA(b) of that Act that have been paid on or after 1 January 1996.

## **Explanatory memorandum:**

This bill seeks to streamline the administrative process and would reinstate the legislative power for DVA to reduce bereavement payments where an overpayment occurred.

## **Second reading speech:**

Mr Speaker,

I rise to speak in support of this bill. This payment is to assist the individual with costs following the death of a partner and provide a period of time for the surviving partner to adjust their finances. However, at times it is not unusual for there to be a delay in notifying the department of the death of the veteran, which results in an overpayment to the partner. In the event that this occurs the DVA instead deducts the overpayment from the bereavement payment account. And thus, avoids the need to recover debts from the deceased estate and avoids disturbing the family during the grieving period. By streamlining the administrative process this is a compassionate, sympathetic and unobtrusive response.