



Veterans' Affairs Legislation Amendment (Supporting the Wellbeing of Veterans and Their Families) Act 2020

No. 108, 2020

**An Act to amend the law relating to veterans'
entitlements and military rehabilitation and
compensation, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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**An Act to amend the law relating to veterans'
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[Assented to 26 November 2020]

The Parliament of Australia enacts:

*No. 108, 2020 Veterans' Affairs Legislation Amendment (Supporting the Wellbeing of
Veterans and Their Families) Act 2020 1*

1 Short title

This Act is the *Veterans' Affairs Legislation Amendment (Supporting the Wellbeing of Veterans and Their Families) Act 2020*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	26 November 2020
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	17 December 2020 (F2020N00163)
3. Schedule 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	29 March 2021 (F2021N00056)
4. Schedule 3	The day after this Act receives the Royal Assent.	27 November 2020

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Military Rehabilitation and Compensation Act 2004

1 Subparagraph 364(1)(b)(i)

Omit “a member”, substitute “2 commissioners”.

2 Subsection 364(2)

Repeal the subsection, substitute:

- (2) The following apply to nominations under subparagraph (1)(b)(i):
- (a) if there is no member of the Commission who is a commissioner of the Repatriation Commission covered by paragraph 182(4)(a) of the *Veterans’ Entitlements Act 1986*—the Veterans’ Affairs Minister must nominate a commissioner of the Repatriation Commission covered by that paragraph;
 - (b) if there is no member of the Commission who is a commissioner of the Repatriation Commission covered by paragraph 182(4)(b) of the *Veterans’ Entitlements Act 1986*—the Veterans’ Affairs Minister must nominate a commissioner of the Repatriation Commission covered by that paragraph.

Note 1: Subsection 182(4) of the *Veterans’ Entitlements Act 1986* requires at least one commissioner of the Repatriation Commission to be a person chosen from a list provided by organisations representing veterans and at least one commissioner of the Repatriation Commission to be a person who the Veterans’ Affairs Minister is satisfied will represent families of veterans.

Note 2: This subsection does not need to be complied with during a temporary vacancy in the office (see subsection 366(5)).

3 Section 366 (heading)

Omit “the member”, substitute “members”.

4 Subsection 366(5)

Repeal the subsection, substitute:

No limit on person that may be appointed

- (5) The person appointed is not required to be a person covered by paragraph 182(4)(a) or (b) of the *Veterans' Entitlements Act 1986*.

Veterans' Entitlements Act 1986

5 Subsection 182(1)

Omit "3", substitute "4".

6 Subsection 182(4)

Repeal the subsection, substitute:

- (4) In making recommendations to the Governor-General about the appointment of commissioners, the Minister must ensure the following:
- (a) at least one of the commissioners is a person whose name was on a list submitted in accordance with a request made under subsection (3);
 - (b) at least one of the commissioners is a person who the Minister is satisfied will represent families of veterans.

7 Paragraph 195(6)(a)

Repeal the paragraph, substitute:

- (a) a quorum is constituted by 3 commissioners; and

8 At the end of paragraph 195(6)(b)

Add "and".

Schedule 2—Transition into civilian work

Military Rehabilitation and Compensation Act 2004

1 Chapter 5A (heading)

Repeal the heading, substitute:

Chapter 5A—Family and employment support

2 Before section 268A

Insert:

Part 1—Family support

3 Section 268A (heading)

Repeal the heading, substitute:

268A Simplified outline of this Part

4 At the end of Chapter 5A

Add:

Part 2—Employment support to former members

268C Simplified outline of this Part

The regulations may provide for assistance or benefits to former members to assist them to transition into civilian work.

268D Employment support to former members

- (1) The regulations may make provision for and in relation to the granting of assistance or benefits of a specified kind to former members to assist them to transition into civilian work.
- (2) Without limiting subsection (1), the regulations may make provision for and in relation to:
 - (a) the eligibility criteria for the assistance or benefits; and
 - (b) what a former member has to do to get the assistance or benefits; and
 - (c) the conditions on which the assistance or benefits are granted; and
 - (d) limits (whether financial or otherwise) on the provision of the assistance or benefits.
- (3) Without limiting paragraph (2)(a), the criteria may depend on the Commission being satisfied of one or more specified matters.
- (4) Despite subsection 14(2) of the *Legislation Act 2003*, regulations made for the purposes of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

5 After paragraph 423(bb)

Insert:

- (bc) assistance or benefits granted under regulations made for the purposes of section 268D;

Schedule 3—Energy supplement

Veterans' Entitlements Act 1986

1 Subsection 118P(3) (definition of gold card)

Omit “or the *Military Rehabilitation and Compensation Act 2004*”, substitute “, the *Military Rehabilitation and Compensation Act 2004*, the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* or the *Treatment Benefits (Special Access) Act 2019*”.

[*Minister's second reading speech made in—
House of Representatives on 13 May 2020
Senate on 10 November 2020*]

(55/20)

8 *Veterans' Affairs Legislation Amendment (Supporting the Wellbeing of Veterans and Their Families) Act 2020* No. 108, 2020