

Territories Stolen Generations Redress Scheme (Facilitation) Act 2021

No. 126, 2021

An Act to facilitate the operation of the Territories Stolen Generations Redress Scheme, and for related purposes

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An Act to facilitate the operation of the Territories Stolen Generations Redress Scheme, and for related purposes

[*Assented to 7 December 2021*]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Territories Stolen Generations Redress Scheme (Facilitation) Act 2021*.

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. The whole of this Act | 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. | 1 March 2022  (F2021N00322) |

Note: This table relates only to the provisions of this Act as originally enacted.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.

(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 Definitions

In this Act:

***Territories Stolen Generations Redress Scheme*** means the scheme known as the Territories Stolen Generations Redress Scheme.

Part 2—Protection of payments under the Territories Stolen Generations Redress Scheme

4 Protection of payments under the Territories Stolen Generations Redress Scheme

(1) The payment of an amount to a person under the Territories Stolen Generations Redress Scheme does not affect the person’s eligibility for, or entitlement to, any pension, benefit, payment or service (however described) under a law of the Commonwealth.

(2) Without limiting subsection (1), a payment under the Territories Stolen Generations Redress Scheme is not compensation or damages for the purposes of:

(a) the *Social Security Act 1991* or the *Veterans’ Entitlements Act 1986*; or

(b) any other law of the Commonwealth; or

(c) a law of a State or a Territory prescribed by the regulations for the purposes of this paragraph.

(3) However, subsections (1) and (2) do not apply for the purposes of determining the value of a person’s assets under:

(a) the *Social Security Act 1991* or the *Veterans’ Entitlements Act 1986*; or

(b) any other law of the Commonwealth; or

(c) a law of a State or a Territory prescribed by the regulations for the purposes of this paragraph.

(4) A payment under the Territories Stolen Generations Redress Scheme is absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

(5) Subsections (1) to (4) have effect despite anything in a law of the Commonwealth, a State or a Territory (whether passed or made before or after the commencement of this section) unless, in the case of a law of the Commonwealth, the law expressly provides otherwise.

(6) The regulations may prescribe laws of the Commonwealth to which one or more of subsections (1), (2) and (3) do not apply.

Part 3—Miscellaneous

5 Act binds the Crown

This Act binds the Crown in each of its capacities.

6  Regulations

The Governor‑General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed by the regulations; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[*Minister’s second reading speech made in—*

*House of Representatives on 26 August 2021*

*Senate on 22 November 2021*]

(114/21)