

Military Rehabilitation and Compensation and Other Legislation Amendment (Incapacity Payments) Act 2022

No. 41, 2022

An Act to amend the law relating to military rehabilitation and compensation, and for related purposes

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No. 41, 2022

An Act to amend the law relating to military rehabilitation and compensation, and for related purposes

[*Assented to 7 October 2022*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Military Rehabilitation and Compensation and Other Legislation Amendment (Incapacity Payments) Act 2022*.

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 | The day this Act receives the Royal Assent. | 7 October 2022 |

Note: This table relates only to the provisions of this Act as originally enacted.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 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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Military Rehabilitation and Compensation Act 2004

1 Subsection 131(3)

Omit “2022”, substitute “2023”.

2 Application and transitional provisions

(1) Subject to this item, the amendment made by item 1 of this Schedule applies in relation to working out amounts of compensation payable to a person for a week starting on or after the commencement of this item.

(2) If an amount of compensation liable to be paid to a person for a week under the *Military Rehabilitation and Compensation Act 2004*, as in force immediately before the commencement of this item, is less than the amount that would have been payable to the person had the amendment made by item 1 been in force at that time, the Commonwealth is liable to pay to the person an amount equal to the difference between those 2 amounts.

(3) Payments of amounts under subitem (2) are taken, for the purposes of paragraph 423(a) of the *Military Rehabilitation and Compensation Act 2004*, to be payments of compensation under that Act.

Safety, Rehabilitation and Compensation (Defence‑related Claims) Act 1988

3 Subsection 19(3AA)

Omit “2022”, substitute “2023”.

4 Application and transitional provisions

(1) Subject to this item, the amendment made by item 3 of this Schedule applies in relation to working out amounts of compensation payable to a person for a week starting on or after the commencement of this item.

(2) If an amount of compensation liable to be paid to a person for a week under the *Safety, Rehabilitation and Compensation (Defence‑related Claims) Act 1988*, as in force immediately before the commencement of this item, is less than the amount that would have been payable to the person had the amendment made by item 3 been in force at that time, the Commonwealth is liable to pay to the person an amount equal to the difference between those 2 amounts.

(3) Payments of amounts under subitem (2) are taken, for the purposes of subsection 160(1) of the *Safety, Rehabilitation and Compensation (Defence‑related Claims) Act 1988*, to be payments of compensation in relation to defence service under that Act.

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

*House of Representatives on 27 July 2022*

*Senate on 6 September 2022*]

(54/22)