



Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Act 2023

No. 41, 2023

**An Act to amend the law relating to veterans'
affairs 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/>)

Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Annual report of Repatriation Medical Authority		3
	<i>Veterans’ Entitlements Act 1986</i>	3
Schedule 2—Consideration of claims		4
	<i>Military Rehabilitation and Compensation Act 2004</i>	4
	<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	4
Schedule 3—Correction of references to the A New Tax System (Family Assistance) Act 1999		5
	<i>Veterans’ Entitlements Act 1986</i>	5
Schedule 4—Defence Service Homes Insurance Scheme		6
	<i>Defence Service Homes Act 1918</i>	6
Schedule 5—Rate of compensation for journey costs relating to treatment		8
	<i>Military Rehabilitation and Compensation Act 2004</i>	8
	<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	8



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**An Act to amend the law relating to veterans'
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[Assented to 28 June 2023]

The Parliament of Australia enacts:

No. 41, 2023 Veterans' Affairs Legislation Amendment (Miscellaneous Measures) 1
Act 2023

1 Short title

This Act is the *Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Act 2023*.

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 after this Act receives the Royal Assent.	29 June 2023

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Veterans' Entitlements Act 1986

1 At the end of Part XIA

Add:

Division 4—Annual report

196UA Annual report

The Repatriation Medical Authority must, as soon as practicable after the end of each financial year, prepare and give to the Minister, for presentation to the Parliament, a report on the Authority's activities during the financial year.

Note: See also section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

2 Application provision

The amendment made by this Schedule applies in relation to a financial year ending on or after the commencement of this item.

Schedule 2—Consideration of claims

Military Rehabilitation and Compensation Act 2004

1 Subsection 330(3)

Omit “refuse to deal with the claim”, substitute “defer further investigation of the claim”.

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

2 Subsection 58(3)

Omit “refuse to deal with the claim”, substitute “defer further consideration of the claim”.

Schedule 3—Correction of references to the A New Tax System (Family Assistance) Act 1999

Veterans' Entitlements Act 1986

1 Paragraph 52ZZZF(1)(e)

Omit “clause 19”, substitute “clause 38N”.

2 Subsection 52ZZZG(2)

Omit “clause 19”, substitute “clause 38N”.

Schedule 4—Defence Service Homes Insurance Scheme

Defence Service Homes Act 1918

1 Subsections 38A(2) to (6)

Repeal the subsections, substitute:

Statement of Conditions

- (2) The Secretary must, in exercising the powers of the Commonwealth under this Part, comply with the Statement of Conditions determined in an instrument under this section, as the Statement of Conditions is in force from time to time.
- (3) The Minister may, by legislative instrument, determine the Statement of Conditions for the purposes of subsection (2).

Note: See subsection (6) for the content of the Statement of Conditions.

Revocation and replacement of Statement of Conditions

- (4) The Minister may, by legislative instrument, revoke the Statement of Conditions in force under this section. If the Minister does so, the Minister must, in that instrument, determine another Statement of Conditions for the purposes of subsection (2).

Note: See subsection (6) for the content of the Statement of Conditions.

Variation of Statement of Conditions

- (5) The Minister may, by legislative instrument, vary the Statement of Conditions in force under this section.

Content of Statement of Conditions

- (6) The Statement of Conditions under this section must deal with:
 - (a) the risks against which the Commonwealth will undertake insurance under this Part; and
 - (b) other terms and conditions relating to insurance undertaken by the Commonwealth under this Part.

This subsection does not limit the matters that may be dealt with by the Statement of Conditions.

No removal of right of person to receive payment

- (7) The Minister must not revoke or vary the Statement of Conditions so as to remove the right of a person to receive a payment to which the person had become entitled before the revocation or variation took effect.

2 Transitional provision

Despite the amendment made by this Schedule, the *Defence Service Homes Insurance Scheme (Statement of Conditions) Variation 2019*, as in force immediately before the commencement of this item, continues in force:

- (a) for the period beginning on the day this item commences and ending at the end of the day before the day the first instrument made under subsection 38A(3) of the *Defence Service Homes Act 1918*, as substituted by this Schedule, commences; and
- (b) during that period as if it were the Statement of Conditions referred to in subsection 38A(2) of that Act, as substituted by this Schedule.

Schedule 5—Rate of compensation for journey costs relating to treatment

Military Rehabilitation and Compensation Act 2004

1 Subsection 293(3) (definition of *specified rate per kilometre*)

Repeal the definition (including the note), substitute:

specified rate per kilometre means the rate per kilometre specified in an instrument under subsection 16(6) of the *Safety, Rehabilitation and Compensation Act 1988* (as that instrument is in force from time to time).

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

2 Paragraph 16(6)(c) (definition of *specified rate per kilometre*)

Repeal the definition, substitute:

specified rate per kilometre means the rate per kilometre specified in an instrument under subsection 16(6) of the *Safety, Rehabilitation and Compensation Act 1988* (as that instrument is in force from time to time).

[Minister's second reading speech made in—
House of Representatives on 22 March 2023
Senate on 30 March 2023]

(35/23)
