



**Veterans' Affairs Legislation
Amendment (Miscellaneous Measures
No. 2) Act 2023**

No. 42, 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/>)

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No. 42, 2023

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

[Assented to 28 June 2023]

The Parliament of Australia enacts:

No. 42, 2023

*Veterans' Affairs Legislation Amendment (Miscellaneous Measures
No. 2) Act 2023*

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1 Short title

This Act is the *Veterans' Affairs Legislation Amendment (Miscellaneous Measures No. 2) 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 this Act receives the Royal Assent.	28 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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Firefighters alignment

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

1 Subsection 7(8) (table item 12, column headed “Qualifying period”)

Omit “25”, substitute “15”.

2 Paragraph 7(9)(a)

Omit “firefighting duties made up a substantial portion”, substitute “the relevant authority is satisfied that firefighting or related duties made up a not insubstantial portion”.

3 Application provision

The amendments made by this Schedule apply in relation to a decision made under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (including a decision on reconsideration or review under Part VI of that Act) after the commencement of this item, in relation to primary site oesophageal cancer sustained by an employee on or after 4 July 2011.

Schedule 2—Employment programs

Social Security Act 1991

1 Subsection 8(8AC)

Repeal the subsection, substitute:

(8AC) The Employment Secretary may, by notifiable instrument, determine programs to be employment programs for the purposes of:

- (a) paragraph (8)(zv) of this section and paragraph 5H(8)(zzf) of the *Veterans' Entitlements Act 1986*; or
- (b) paragraph (8)(zw) of this section and paragraph 5H(8)(zzg) of the *Veterans' Entitlements Act 1986*.

Veterans' Entitlements Act 1986

2 At the end of subsection 5H(8)

Add:

- ; (zzf) a payment made by the Commonwealth to an individual under a program that is established by the Commonwealth and is determined in an instrument under subsection 8(8AC) of the *Social Security Act* to be an employment program;
- (zzg) a payment made by a State or Territory to an individual under a program that is established by the State or Territory and is determined in an instrument under subsection 8(8AC) of the *Social Security Act* to be an employment program.

3 Application provision

The amendment made by item 2 of this Schedule applies in relation to payments made on or after the commencement of this Schedule.

4 Saving of instruments

- (1) If:
 - (a) an instrument is made under subsection 8(8AC) of the *Social Security Act 1991* for the purposes of paragraph 8(8)(zv) of that Act; and
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(b) the instrument is in force immediately before the commencement of this Schedule;

then the instrument:

(c) continues in force on and after that commencement; and

(d) is taken to have been made for the purposes of paragraph 8(8)(zv) of the *Social Security Act 1991* and paragraph 5H(8)(zzf) of the *Veterans' Entitlements Act 1986*.

(2) If:

(a) an instrument is made under subsection 8(8AC) of the *Social Security Act 1991* for the purposes of paragraph 8(8)(zw) of that Act; and

(b) the instrument is in force immediately before the commencement of this Schedule;

then the instrument:

(c) continues in force on and after that commencement; and

(d) is taken to have been made for the purposes of paragraph 8(8)(zw) of the *Social Security Act 1991* and paragraph 5H(8)(zzg) of the *Veterans' Entitlements Act 1986*.

Schedule 3—Rental assistance

Veterans' Entitlements Act 1986

1 Point SCH6-C3 of Schedule 6

Before “Rent assistance”, insert “(1)”.

2 At the end of point SCH6-C3 of Schedule 6 (after the notes)

Add:

(2) If:

- (a) the person is temporarily absent from Australia; and
- (b) the Commission is satisfied that the person is unable to return to Australia before the end of the 26 weeks mentioned in subparagraph (1)(e)(ii) because of an event referred to in subpoint (3);

the Commission may, in relation to the person, determine that a reference to 26 weeks in subparagraph (1)(e)(ii) is taken to be a reference to another number of weeks.

(3) The events are the following:

- (a) a serious accident involving the person or a family member of the person;
- (b) a serious illness of the person or a family member of the person;
- (c) the hospitalisation of the person or a family member of the person;
- (d) the death of a family member of the person;
- (e) the person's involvement in custody proceedings in the country in which the person is located;
- (f) a legal requirement for the person to remain outside Australia in connection with criminal proceedings (other than criminal proceedings in respect of a crime alleged to have been committed by the person);
- (g) robbery or serious crime committed against the person or a family member of the person;

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- (h) a natural disaster in the country in which the person is located;
 - (i) a public health crisis affecting Australia or the country in which the person is located or both;
 - (j) political or social unrest in the country in which the person is located;
 - (k) industrial action in the country in which the person is located;
 - (l) a war in the country in which the person is located.
- (4) The Commission must not make a determination under subpoint (2) unless:
- (a) the event occurred or began during the period of absence; and
 - (b) if the event is political or social unrest, industrial action or war—the person is not willingly involved in, or willingly participating in, the event.
- (5) If the Commission determines another number (the ***new number***) of weeks under subpoint (2), then, immediately after that determination is made, a reference to a number of weeks in subparagraph (1)(e)(ii), and each reference to a number of weeks in subpoint (2), is taken to be a reference to that new number.

3 Application provision

The amendments made by this Schedule apply in relation to the following:

- (a) a period of absence from Australia starting on or after the commencement of this item;
- (b) a period of absence from Australia starting before that commencement, where the person is absent from Australia immediately before that commencement and where the 26 weeks mentioned in subparagraph SCH6-C3(1)(e)(ii) of Schedule 6 to the *Veterans' Entitlements Act 1986* had not ended immediately before that commencement.

Schedule 4—Acute support package

Military Rehabilitation and Compensation Act 2004

1 Subsection 268B(2)

After “(5)”, insert “, (5A)”.

2 After subsection 268B(5)

Insert:

- (5A) If the person is a parent or step-parent of:
- (a) a deceased member; or
 - (b) a wholly dependent partner of a deceased member; or
 - (c) another person who was the partner of a deceased member;
- the criteria are as follows:
- (d) the deceased member’s death occurred no more than 2 years before the day the person’s eligibility for an acute support package is determined;
 - (e) either:
 - (i) the deceased member’s death was related to service rendered by the member; or
 - (ii) the Commission is satisfied that the deceased member’s death was a suicide related to service rendered by the member;
 - (f) the Commission is satisfied that the person is parenting a child of the deceased member;
 - (g) at the time the person’s eligibility for the package is determined, the child is under 18 years;
 - (h) the Commission is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

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

3 Subsection 41B(2)

After “(5)”, insert “, (5A)”.

4 After subsection 41B(5)

Insert:

(5A) If the person is a parent or step-parent of:

- (a) a deceased employee; or
- (b) another person who was the spouse of an employee at any time before the employee's death;

the criteria are as follows:

- (c) the deceased employee's death occurred no more than 2 years before the day the person's eligibility for an acute support package is determined;
- (d) the deceased employee's death resulted from an injury;
- (e) the MRCC is satisfied that the person is parenting a child of the deceased employee;
- (f) at the time the person's eligibility for the package is determined, the child is under 18 years;
- (g) the MRCC is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

Veterans' Entitlements Act 1986

5 Subsection 115S(2)

After "(5)", insert ", (5A)".

6 After subsection 115S(5)

Insert:

(5A) If the person is a parent or step-parent of:

- (a) a deceased veteran; or
- (b) a war widow or war widower in relation to a deceased veteran; or
- (c) another person who was the partner of a deceased veteran;

the criteria are as follows:

- (d) the Commission is satisfied that the person is parenting a child of the deceased veteran;
- (e) at the time the person's eligibility for an acute support package is determined, the child is under 18 years;

Schedule 4 Acute support package

- (f) the Commission is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

7 Application provision

The amendments made by this Schedule apply in relation to an acute support package granted on or after the commencement of this item.

*[Minister's second reading speech made in—
House of Representatives on 25 May 2023
Senate on 13 June 2023]*

(66/23)

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