



Military Rehabilitation and Compensation Amendment (Transition to Civilian Work) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 18 March 2021

David Hurley
Governor-General

By His Excellency's Command

Darren Chester
Minister for Veterans' Affairs

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1 Name

This instrument is the *Military Rehabilitation and Compensation Amendment (Transition to Civilian Work) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument 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 instrument	The later of: (a) the day after this instrument is registered; and (b) the day Schedule 2 to the <i>Veterans' Affairs Legislation Amendment (Supporting the Wellbeing of Veterans and Their Families) Act 2020</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	30 March 2021 (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Military Rehabilitation and Compensation Act 2004*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Military Rehabilitation and Compensation Regulations 2020

1 Section 5 (at the end of note 1)

Add:

; (d) former member.

2 Section 5

Insert:

initial planning session, for a person, means the initial session mentioned in 18D(3)(a) for the person.

transition day, for a person, means the day after the person ceases to be a Permanent Forces member.

3 After Part 3

Insert:

Part 3A—Employment support to former members

Division 1—Preliminary

18A Purpose of this Part

- (1) This Part is made for the purposes of subsection 268D(1) of the Act.
- (2) It provides for and in relation to the granting of specified kinds of assistance to certain former members to assist them to transition into civilian work.

Division 2—Application and eligibility for assistance

18B Application for assistance

- (1) A person may apply to the Commission for assistance under this Part if:
 - (a) the person is a former member; and
 - (b) the transition day for the person is at least 12 months and no more than 5 years before the day the person makes the application.
- (2) The application must:
 - (a) be in a form approved in writing by the Commission; and
 - (b) include any information, and be accompanied by any documents, required by the Commission.

Division 3—Eligibility for assistance

18C Eligibility criteria

A person is eligible to be granted assistance under section 18D if:

- (a) the person is a former member; and
- (b) the transition day for the person is at least 12 months and no more than 5 years before the day the person makes an application under section 18B; and
- (c) the person declares in the application that the person:
 - (i) is unemployed or is underemployed because the person is employed fewer hours than the person would like to work; or
 - (ii) is seeking assistance to change careers; or
 - (iii) is seeking assistance to adjust to a civilian workplace; and
- (d) the person is not:
 - (i) undertaking an approved rehabilitation program; or
 - (ii) undertaking a rehabilitation program provided under section 37 of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*; or
 - (iii) receiving assistance under the Veterans' Vocational Rehabilitation Scheme (within the meaning of the *Veterans' Entitlements Act 1986*); and
- (e) the person has not previously been granted assistance to transition into civilian work under section 18D.

Division 4—Grant of assistance

18D Assistance to transition into civilian work

- (1) The Commission must grant a person assistance to transition into civilian work of a kind specified in subsection (3) if the person:
 - (a) made an application in accordance with section 18B; and
 - (b) meets the eligibility criteria mentioned in section 18C;
- (2) The grant of assistance under subsection (1) to the person is subject to:
 - (a) the conditions specified in section 18E; and
 - (b) the limits on the provision of the assistance specified in section 18F.
- (3) For the purposes of subsection (1), the following kinds of assistance are specified:
 - (a) an initial session to identify and plan what assistance of a kind mentioned in paragraphs (b) to (d) the person requires;
 - (b) pre-employment assistance including, but not limited to, assistance to:
 - (i) develop and review civilian career goals; or
 - (ii) undertake personality profiling; or
 - (iii) develop job searching skills including translating skills to other jobs;or

- (iv) develop personal branding and marketing; or
- (v) develop interviewing skills; or
- (vi) develop negotiating skills; or
- (vii) undertake adjustment coaching to adjust to civilian work; or
- (viii) undertake competency and capability mapping; or
- (ix) develop workplace communication skills; or
- (x) break out of long-term unemployment (including assistance to re-examine employment strategies and tactics);
- (c) post-employment assistance including, but not limited to, assistance to:
 - (i) navigate civilian workplace issues; or
 - (ii) seek career or job advancement;
- (d) a combination of the kinds of assistance mentioned in paragraphs (b) and (c);
- (e) a final session with an assistance provider to reflect with the person on the assistance provided and report to the Commission on that assistance.

18E Conditions on grant of assistance

The assistance granted to a person under subsection 18D(1) is subject to the condition that the person must participate in the initial planning session for the person.

18F Limits on the provision of assistance

- (1) The provision of assistance granted to a person under subsection 18D(1) is limited in accordance with this section.
- (2) The assistance (excluding the assistance mentioned in paragraphs 18D(3)(a) and (e)) is limited to the provision of:
 - (a) 10 hours of assistance; or
 - (b) if, after identifying and planning the assistance required at the initial planning session for the person:
 - (i) the person agrees that an amount that is less than 10 hours of assistance is required; and
 - (ii) the Commission is notified of this in writing;that amount of assistance that is less than 10 hours; or
 - (c) the number of hours of assistance (that is 10 hours or less) that the person receives before assistance is no longer available to the person under subsection (3).
- (3) The assistance is no longer available to the person on:
 - (a) the later of:
 - (i) the day that is 5 years after the transition day for the person; and
 - (ii) the day that is 12 months after the initial planning session for the person; or
 - (b) if, after the assistance is granted to the person, the person starts undertaking a program or receiving assistance mentioned in subsection (4)—the day that is the earlier of the following:

- (i) the day that is 6 months after the person starts the program or receives the assistance;
 - (ii) the day mentioned in paragraph (a).
- (4) For the purposes of paragraph (3)(b), the programs and assistance are as follows:
 - (a) an approved rehabilitation program;
 - (b) a rehabilitation program provided under section 37 of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*;
 - (c) assistance under the Veterans' Vocational Rehabilitation Scheme (within the meaning of the *Veterans' Entitlements Act 1986*).
- (5) The assistance mentioned in paragraphs 18D(3)(a) and (e) is limited to the provision of no more than a total of 2 hours of assistance to the person.