EXPLANATORY STATEMENT

MRCA Approved Classes of Payments Determination 2015

PURPOSE

The attached instrument is a legislative instrument that has been re-made. Had the instrument not been re-made, it would have been automatically repealed on 1 October 2015.

Subsection 26(1B) of the Legislative Instruments Act 2003 provides that the requirement for an explanatory statement to explain the purpose and operation of an instrument may be met by an explanation that the instrument replaces a specified earlier legislative instrument or a specified provision of an earlier legislative instrument and is the same in substance as the specified instrument or provision.

The Department of Veterans’ Affairs (DVA) has reviewed the instrument and found it is still required. Accordingly, the instrument has been re-made and is essentially the same in substance as the instrument it replaces albeit with minor updating as required.

A short explanation of the instrument is as follows:

Under section 431 of the Military Rehabilitation and Compensation Act 2004 (MRCA) a person may request the Military Rehabilitation and Compensation Commission (Commission) to make payments on their behalf via deductions from an amount of weekly compensation the person receives.

However the MRCA only permits the Commission to make such deductions in order to make payments of a class approved by the Minister for Veterans’ Affairs in a legislative instrument.

Accordingly, the MRCA Approved Classes of Payments 2015 specifies the classes of payments for which a deducted amount may be used as authorised under subsection 431(3) of the MRCA.

Further Explanation

Part A explains the MRCA Approved Classes of Payments Determination 2015.

CONSULTATION

There has been no consultation in respect of the attached instrument because it is being re-made in essentially the same form and benefits are not being affected. Accordingly consultation was considered unnecessary.

RETROSPECTIVITY

None.

DOCUMENTS INCORPORATED-BY-REFERENCE

No.
HUMAN RIGHTS STATEMENT


The attached legislative instrument does engage an applicable right or freedom. It relates to the Right to Social Security contained in article 9 of the International Covenant on Economic Social and Cultural Rights.

The Right to Social Security is engaged and promoted by the attached instrument in that the instrument helps a person manage their financial affairs by enabling the Military Rehabilitation and Compensation Commission, at the person’s request, to make deductions from the person’s weekly compensation and make a payment on the person’s behalf e.g. pay a rent bill.

Conclusion

The attached legislative instrument is considered to be compatible with the human right to social security because it assists a person with managing their financial affairs.

Rule-Maker

Minister for Veterans’ Affairs
PART A

*MRCA Approved Classes of Payments Determination 2015*

The abovementioned instrument sets out classes of payments approved by the Minister for Veterans’ Affairs.

If a person requests the Military Rehabilitation and Compensation Commission (the Commission) to make a deduction from the person’s weekly compensation under the *MRCA* and use the deduction to make a payment on the person’s behalf then the Commission may do so provided the payment is set out in the instrument.

The instrument sets out the following payments:

- payments to a State Housing Authority, being:
  - (a) payments of rent;
  - (b) payments of principal or interest of loans;
  - (c) payments of debts.

- payments to Westpac Banking Corporation, being:
  - (a) payments of principal or interest of loans;
  - (b) payments of insurance premiums.