

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 336

Issued by the Authority of the Minister for Veterans' Affairs

Military Rehabilitation and Compensation Act 2004

*Military Rehabilitation and Compensation Amendment
Regulations 2006 (No. 2)*

Section 440 of the *Military Rehabilitation and Compensation Act 2004* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

Section 409 of the Act controls the provision of information under the Act. The section provides, among other things, that the Military Rehabilitation and Compensation Commission may provide information obtained in the performance of duties under the Act to certain people for certain purposes. But for section 409 the provision of information under the Act could infringe the *Privacy Act 1988*.

Section 409 also provides that the class of persons to whom information may be provided under the Act (and the purpose for giving that information) may be extended by regulations.

The Regulations amended the *Military Rehabilitation and Compensation Regulations 2004* (Principal Regulations) to extend both the class of persons to whom information may be given under the Act and the purposes for which that information may be given. The Principal Regulations were amended for a similar reason on 26 April 2006.

The Regulations specify that the new information-receivers may be:

- an employee of Centrelink; or
- a contractor of Centrelink;

and that the new purpose for which information may be given is:

- administering the social security law.

The Regulations also make one minor drafting correction and add a definition of 'social security law'.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.

For the purposes of subsection 12(2) of the *Legislative Instruments Act 2003* (retrospective legislative instruments), the Regulations are not retrospective and in any event do not disadvantage any person or impose liabilities on any person.

For the purposes of the definition of "explanatory statement" in subsection 4(1) of the *Legislative Instruments Act 2003* (documents incorporated in legislative instruments) no documents are incorporated -by-reference in the Regulations.

For the purposes of the definition of "explanatory statement" in subsection 4(1) of the *Legislative Instruments Act 2003* (consultation), the Rule-Maker was satisfied that the consultation concerning the amendments undertaken by the Department of Veterans' Affairs with the Information Law Branch of the Attorney-General's Department and with the Office of the Privacy Commissioner, which had a favourable outcome, was the only consultation required in respect of the amendments.

Further details of the amendments are contained in the attachment.

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ATTACHMENT

Details of the Military Rehabilitation and Compensation Amendment Regulations 2006 (No. 2)

- Regulation 1 sets out the name of the regulations - *Military Rehabilitation and Compensation Amendment Regulations 2006 (No. 2)*
- Regulation 2 specifies that the Regulations commence on the day after the day they are registered on the Federal Register of Legislative Instruments.
- Regulation 3 provides that Schedule 1 amends the *Military Rehabilitation and Compensation Regulations 2004* (the Principal Regulations).

Schedule 1 - Amendments

Item [1] is a drafting matter.

Item [2] inserts a new item (item 2) in the table in regulation 21 of the Principal Regulations. The new item prescribes:

- the persons who, in addition to those specified in section 409 of the Act, may be given information obtained by the Military Rehabilitation and Compensation Commission (or a member of the Department of Veterans' Affairs assisting the Commission) in the performance of the Commission's or member's duties under the Act (relevant information); and
- the purposes for which that information may be given.

The persons prescribed as persons who may be given the relevant information are:

- an employee of Centrelink; or
- a contractor of Centrelink.

The purpose prescribed as the purpose for which the relevant information may be given to the prescribed persons is:

- administering the social security law.

Item [3] defines "social security law". The phrase has the same meaning it has in section 3 of the *Social Security (Administration) Act 1999*.