

## EXPLANATORY STATEMENT

### Veterans' Vocational Rehabilitation Scheme

#### PURPOSE

The attached instrument is the *Veterans' Vocational Rehabilitation Scheme* (VVRS). The VVRS is made under subsection 115B(1) of the *Veterans' Entitlements Act 1986* and is a re-made version of the former VVRS.

Had the VVRS not been re-made, it would have been automatically repealed on 1 October 2015 under the sunseting regime in the *Legislative Instruments Act 2003*.

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 VVRS and found it is still required. Accordingly, the VVRS has been re-made and is essentially the same in substance as the VVRS it replaced albeit with updating as required.

The only change that has occurred is the updating of the reference to the "Higher Education Contribution Scheme" (HECS) to the "Higher Education Loan Program" (HELP).

#### Further Explanation

**Part A** provides more information about the *Veterans' Vocational Rehabilitation Scheme*.

#### CONSULTATION

Yes. Under subsection 115B(6) of the *Veterans' Entitlements Act 1986* it is a requirement that the Repatriation Commission: "... must consult such organisations and associations, representing the interests of the veteran community, as the Commission thinks appropriate".

The forum known as "ESORT" (Ex Service Organisations Round Table) was consulted in respect of the re-making of the VVRS.

Noting that paragraph 26(1A)(d) of the *Legislative Instruments Act 2003* requires an Explanatory Statement for a legislative instrument to contain a description of the nature of any consultation, the nature of the consultation in the present case was a meeting with ESORT on 24 March 2015. The outcome was favourable with ESORT supporting the re-making of the VVRS.

#### RETROSPECTIVITY

None.

#### DOCUMENTS INCORPORATED-BY-REFERENCE

No.

## **HUMAN RIGHTS STATEMENT**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The attached legislative instrument does engage an applicable right or freedom. It relates to the Right to Work contained in articles 6(1), 7 and 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights.

The UN Committee on Economic Social and Cultural Rights has stated that the right to work:

“affirms the obligation of States parties to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly. This definition underlines the fact that respect for the individual and his dignity is expressed through the freedom of the individual regarding the choice to work, while emphasizing the importance of work for personal development as well as for social and economic inclusion.”

The instrument is compatible with the Right to Work in that it enables the Department of Veterans’ Affairs (DVA) to assist veterans find, or continue in, suitable paid employment.

Under the instrument DVA may, among other things, pay for vocational rehabilitation services for veterans and make financial grants to veterans to assist them in relation to finding or keeping a job. Such grants may be made for transport costs, accommodation expenses, work aids or appliances, workplace modifications, and education expenses.

### **Conclusion**

The attached legislative instrument is considered to be compatible with the human right to work because it increases the likelihood of a section of the community finding work or remaining in work.

Rule-Maker

The Repatriation Commission

## PART A

### *Veterans' Vocational Rehabilitation Scheme*

The objectives of this instrument are to assist veterans to find, or continue in, suitable paid employment, with particular emphasis on:

- facilitating the transition from service in the Australian Defence Force to suitable paid employment;
- assisting those veterans whose jobs are in jeopardy to retain suitable paid employment; and
- in conjunction with Part VIA of the *Veterans' Entitlements Act 1986* (the Act), providing an income safety net for certain veterans in receipt of pensions under sections 23 or 24 of the Act, or invalidity service pension, who wish to engage in suitable paid employment.

The principles of this instrument are that:

- participation in the *Veterans' Vocational Rehabilitation Scheme* is voluntary;
- a rehabilitation plan is to be approved only if the veteran has undergone an assessment of rehabilitation capability by a suitably qualified person;
- rehabilitation services are to be provided only in accordance with an approved plan that has been developed and agreed with the veteran;
- rehabilitation services are to be provided only if the Repatriation Commission is satisfied that these services will result in a suitable paid employment outcome;
- rehabilitation services are to be approved according to principles of cost-effectiveness and will generally be the minimum necessary to achieve a suitable paid employment outcome;
- there are no penalties for withdrawal from or failure to complete an approved program, although rehabilitation services may be discontinued in such circumstances;
- rehabilitation services are not to be provided concurrently with another vocational rehabilitation program.