



Australian Government
Department of Veterans' Affairs

Businessline

Action Required: Note the impact on veterans' entitlements

To:

Assistant Secretary, Income Support Branch
Directors – Clients Benefits Division
Delegates (Income Support)

For information:

Secretary
Deputy President
First Assistant Secretaries
Deputy Commissioners

SUBJECT:

Rent Assistance Portability beyond 26 weeks and Employment Program amounts not considered Income under the *Veterans' Entitlements Act 1986* (VEA).

Purpose:

To advise DVA staff that the Veterans' Affairs Legislation Amendment (Miscellaneous Measures No.2) Bill 2023 received Royal Assent on 28 June 2023.

This Bill allows a determination under the VEA that Rent Assistance is payable beyond 26 weeks for those recipients who are outside of Australia and unable to return due to a prescribed event. The Bill also allows amounts received from an 'Employment Program' to be considered as exempt income under the VEA.

Key Points:

Employment Programs Income

- Schedule 2 of the Bill inserts two new criteria into Section 5H(8) of the VEA (Excluded amounts - general) to allow for a determination to be made so that amounts received from specified Commonwealth and State or Territory employment programs are not considered as income for income support means testing purposes under the VEA.

Rent Assistance – Extension to Portability provisions

- Schedule 3 of the Bill inserts new criteria at SCH6-C3 of Schedule 6 of the VEA to include a permanent discretion to provide Commonwealth Rent

Assistance beyond 26 weeks for eligible recipients who are temporarily absent from Australia and unable to return due to a prescribed event occurring.

Legislation:

Employment Programs Income

Schedule 2 of the Bill inserts the following two new criteria into Section 5H(8) of the VEA

- (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.

These items align with provisions in the *Social Security Act 1991* (SSA). The Bill also contains an amendment to the SSA which enables the Employment Secretary to determine by notifiable instrument, employment programs as exempt income for social security law purposes, as well as under the VEA.

Rent Assistance – Extension to Portability provisions

Schedule 3 of the Bill inserts new provisions in SCH6-C3 of Schedule 6 which provides the Repatriation Commission discretion to extend the payment of Rent Assistance beyond 26 weeks when the recipient is temporarily overseas and unable to return to Australia due to a prescribed event.

The events are the following:

- a serious accident involving the person or a family member of the person;
- a serious illness of the person or a family member of the person;
- the hospitalisation of the person or a family member of the person;
- the death of a family member of the person;
- the person's involvement in custody proceedings in the country in which the person is located;
- 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);
- robbery or serious crime committed against the person or a family member of the person;
- a natural disaster in the country in which the person is located;
- a public health crisis affecting Australia or the country in which the person is located or both;
- political or social unrest in the country in which the person is located;
- industrial action in the country in which the person is located;
- a war in the country in which the person is located.

Communication:

The following DVA resources have been updated as a consequence of the Bill receiving Royal Assent on 28 June 2023:

Employment Programs Income

- CLIK Policy Library - [10.1.3 - Income Exempt from Assessment](#)

Rent Assistance – Extension to Portability provisions

- CLIK Policy Library - [5.1.2 - Eligibility Criteria for Rent Assistance](#)
- CLIK Reference Library - [Rent Assistance - Intent Paper](#)
- DVA Website - [Rent Assistance](#)
- DVA Website - [Travelling or living overseas](#)



Elaine Tse
Acting Assistant Secretary
Veteran and Family Policy Division

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