

Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022

The Military Rehabilitation and Compensation Commission, under section 268B of the *Military Rehabilitation and Compensation Act 2004*, makes the following instrument.

Dated 12 October 2022

The Seal of the

Military Rehabilitation and Compensation Commission

was affixed to this instrument

in the presence of:

|  |  |  |
| --- | --- | --- |
| Elizabeth Cosson | Kate Pope | Donald Spinks |
| AM CSC | PSM | AM |
| Chair | Member | Member |
| Gwen Cherne | Rear Admiral Sarah Sharkey | Wade Stothart |
|  | AM CSC RAN | DSC AM CSC |
| Member | Member | Member |

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Part 1—Preliminary

1 Name

 This instrument is the *Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022*.

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 on which the *Defence, Veterans’ and Families’ Acute Support Package Act 2022* commences. | 14 October 2022 |

Note: This table relates only to the provisions of this instrument as originally made.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 section 268B of 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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Simplified outline of this instrument

The Military Rehabilitation and Compensation Commission may grant an acute support package to a person who is a member or former member, wholly dependent partner of a deceased member, or former partner of a member or former member, if the person meets certain eligibility criteria and the Commission is satisfied that it is appropriate to grant the package to assist the person to adjust to new and challenging life circumstances (section 7).

The Commission must prepare a support plan for the person that outlines, among other things, the persons who will be provided with assistance or benefits under the support plan, the kinds of assistance or benefits that will be provided, and the periods during which the assistance or benefits will be provided (section 8). The support plan may be varied or revoked by the Commission in the circumstances outlined in section 9.

Under an acute support package, assistance or benefits may be provided in the circumstances outlined in section 10. Additional counselling (section 11) and additional assistance or benefits in relation to children attending, or not yet attending, primary school may also be provided to certain persons (section 12).

6 Definitions

 (1) In this instrument:

***Act*** means the *Military Rehabilitation and Compensation Act 2004*.

***acute support package***: see subsection 7(1).

***support plan***: see section 8.

 (2) In this instrument, a reference to a ***child*** of a member, former member or deceased member, includes a reference to:

 (a) a stepchild of the member, former member or deceased member; and

 (b) a person in respect of whom the member or former member stands, or the deceased member stood, in the position of a parent.

Part 2—Commission may grant acute support package

Division 1—Eligibility for acute support package

7 Commission may grant acute support package

 (1) The Commission may decide to grant a package (an ***acute support package***) of assistance or benefits to a person if:

 (a) the person is covered by subsection (2), (3) or (4); and

 (b) if the person has previously been granted an acute support package—either:

 (i) the period during which assistance or benefits for that acute support package may be provided has ended by operation of subsection 10(2); or

 (ii) the support plan has been revoked; and

 (c) the Commission is satisfied that it is appropriate to grant an acute support package to the person to assist the person to adjust to new and challenging life circumstances.

Members or former members

 (2) A person is covered by this subsection if the following criteria are satisfied:

 (a) the person is a member or former member;

 (b) the person is under 65 years of age;

 (c) the person is receiving, or is eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 of the Act or a Special Rate Disability Pension;

 (d) the Commission is satisfied that the person, or a related person of the person, is experiencing, or is at risk of experiencing, crisis.

Wholly dependent partners

 (3) A person is covered by this subsection if the following criteria are satisfied:

 (a) the person is a wholly dependent partner of a deceased member;

 (b) the person is under 65 years of age;

 (c) the deceased member’s death occurred no more than 2 years ago;

 (d) either:

 (i) the deceased member’s death was related to service rendered by the member; or

 (ii) the Commission is satisfied that the deceased member’s death was a suicide related to service rendered by the member.

Former partners of members or former members

 (4) A person is covered by this subsection if the following criteria are satisfied:

 (a) the person is a former partner of a member or former member;

 (b) the person is under 65 years of age;

 (c) the member or former member is receiving, or is eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 of the Act or a Special Rate Disability Pension;

 (d) either or both of the following apply:

 (i) the person ceased being the member’s or former member’s partner within the previous 12 months;

 (ii) a child of the member or former member who is under 18 years of age lives with the person;

 (e) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis.

Division 2—Support plan for acute support package

8 Commission must develop support plan

 (1) If the Commission grants an acute support package to a person, the Commission must prepare a plan (a ***support plan***) for the person.

Contents of support plan

 (2) The support plan must include the following:

 (a) the persons who are to be provided with assistance or benefits under the support plan;

 (b) the kinds of assistance or benefits that the Commission is satisfied are appropriate to be provided to those persons;

 (c) the period or periods during which those assistance or benefits are to be provided;

 (d) the providers that are to provide the assistance or benefits;

 (e) the payment arrangements relating to the provision of the assistance or benefits;

 (f) the day on which the support plan comes into effect.

Persons included in support plan

 (3) A person must not be included in a support plan for an acute support package for the purposes of paragraph (2)(a) unless:

 (a) the person has been granted the package; or

 (b) if the package has been granted to a member or former member:

 (i) the person is a related person of the member or former member; and

 (ii) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis; or

 (c) if the package has been granted to a wholly dependent partner of a deceased member:

 (i) the person is a child under 18 years of age of the deceased member; and

 (ii) the wholly dependent partner is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

 (d) if the package has been granted to a former partner of a member or former member:

 (i) the person is a child under 18 years of age of the member or former member; and

 (ii) the former partner is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis.

Kinds of assistance or benefits included in support plan

 (4) The kinds of assistance or benefits that may be included in a support plan for the purposes of paragraph (2)(b) are one or more of the following:

 (a) child care services for a child who is attending, or not yet attending, primary school;

 (b) counselling;

 (c) household assistance;

 (d) services to build capacity;

 (e) academic and extra‑curricular support services for a child who is under 18 years of age;

 (f) transport services in relation to assistance or benefits being provided under the support plan;

 (g) equipment and other goods in relation to assistance or benefits being provided under the support plan;

 (h) any other kind of assistance or benefits that the Commission is satisfied will assist the person being provided with the assistance or benefits to adjust to new and challenging life circumstances.

Child care service providers

 (5) For the purposes of paragraph (2)(d), a provider of child care services must not be included in a support plan unless the provider is:

 (a) an approved child care service (within the meaning of the *A New Tax System (Family Assistance) (Administration) Act 1999*); or

 (b) a person registered under section 73E of the *National Disability Insurance Scheme Act 2013* in relation to the provision of child care services.

9 Varying and revoking support plan

Varying support plan

 (1) The Commission may vary a support plan:

 (a) on request by:

 (i) the person for whom the support plan was prepared; or

 (ii) a person who is included in the support plan; or

 (b) on the Commission’s own initiative;

if the Commission is satisfied that it is appropriate to do so.

Revoking support plan

 (2) The Commission must revoke a support plan that was prepared for a member, former member or former partner of a member or former member if the member or former member is no longer receiving, or is no longer eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 of the Act or a Special Rate Disability Pension.

 (3) The Commission may revoke a support plan if:

 (a) either:

 (i) if the support plan was prepared for a member or former member—the Commission is satisfied that the member or former member, or a related person of the member or former member, is no longer experiencing, or is no longer at risk of experiencing, crisis; or

 (ii) if the support plan was prepared for a former partner of a member or former member—the Commission is satisfied that the former partner is no longer experiencing, or is no longer at risk of experiencing, crisis; or

 (b) a person who is included in the support plan does not comply with a request made to the person under section 13; or

 (c) the Commission is satisfied that, as a result of new and challenging life circumstances, it is appropriate for the support plan to be revoked in order for the Commission to grant a further acute support package to the person for whom the support plan was prepared.

Effect of revocation

 (4) If a support plan is revoked, assistance or benefits must no longer be provided under the support plan.

Division 3—Conditions and limits on assistance or benefits

10 Assistance or benefits generally

 (1) Subject to sections 11 and 12, the total value of assistance or benefits that may be included in a support plan is:

 (a) for a support plan prepared for a member, former member or former partner of a member or former member:

 (i) a maximum of $7,500 in relation to one or more periods during which assistance or benefits are to be provided that add up to 12 months; and

 (ii) if the 12 month period referred to in subparagraph (i) has been accumulated—a maximum of $5,000 in relation to one or more periods during which assistance or benefits are to be provided that add up to a further 12 months; and

 (b) for a support plan prepared for a wholly dependent partner of a deceased member—a maximum of $27,835 every 12 months for a continuous 24 month period starting on the day the support plan comes into effect.

 (2) Despite subsection (1), the period during which assistance or benefits included in a support plan for the purposes of this section may be provided ends immediately after:

 (a) for a support plan prepared for a member, former member or former partner of a member or former member—the earlier of:

 (i) the end of the further 12 month period referred to in subparagraph (1)(a)(ii); or

 (ii) the end of a 48 month period starting on the day the support plan comes into effect; or

 (b) for a support plan prepared for a wholly dependent partner of a deceased member—the end of the 24 month period referred to in paragraph (1)(b).

11 Additional counselling

 (1) In addition to section 10, assistance or benefits may be included in a support plan prepared for a member, former member or former partner of a member or former member in the form of a maximum of 4 courses of counselling every 12 months for a continuous 36 month period.

 (2) The 36 month period starts on the day after the end of the period referred to in paragraph 10(2)(a) in relation to the support plan.

12 Additional assistance or benefits in relation to children

 (1) This section applies if a person who is included in a support plan for the purposes of paragraph 8(2)(a) is a child who is attending, or not yet attending, primary school.

 (2) In addition to section 10, assistance or benefits may be included in the support plan in relation to the child for a continuous periodstarting on the later of:

 (a) the day the support plan comes into effect; or

 (b) the day the child is included in the support plan for the purposes of paragraph 8(2)(a);

and ending on the first anniversary of the start of the period that occurs after the child has completed primary school.

 (3) The value of assistance or benefits included in the support plan in relation to the child must not exceed:

 (a) until the first‑occurring anniversary of the start of the period for which the child is attending primary school—$10,000 every 12 months; and

 (b) thereafter until the period ends—$5,000 every 12 months.

 (4) Assistance or benefits provided under this section do not count towards the maximum amounts or periods referred to in section 10.

Division 4—Other matters

13 Commission may request information

 The Commission may request information from a person who is included in a support plan for an acute support package in relation to the provision of assistance or benefits included in that support plan.

Note: Failure to comply with a request may result in the revocation of the support plan (see paragraph 9(3)(b)).

Schedule 1—Repeals

Military Rehabilitation and Compensation (Family Support) Instrument (No.2) 2018

1 The whole of the instrument

Repeal the instrument.