



Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Instrument 2022

made under section 115S of the

Veterans' Entitlements Act 1986

Compilation No. 2

Compilation date: 16 November 2024

Includes amendments: F2024L01419

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Instrument 2022* that shows the text of the law as amended and in force on 16 November 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1 Preliminary**1 Name**

This instrument is the *Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Instrument 2022*.

3 Authority

This instrument is made under section 115S of the *Veterans' Entitlements Act 1986*.

4 Simplified outline of this instrument

The Repatriation Commission may grant an acute support package to a person who is:

- (a) a veteran, war widow or war widower; or
- (b) a former partner of a veteran; or
- (c) a related person of a veteran; or
- (d) a parent or step-parent of;
 - (i) a deceased veteran; or
 - (ii) a war widow or war widower in relation to a deceased veteran; or
 - (iii) another person who was the partner of a deceased veteran;

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 6).

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 7). The support plan may be varied or revoked by the Commission in the circumstances outlined in section 8.

Under an acute support package, assistance or benefits may be provided in the circumstances outlined in section 9. Additional counselling (section 10) and additional assistance or benefits in relation to children attending, or not yet attending, primary school may also be provided to certain persons (section 11).

5 Definitions

- (1) In this instrument:

Act means the *Veterans' Entitlements Act 1986*.

acute support package: see subsection 6(1).

deceased partner of a war widow or war widower means a deceased person:

- (a) who was a:
 - (i) veteran; or
 - (ii) member of the Forces for the purposes of Part II or IV of the Act; or
 - (iii) member (within the meaning of the MRCA); and
- (b) whom the war widow or war widower was the partner of, was legally married to, or was the wholly dependent partner of immediately before the person's death.

related person: see subsection 115S(9) of the Act.

support plan: see section 7.

- (2) In this instrument, a reference to a **child** of a veteran includes a reference to:
- (a) a stepchild of the veteran; and
 - (b) a person in respect of whom the veteran stands or stood in the position of a parent.

Part 2 Commission may grant acute support package

Division 1 Eligibility for acute support package

6 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) subsection (2), (3), (4), (5) or (6) applies to the person at the time the person's eligibility for an acute support package is determined; 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 9(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.

Veterans

- (2) This subsection applies to a person if the following criteria are satisfied:
 - (a) the person is a veteran;
 - (b) the person is under 65 years of age;
 - (c) the person is receiving, or is eligible to receive, a pension at a rate provided for by section 23, 24 or 25 of the Act or a veteran payment;
 - (d) the Commission is satisfied that the person, or a related person of the person, is experiencing, or is at risk of experiencing, crisis.

War widows and war widowers

- (3) This subsection applies to a person if the following criteria are satisfied:
 - (a) the person is a war widow or war widower;
 - (b) the person is under 65 years of age;
 - (c) the death of the deceased partner of the war widow or war widower occurred no more than 2 years ago;
 - (d) either:
 - (i) the deceased partner's death was related to service rendered by the deceased partner; or
 - (ii) the Commission is satisfied that the deceased partner's death was a suicide related to service rendered by the deceased partner.

Former partners of veterans

- (4) This subsection applies to a person if the following criteria are satisfied:

Section 6

- (a) the person is a former partner of a veteran;
- (b) the person is under 65 years of age;
- (c) the veteran is receiving, or is eligible to receive, a pension at a rate provided for by section 23, 24 or 25 of the Act or a veteran payment;
- (d) either or both of the following apply:
 - (i) the person ceased being the veteran's partner within the previous 12 months;
 - (ii) a child of the veteran 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.

Related people

- (5) This subsection applies to a person if the following criteria are satisfied:
 - (a) the person is a related person of a veteran;
 - (b) the veteran is under 65 years of age;
 - (c) the veteran is receiving, or is eligible to receive, a pension at a rate provided for by section 23, 24 or 25 of the Act or a veteran payment;
 - (d) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis;
 - (e) the Commission is satisfied that the crisis, or the risk of experiencing crisis, is:
 - (i) impacting or involving the veteran; or
 - (ii) connected to the veteran's wellbeing.

Parents or step-parents in relation to a deceased veteran, etc, who are parenting a child of the deceased veteran under 18 years

- (6) This subsection applies to a person if the following criteria are satisfied:
 - (a) the person is the parent or step-parent of a deceased veteran, or the parent or step-parent of a war widow or war widower in relation to a deceased veteran, or the parent or step-parent of another person who was the partner of a deceased veteran;
 - (b) the death of the deceased veteran occurred no more than 2 years ago, at the time that the person's eligibility for acute support package is determined;
 - (c) either:
 - (i) the deceased veteran's death was related to service rendered by the veteran; or
 - (ii) the Commission is satisfied that the deceased veteran's death was a suicide related to service rendered by the veteran;

- (c) the Commission is satisfied that the person is parenting a child of the deceased veteran;
- (d) at the time that the person's eligibility for acute support package is determined, the child is under 18 years;
- (e) the Commission is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

Division 2 Support plan for acute support package

7 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 people 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 the people;
 - (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.

People included in support plan

- (3) For the purposes of paragraph (2)(a), a person may be included in a support plan for an acute support package only if:
- (a) the person has been granted the package; or
 - (b) if the package has been granted to a veteran:
 - (i) the person is a related person of the veteran; 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 war widow or war widower:
 - (i) the person is a child under 18 years of age of the deceased partner of the war widow or war widower; and
 - (ii) the war widow or war widower 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 veteran:
 - (i) the person is a child under 18 years of age of the veteran; 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; or
 - (e) if the package has been granted to a parent or step-parent of a deceased veteran:

- (i) the person is a child under 18 years of age of the deceased veteran;
and
 - (ii) the parent or step-parent is parenting the child; and
 - (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or
- (f) if the package has been granted to a parent or step-parent of a war widow or war widower in relation to a deceased veteran:
 - (i) the person is a child under 18 years of age of the deceased veteran;
and
 - (ii) the parent or step-parent is parenting the child; and
 - (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or
- (g) if the package has been granted to a parent or step-parent of another person who was the partner of a deceased veteran (the ***former partner***):
 - (i) the person is a child under 18 years of age of the deceased veteran;
and
 - (ii) the parent or step-parent 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.

8 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 veteran or former partner of a veteran if the veteran is no longer receiving, or is no longer eligible to receive, a pension at a rate provided for by section 23, 24 or 25 of the Act or a veteran payment.
- (3) The Commission may revoke a support plan if:
 - (a) either:
 - (i) if the support plan was prepared for a veteran—the Commission is satisfied that the veteran is no longer experiencing, or is no longer at risk of experiencing, crisis; or
 - (ii) if the support plan was prepared for a person mentioned in subsections 6(3) to (6)—the Commission is satisfied that the person 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 12; 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

9 Assistance or benefits generally

- (1) Subject to sections 10 and 11, the total value of assistance or benefits that may be included in a support plan is:
 - (a) for a support plan prepared for a veteran, former partner of a veteran or a related person of a veteran:
 - (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 war widow or war widower—a maximum of \$27,835 every 12 months for a continuous 24-month period starting on the day the support plan comes into effect; and
 - (c) for a support plan prepared for a parent or step-parent mentioned in paragraph 7(3)(e), (f) or (g)—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 veteran, former partner of a veteran or a related person of a veteran—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 war widow or war widower—the end of the 24-month period mentioned in paragraph (1)(b); or
 - (c) for a support plan prepared for a parent or step-parent mentioned in paragraph 7(3)(e), (f) or (g)—the end of the 24-month period mentioned in paragraph (1)(c).

10 Additional counselling

- (1) In addition to section 9, assistance or benefits may be included in a support plan prepared for a veteran, a former partner of a veteran or a related person of a veteran in the form of a maximum of 4 courses of counselling every 12 months for a continuous 36 month period.

Section 11

- (2) The 36 month period starts on the day after the end of the period referred to in paragraph 9(2)(a) in relation to the support plan.

11 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 7(2)(a) is a child who is attending, or not yet attending, primary school.
- (2) In addition to section 9, assistance or benefits may be included in the support plan in relation to the child for a continuous period starting 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 7(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 9.

Division 4 Other matters

12 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 8(3)(b)).

Section 13

Division 5 Operation of certain provisions—Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Amendment Instrument 2024

13 Operation of subsection 5(1) and paragraphs 6(5)(b) and 7(3)(b) during relevant period

- (1) This section applies in relation to the determination of a person's eligibility, made during the relevant period:
 - (a) for the granting of an acute support package under section 6 (a **relevant determination**); or
 - (b) for the person's inclusion in a support plan under section 7 (a **relevant determination**).
- (2) An amendment made by the following provisions of the amending instrument is taken to have effect in relation to a relevant determination:
 - (a) item 1 of schedule 1 (which substitutes the definition of *related person* in paragraph 5(1));
 - (b) item 9 of schedule 1 (which substitutes paragraph 6(5)(b));
 - (c) item 16 of schedule 1 (which inserts new paragraph 7(3)(b)).
- (3) However, the amendment does not affect a relevant determination made before the day after the registration day if giving effect to the amendment would:
 - (a) affect a person's rights as at the registration day so as to disadvantage the person; or
 - (b) impose liabilities on a person in respect of anything done or omitted to be done before the registration day.

- (4) In this section:

amending instrument means the *Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Amendment Instrument 2024*.

registration day means the day the amending instrument is registered under section 15H of the *Legislation Act 2003*.

relevant period means the period beginning on 1 July 2023 and ending at the end of the registration day.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Instrument 2022	13 Oct 2022 (F2022L01342)	14 Oct 2022 (s 2(1) item 1)	
Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Amendment (2023 Expansion of Acute Support Package) Instrument 2023	30 June 2023 (F2023L00936)	1 July 2023 (s 2)	—
Veterans' Entitlements (Defence, Veterans' and Families' Acute Support Package) Amendment Instrument 2024	15 Nov 2024 (F2024L01419)	16 Nov 2024 (s 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep LA s 48D
s 4.....	rs F2023L00936
s 5.....	am F2023L00936; F2024L01419
Part 2	
Division 1	
s 6.....	am F2023L00936; F2024L01419
Division 2	
s 7.....	am F2023L00936; F2024L01419
s 8.....	am F2023L00936
Division 3	
s 9.....	am F2023L00936; F2024L01419
s 10.....	am F2023L00936
Division 5	
Division 5	ad F2024L01419
s 13.....	ad F2024L01419