



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

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The Repatriation Commission, under section 115S of the *Veterans' Entitlements Act 1986*, makes the following instrument.

Dated 12 October 2022

The Seal of the  
Repatriation Commission  
was affixed to this instrument  
in the presence of:

Elizabeth Cosson  
AM CSC  
Chair

Kate Pope  
PSM  
Member

Donald Spinks  
AM  
Member

Gwen Cherne  
Member

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## Part 1—Preliminary

### 1 Name

This instrument is the *Veterans' Entitlements (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 <i>Defence, Veterans' and Families' Acute Support Package Act 2022</i> 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Note: This table relates only to the provisions of this instrument as originally made.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 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 veteran, war widow or war widower, or former partner of a 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.

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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.

*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.

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## **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) 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 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) A person is covered by this subsection 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) A person is covered by this subsection 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) A person is covered by this subsection if the following criteria are satisfied:
- (a) the person is a former partner of a veteran;
  - (b) the person is under 65 years of age;

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**Division 1** Eligibility for acute support package

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- (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.



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**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 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 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.

*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:

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- (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, or a related person of 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 former partner of a veteran—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 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.

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### **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 or former partner 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.
- (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 or former partner 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 referred to in paragraph (1)(b).

#### **10 Additional counselling**

- (1) In addition to section 9, assistance or benefits may be included in a support plan prepared for a veteran or former partner of a veteran 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 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);

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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.

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**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)).