# Commonwealth Coat of Arms of Australia

#  Australian Government

# Veterans’ Children Education Schemes (Education Boards) Amendment Determination 2022

Instrument 2022 No. R34/MRCC34

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| I, Matthew Keogh, Minister for Veterans’ Affairs approve:1. under subsection 117(9) of the *Veterans’ Entitlements Act 1986*, the variations by the Repatriation Commission of the *Veterans’ Children Education Scheme* in the following determination; and
2. under subsection 258(5) of the *Military Rehabilitation and Compensation Act 2004*, the variations by the Military Rehabilitation and Compensation Commission of the *Military Rehabilitation and Compensation Act Education and Training Scheme 2004* in the following determination.

Dated this 13th day of October 2022…………………………………………………….**MATTHEW KEOGH** |

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| The Repatriation Commission, under subsection 117(8) of the *Veterans’ Entitlements Act 1986*, makes the variations to the *Veterans’ Children Education Scheme* in the following determination.Dated this 13th day of Sept 2022The Seal of theRepatriation Commissionwas affixed heretopresence of: |
|  |  |  |
| **ELIZABETH COSSON** | **KATE POPE** | **DONALD SPINKS** |
| **am csc** | **PSM** | **AM** |
| **PRESIDENT** | **DEPUTY PRESIDENT** | **COMMISSIONER** |
|  |  |  |
| **GWEN CHERNE** |  |  |
|  |  |  |
| **COMMISSIONER** |  |  |

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| The Military Rehabilitation and Compensation Commission, under subsection 258(4) of the *Military Rehabilitation and Compensation Act 2004*, makes the variations to the *Military Rehabilitation and Compensation Act Education and Training Scheme 2004* in the following determination.  Dated this 13 day of Sept 2022 The Seal of the Military Rehabilitation and Compensation Commission was affixed hereto in thepresence 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** |

**Contents**

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule—Amendments 2

*Veterans’ Children Education Scheme* 2

*Military Rehabilitation and Compensation Act Education and*

*Training Scheme 2004* 5

1. **Name**

 This instrument is the *Veterans’ Children Education Schemes (Education Boards) Amendment Determination 2022.*

1. **Commencement**

### This instrument commences on the day after it is registered.

1. **Authority**

 This instrument is made under subsection 117(8) of the *Veterans’ Entitlements Act 1986* and subsection 258(4) of the *Military Rehabilitation and Compensation Act 2004.*

1. **Schedule**

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.

**Schedule - Amendments**

***Veterans’ Children Education Scheme* (Instrument 2015 No. R43)**

**1 Paragraph 3(b) (Saving and Transitional Provisions)**

Repeal the paragraph (including Notes (1) and (2)).

**2 At the end of section 3 (Saving and Transitional Provisions)**

 Add:

(e) Any funds bequeathed in trust for the benefit of eligible students that the Commission had determined to be administered by a Veterans’ Children Education Board, and in existence immediately before the commencement of the instrument, the *Veterans’ Children Education Schemes (Education Boards) Amendment Determination 2021*,will, after the commencement of that instrument, be administered by the Commission.

1. **Paragraph 1.2.1**

Repeal the following definitions:

1. definition of *“****Board****”*;
2. definition of “***member***”;
3. definition of “***MRCA Children’s Board***”;
4. definition of “***Secretary***”; and
5. definition of “***sub-committee***”.

**4 Paragraph 1.4.3**

Repeal the paragraph.

1. **Paragraph 1.5.1**

 Omit “, assisted by a Board in each State,”.

**6 Paragraphs 2.5.1 to 2.5.6**

 Repeal the paragraphs and substitute with the following paragraphs:

**2.5.1**  If the Commission is of the opinion that a primary or secondary student’s progress is not satisfactory, it may determine that the student cease to receive benefits under the Scheme.

**2.5.2**  Where the Commission is of the opinion that a tertiary student aged sixteen years or over would have failed to satisfy the progress rules in Part 2.11A of the *Social Security Act 1991* in respect of tertiary students (if Part 2.11A had applied to the ***student***), it may determine that the student cease to receive benefits under the Scheme.

 Note:    The “progress rules” are mentioned in section 569H of the *Social Security Act 1991*.

 **2.5.3** Benefits withdrawn under paragraphs 2.5.1 and 2.5.2 may be restored by the Commission if it is satisfied that the student has resumed satisfactory progress.

1. **Paragraph 2.10.2**

 Omit “Board” and substitute “Commission”.

1. **Paragraph 2.10.3**
2. Omit the reference to “Board” and substitute “Commission”.
3. Omit the words “the case may be referred to Commission and”.
4. **Part 4 Heading**

Repeal the heading, substitute:

**PART 4 – Guidance and Counselling**

**10 Paragraph 4.1.1**

Omit the words “arrange for a student to be given, or directed to, guidance and counselling for matters affecting that student’s continuing progress in a course of study” and substitute “refer students and their families to community welfare, education, guidance and counselling services or other professionals where appropriate”.

**11 Paragraph 4.1.3**

Repeal the paragraph and substitute:

**4.1.3** The Commission will monitor the progress of students and seek expert advice from relevant education and health experts to understand the needs of the student.

**4.1.4** The Commission will monitor the operation and performance of the Scheme to ensure it has a positive impact on students.

1. **Paragraph 5.2.1**

 Omit “the Board or”.

1. **Paragraphs 5.3.1 and 5.3.2**

Repeal the paragraphs and substitute:

 **5.3.1**  Where the Commission considers that exceptional circumstances, beyond the control of the student, have hindered or will hinder a student’s progress the Commission may approve payment of Special Assistance in respect of that student.

**14 Part 6**

Repeal the Part.

1. **Paragraphs 7.1.1 and 7.1.2**

 Repeal and substitute with:

 **7.1.1** Any funds bequeathed in trust for the benefit of eligible students under the Scheme, are deemed to have been bequeathed in trust to the Commission.

1. **Paragraph 7.2.1**

Repeal the paragraph and substitute:

 **7.2.1** The Commissionmay create scholarships from trust funds and may determine the duration and value of such scholarships.

1. **Paragraph 7.3.5**

 Omit “or the Commission may direct a ***Board*** to administer a particular bursary and the Board shall administer that bursary” and insert “or an organisation contracted by the Commission”.

1. **Paragraph 8.1.3**

Repeal the paragraph.

1. **Paragraph 8.2.2**

 Omit “or of a Board”.

***Military Rehabilitation and Compensation Act Education and Training Scheme 2004* (Instrument 2015 No. MRCC43)**

**20 Paragraph 3(b) (Saving and Transitional Provisions)**

Repeal the paragraph (including Notes (1) and (2)).

**21 Paragraph 1.2.1**

Repeal the following definitions:

1. definition of *“****Board****”*;
2. definition of “***member***”;
3. definition of “***Secretary***”;
4. definition of “***sub-committee***”; and
5. definition of “**Veterans’ Children Education Board**”.
6. **Paragraph 1.5.1**

 After, “Commission” omit “, assisted by a *Board* in each State,”.

**23 Paragraphs 2.5.1 to 2.5.6**

 Repeal the paragraphs and substitute:

**2.5.1**  If the *Commission* is of the opinion that a primary or secondary *student*’s progress is not satisfactory, it may determine that the *student* cease to receive benefits under the Scheme.

**2.5.2**  Where the *Commission* is of the opinion that a tertiary *student* aged sixteen years or over would have failed to satisfy the progress rules in Part 2.11A of the *Social Security Act 1991* in respect of tertiary *student*s (if Part 2.11A had applied to the *student*), it may determine that the *student* cease to receive benefits under the Scheme.

 Note:    The “progress rules” are mentioned in section 569H of the *Social Security Act 1991*.

 **2.5.3** Benefits withdrawn under paragraphs 2.5.1 and 2.5.2 may be restored by the *Commission* if it is satisfied that the *student* has resumed satisfactory progress.

1. **Paragraph 2.10.2**

 Omit “Board” and substitute “Commission”.

1. **Paragraph 2.10.3**
2. Omit the reference to “*Board*” and substitute “*Commission*”.
3. Omit the words “the case may be referred to *Commission* and”.

**26 Paragraph 3.4.2(b)**

 Omit “*Board*” and substitute “board”.

**27 Paragraph 3.4.5**

 Omit “*Board*” and substitute “board”.

**28 Part 4 Heading**

 Repeal the heading, substitute:

 **PART 4 – Guidance and Counselling**

**29 Paragraph 4.1.1**

Omit the words “arrange for a *student* to be given, or directed to, guidance and counselling for matters affecting that *student*’s continuing progress in a course of study” and substitute “refer students and their families to community welfare, education, guidance and counselling services or other professionals where appropriate”.

**30 Paragraph 4.1.3**

 Repeal the paragraph and substitute:

 **4.1.3** The *Commission* will monitor the progress of students and seek expert advice from relevant education and health experts to understand the needs of the *student*.

**4.1.4** The *Commission* will monitor the operation and performance of the Scheme to ensure it has a positive impact on students.

1. **Paragraph 5.2.1**

 Omit “the Board or”.

1. **Paragraphs 5.3.1 and 5.3.2**

Repeal the paragraphs and substitute:

 **5.3.1**  Where the *Commission* considers that exceptional circumstances, beyond the control of the *student*, have hindered or will hinder a *studen*t’s progress the *Commission* may approve payment of Special Assistance in respect of that *student*.

1. **Part 6**

 Repeal the Part.

1. **Paragraph 7.1.1**

Repeal the paragraphand substitute:

 **7.1.1** The *Commission*may create scholarships from trust funds and may determine the duration and value of such scholarships.

**35** **Paragraph 8.2.2**

 Omit “or of a *Board*”.