



# **Military Rehabilitation and Compensation (Defence, Veterans' and Families' Acute Support Package) Amendment (2023 Expansion of Acute Support Package) Instrument 2023**

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

Dated 30 June 2023

The Seal of the  
Military Rehabilitation and Compensation Commission  
was affixed to this instrument  
in the presence of:

Alison Frame  
Chair

Kate Pope  
PSM  
Member

Donald Spinks  
AM  
Member

~~Gwen Cherne~~  
Member

Greg Vines  
Acting Member

Wade Stothart  
DSC AM CSC  
Member

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*Military Rehabilitation and Compensation (Defence, Veterans' and Families' Acute  
Support Package) Amendment (2023 Expansion of Acute Support Package)  
Instrument 2023*

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## **1 Name**

This instrument is the *Military Rehabilitation and Compensation (Defence, Veterans' and Families' Acute Support Package) Amendment (2023 Expansion of Acute Support Package) Instrument 2023*.

## **2 Commencement**

This instrument commences 1 July 2023.

## **3 Authority**

This instrument is made under section 268B of the *Military Rehabilitation and Compensation Act 2004*.

## **4 Schedule**

The instrument that is specified in the Schedule to this instrument is amended as set out in the applicable items in the Schedule, and any item has effect according to its terms.

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## Schedule 1—Amendments

### *Military Rehabilitation and Compensation (Defence, Veterans' and Families' Acute Support Package) Instrument 2022*

#### 1 Section 5

Repeal the section, substitute:

#### 5 Simplified outline of this instrument

The Military Rehabilitation and Compensation Commission may grant an acute support package to a person who is:

- (a) a member or former member; or
- (b) a wholly dependent partner of a deceased member; or
- (c) a former partner of a member or former member;
- (d) a related person of a member or former member; or
- (e) a parent or step-parent of a deceased member, or a parent or step-parent of a wholly dependent partner of a deceased member or a parent or step-parent of another person who was the partner of a deceased 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).

#### 2 Subsection 7(1)

Omit “or (4)”, insert “, (4), (5) or (6)”.

#### 3 At the end of subsection 7(4)

Add:

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*Related persons*

- (5) A person is covered by this subsection if the following criteria are satisfied:
- (a) the person is a related person of the member or former member;
  - (b) the person is under 65 years of age at the time the person's eligibility for an acute support package is determined;
  - (c) the member or former member is receiving, or is eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 or a Special Rate Disability Pension;
  - (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 member or former member; or
    - (ii) connected to the member or former member's wellbeing.

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

- (6) A person is covered by this subsection if the following criteria are satisfied:
- (a) the person is a parent or step-parent of:
    - (i) a deceased member; or
    - (ii) a wholly dependent partner of a deceased member; or
    - (iii) another person who was the partner of a deceased member;
  - (b) the deceased member's death occurred no more than 2 years before the day the person's eligibility for an acute support package is determined;
  - (c) 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;
  - (d) the Commission is satisfied that the person is parenting a child of the deceased member;
  - (e) at the time the person's eligibility for the package is determined, the child is under 18 years;
  - (f) the Commission is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

**4 Paragraph 8(3)(b)**

Repeal the paragraph.

**5 At the end of paragraph 8(3)(d)**

Add:

or

- (e) if the package has been granted to a person who is a parent or step-parent of a deceased member, or to a person who is a parent or step-parent of a wholly dependent partner of a deceased member, or to a person who is a

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parent or step-parent of another person who was the partner of a deceased member; and

- (i) the Commission is satisfied that the person is parenting a child of the deceased member who is under 18; and
- (ii) the Commission is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

## **6 Paragraph 9(3)(a)**

Repeal the paragraph, substitute:

- (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 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 7(3) to (6)—the Commission is satisfied that the person is no longer experiencing, or is no longer at risk of experiencing, crisis; or

## **7 Paragraph 10(1)(a)**

After “or former member” insert “, or a related person of a member or former member”.

## **8 At the end of paragraph 10(1)(b)**

Add:

and

- (c) for a support plan prepared for a person who is a parent or step-parent of a deceased member, or a person who is a parent or step-parent of the wholly dependent partner of a deceased member, or a person who is a parent or step-parent of another person who was the 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.

## **9 Paragraph 10(2)(a)**

Repeal the paragraph, substitute:

- (a) for a support plan prepared for a member, former member, former partner of a member or former member, or for a related person 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

## **10 Paragraph 10(2)(b)**

After “member”, insert “, a person who is a parent or step-parent of a deceased member, or a person who is a parent or step-parent of a wholly dependent partner of a deceased member, or a person who is a parent or step-parent of another person who was the partner of a deceased member”.

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**11 Subsection 11(1)**

Omit “former member or former partner of a member or former member” substitute”, former member, former partner of a member or former member or a related person of a member or former member”.