



Veterans' Entitlements (Special Assistance) Amendment Regulations 2006 (No. 1)¹

Select Legislative Instrument 2006 No. 294

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Veterans' Entitlements Act 1986*.

Dated 16 November 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

BRUCE BILLSON
Minister for Veterans' Affairs

1 Name of Regulations

These Regulations are the *Veterans' Entitlements (Special Assistance) Amendment Regulations 2006 (No. 1)*.

2 Commencement

These Regulations commence as follows:

- (a) on the day after they are registered — regulations 1 to 3 and Schedule 1;
- (b) on 1 December 2006 — Schedule 2;
- (c) on 1 January 2007 — regulation 4 and Schedule 3.

3 Amendment of *Veterans' Entitlements (Special Assistance) Regulations 1999*

Schedules 1 to 3 amend the *Veterans' Entitlements (Special Assistance) Regulations 1999*.

4 Application of amendments made by Schedule 3

The amendments made by Schedule 3 apply in relation to domestic or family violence by a family member of a person if the family member leaves, or is removed from, the person's home on or after 1 January 2007.

Schedule 1 Amendment commencing on day after registration

(regulation 3)

[1] Paragraph 6 (1) (g)

after

crisis payments

insert

for which the person was eligible under this regulation

Schedule 2 Amendment commencing on 1 December 2006

(regulation 3)

[1] Regulation 7

substitute

7 **Crisis payment not payable in addition to disaster relief payment**

- (1) A crisis payment is not payable to a person for an extreme circumstance if the person is eligible for a disaster relief payment (however described) for the extreme circumstance.
- (2) However, this regulation does not affect a person's entitlement to a crisis payment for an extreme circumstance if:
 - (a) the person has claimed the crisis payment; and
 - (b) the person subsequently qualifies for an Australian Government Disaster Recovery Payment or other disaster relief payment for the same extreme circumstance.

Note 1 An Australian Government Disaster Recovery Payment is payable under Part 2.24 of the *Social Security Act 1991*.

Note 2 There is another limitation on crisis payments in section 106 of the Act (which authorises the Commission to grant special assistance, such as crisis payments). It provides that special assistance is not payable in circumstances in which a person is also eligible for assistance under another provision of the Act.

Schedule 3 Amendments commencing on 1 January 2007

(regulation 3)

[1] Subregulation 3 (1), note

after

- Commission

insert

- family member

[2] Paragraph 6 (1) (g)

after

regulation

insert

or regulation 6A

[3] After regulation 6

insert

**6A Eligibility for crisis payment — remaining in home
after removal of family member for abusive behaviour**

- (1) A person is eligible for a crisis payment if:
- (a) the person has been subjected to domestic or family violence, in Australia, by a family member of the person; and
 - (b) at the time of the violence the person was living with that family member; and
 - (c) the family member leaves, or is removed from, the person's home because of the violence; and

- (d) the person remains living in the person's home after the family member leaves or is removed; and
 - (e) the person's home is in Australia; and
 - (f) the person contacts the Department, or claims the crisis payment, within 7 days after the day on which the family member leaves or is removed; and
 - (g) on the day on which the contact happens, or the claim is lodged, the person:
 - (i) is in severe financial hardship; and
 - (ii) has made a claim (whether on the same day or on an earlier day) for a pension entitlement and is eligible for the pension entitlement; and
 - (h) in the 12 months before the day on which the claim is made, no more than 3 crisis payments for which the person was eligible under this regulation or regulation 6 have been payable to the person.
- (2) A person is not eligible for a crisis payment if the Commission is satisfied that the family member left the person's home with a view to the person obtaining a crisis payment.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.