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#  Australian Government

# Veterans’ Children Education Schemes (COVID-19 Supplement) Amendment Determination 2020

Instrument No. R14/MRCC 14 of 2020

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| I, Darren Chester, 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 24th day of April 2020**DARREN CHESTER** |

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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 24th day of April 2020The Seal of the ) Repatriation Commission ) SEAL was affixed hereto in the ) presence of: )    …Elizabeth Cosson………………………… ……Charles McHardie…………………………..…Don Spinks……..... **ELIZABETH COSSON CHARLES McHARDIE DON SPINKS** **am csc AM AM** **PRESIDENT ACTING DEPUTY PRESIDENT COMMISSIONER** |

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| We, as delegates of 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 24th day of April 2020 The Seal of the                                                                   )Military Rehabilitation and Compensation Commission  ) SEALwas affixed hereto in the                                                    )presence of:                                                                        )     ……..Elizabeth Cosson…………………..………… ……Charles McHardie…………………………….….Don Spinks….  **ELIZABETH COSSON                                       CHARLES McHARDIE                                    DON SPINKS****AM CSC                                                                     AM                                                 AM****CHAIR                                                    MEMBER                                                        MEMBER**                   MEMBER |

1. **Name**

 This instrument is the *Veterans’ Children Education Schemes (COVID-19 Supplement) Amendment Determination 2020.*

1. **Commencement**

### This instrument commences on the day on which Schedule 11 of the *Coronavirus Economic Response Package Omnibus Act 2020* commenced.

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**

 The *Veterans’ Children Education Scheme* (Instrument 2015 No. R43) and the *Military Rehabilitation and Compensation Act Education and Training Scheme 2004* are varied in accordance with the items in the Schedule.

**Schedule**

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

**1 Paragraph 1.2.1**

*insert*:

“**COVID-19 supplement**”means the payment of that name payable under Part 3C.

“**extension period**” means the period of any extension of the period for which the COVID-19 supplement payable under section 557 of the *Social Security Act 1991* is extended by a legislative instrument made under subsection 557(3) of the *Social Security Act 1991*.

“**initial period**” means the period of 6 months beginning on the day on which Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020* commences (25 March 2020).

**2 Part 3B**

 *after this Part insert*:

**PART 3C – COVID-19 SUPPLEMENT**

3C.1 *Eligibility for COVID-19 supplement*

3C.1.1 If a person:

(a) has attained the age of 16 years and is receiving, an education allowance under paragraph  3.3, 3.4, 3.5, 3.6 or 3.6A of the *Scheme,* the fortnightly payment of education allowance is increased from 27 April 2020 by the amount of the *COVID-19 supplement*; or

(b) has not attained the age of 16 years but is receiving, an education allowance under paragraph  3.4, 3.5, 3.6 or 3.6A of the *Scheme*, thefortnightly payment of education allowance is increased from 27 April 2020 by the amount of the *COVID-19 supplement*.

3C.2 *COVID-19 supplement payment period*

3C.2.1 This Part ceases to apply at the end of:

1. the *initial period*, unless paragraph (b) applies; or
2. the *extension period*.

3C.3 *Amount of COVID-19 supplement*

 3C.3.1 For the period beginning on 27 April 2020 and ending at the end of the *initial period*, the fortnightly amount of the *COVID-19 supplement* is:

1. $550, unless paragraph (b) applies; or
2. if the amount of the supplement is determined by a legislative instrument made under subsection 557(5) of the *Social Security Act 1991—*that amount.

3C.3.2 For any *extension period*, the amount of the *COVID-19 supplement* is to be worked out in accordance with a legislative instrument made under subsection 557(7) of the *Social Security Act 1991*.

3C.4 *Payment of the COVID-19 supplement*

 3C.4.1 If a person is eligible for the *COVID-19 supplement*on a *payday* on or after 27 April 2020, the *Commission* must direct that the increased education allowance is payable to the person:

 (a) on the first *payday* that the *Commission* considers to be the earliest *payday* on which it is reasonably practicable for the supplement to be paid and subsequently on each *payday* the person is eligible for the supplement; and

 (b) in such manner as the *Commission* considers appropriate.

3C.4.2 Subject to paragraph 3C.4.3, payment of the *COVID-19 supplement* for a person who is eligible for the supplement (eligible person) is to be made to the person to whom the education allowance for the eligible person under Part 3 is payable.

Note:  The person receiving the *COVID-19 supplement* for the eligible person could be the eligible person’s parent, a person approved by the *Commission* or the eligible person.

3C.4.3 If the education allowance is payable to an institution or to a person providing board to the eligible person, the *COVID-19 supplement* is payable to the person to whom the education allowance for the eligible person would be payable if payment of the education allowance to an institution or to a person providing board to the eligible person was not an option.

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

**3 Paragraph 1.2.1**

*insert*:

“**COVID-19 supplement**”means the payment of that name payable under Part 3C.

“**extension period**” means the period of any extension of the period for which the COVID-19 supplement payable under section 557 of the *Social Security Act 1991* is extended by a legislative instrument made under subsection 557(3) of the *Social Security Act 1991*.

“**initial period**” means the period of 6 months beginning on the day on which Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020* commences (25 March 2020).

**4 Part 3B**

*after this Part insert*:

**PART 3C – COVID-19 SUPPLEMENT**

3C.1 *Eligibility for COVID-19 supplement*

3C.1.1 If a person:

(a) has attained the age of 16 years and is receiving, an education allowance under paragraph  3.3, 3.4, 3.5 or 3.6 of the *Scheme,* the fortnightly payment of education allowance is increased from 27 April 2020 by the amount of the *COVID-19 supplement*; or

(b) has not attained the age of 16 years but is receiving, an education allowance under paragraph  3.4, 3.5 or 3.6 of the *Scheme*, thefortnightly payment of education allowance is increased from 27 April 2020 by the amount of the *COVID-19 supplement*.

3C.2 *COVID-19 supplement payment period*

3C.2.1 This Part ceases to apply at the end of:

1. the *initial period*, unless paragraph (b) applies; or
2. the *extension period*.

3C.3 *Amount of COVID-19 supplement*

3C.3.1 For the period beginning on 27 April 2020 and ending at the end of the *initial period*, the fortnightly amount of the *COVID-19 supplement* is:

1. $550, unless paragraph (b) applies; or
2. if the amount of the supplement is determined by a legislative instrument made

 under subsection 557(5) of the *Social Security Act 1991—*that amount.

3C.3.2 For any *extension period*, the amount of the *COVID-19 supplement* is to be worked out in accordance with a legislative instrument made under subsection 557(7) of the *Social Security Act 1991*.

3C.4 *Payment of the COVID-19 supplement*

 3C.4.1 If a person is eligible for the *COVID-19 supplement*on a *payday* on or after 27 April 2020, the *Commission* must direct that the increased education allowance is payable to the person:

(a) on the first *payday* that the *Commission* considers to be the earliest *payday* on which it is reasonably practicable for the supplement to be paid and subsequently on each *payday* the person is eligible for the supplement; and

(b) in such manner as the *Commission* considers appropriate.

3C.4.2 Subject to paragraph 3C.4.3, payment of the *COVID-19 supplement* for a person who is eligible for the supplement (eligible person) is to be made to the person to whom the education allowance for the eligible person under Part 3 is payable.

Note:  The person receiving the *COVID-19 supplement* for the eligible person could be the eligible person’s parent, a person approved by the *Commission* or the eligible person.

3C.4.3 If the education allowance is payable to an institution or to a person providing board to the eligible person, the *COVID-19 supplement* is payable to the person to whom the education allowance for the eligible person would be payable if payment of the education allowance to an institution or to a person providing board to the eligible person was not an option.