



Military Rehabilitation and Compensation Commission

Military Rehabilitation and Compensation (Special Assistance) Instrument 2022

Instrument 2022 No. MRCC3

The Military Rehabilitation and Compensation Commission, under subsection 424(1) of the *Military Rehabilitation and Compensation Act 2004*, makes the following instrument:

Dated this 3rd day of February 2022

The Seal of the Military Rehabilitation and Compensation Commission was affixed hereto in the presence of:) SEAL
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)

ELIZABETH COSSON	KATE POPE	DONALD SPINKS
AM CSC	PSM	AM
Chair	Member	Member

GWEN CHERNE		SUE WESTON
		PSM
Member		Member

REAR ADMIRAL SARAH SHARKEY		WADE STOTHART
AM CSC RAN		DSC AM CSC
Member		Acting Member

1 Name

This instrument is the *Military Rehabilitation and Compensation (Special Assistance) Instrument 2022*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under section 424 of the *Military Rehabilitation and Compensation Act 2004*.

4 Definitions

In this instrument:

Act means the *Military Rehabilitation and Compensation Act 2004*.

Note: expressions used in this instrument have the same meaning as in the Act – see section 13 of the *Legislation Act 2003*.

5 Prescribed circumstances

For the purposes of subsection 424(1) of the Act, the following circumstances are prescribed:

- (a) a person (the ***dependant***) is or was a dependant of a member, former member or deceased member; and
- (b) the dependant has been diagnosed by a medical practitioner as suffering from a mental ailment, disorder, defect or morbid condition (whether of sudden onset or gradual development) or a mental injury; and
- (c) the dependant meets subparagraphs (b)(i) and (iii) of the definition of ***eligible young person*** in subsection 5(1) of the Act; and
- (d) the dependant is unable to meet subparagraph (b)(ii) of that definition solely because the mental ailment, disorder, defect or morbid condition, or mental injury, mentioned in paragraph (b), prevents the dependant from receiving full-time education at a school, college, university or other educational institution; and
- (e) but for the circumstance mentioned in paragraph (d), the dependant would have been entitled to compensation or another benefit under this Act, or would have been so entitled if a claim was made in respect of that compensation or benefit.