



Safety, Rehabilitation and Compensation (Defence-related Claims) (Defence, Veterans' and Families' Acute Support Package) Instrument 2022

The Military Rehabilitation and Compensation Commission, under section 41B of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*, makes the following instrument.

Dated 12 October 2022

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

Elizabeth Cosson
AM CSC
Chair

Kate Pope
PSM
Member

Donald Spinks
AM
Member

Gwen Cherne
Member

Rear Admiral Sarah Sharkey
AM CSC RAN
Member

Wade Stothart
DSC AM CSC
Member

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Part 1—Preliminary

1 Name

This instrument is the *Safety, Rehabilitation and Compensation (Defence-related Claims) (Defence, Veterans' and Families' Acute Support Package) Instrument 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) the day on which the <i>Defence, Veterans' and Families' Acute Support Package Act 2022</i> commences.	14 October 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 41B of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

4 Simplified outline of this instrument

The Military Rehabilitation and Compensation Commission (the **MRCC**) may grant an acute support package to a person who is an employee, spouse of a deceased employee, or former spouse of an employee, if the person meets certain eligibility criteria and the MRCC is satisfied that it is appropriate to grant the package to assist the person to adjust to new and challenging life circumstances (section 6).

The MRCC 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 7). The

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support plan may be varied or revoked by the MRCC in the circumstances outlined in section 8.

Under an acute support package, assistance or benefits may be provided in the circumstances outlined in section 9. Additional counselling (section 10) and additional assistance or benefits in relation to children attending, or not yet attending, primary school may also be provided to certain persons (section 11).

5 Definitions

(1) In this instrument:

Act means the *Safety, Rehabilitation and Compensation (Defence-related claims) Act 1988*.

acute support package: see subsection 6(1).

support plan: see section 7.

(2) In this instrument, a reference to a **child** of an employee or deceased employee includes a reference to:

- (a) a stepchild of the employee or deceased employee; and
- (b) a person in respect of whom the employee stands, or the deceased employee stood, in the position of a parent.

Part 2—MRCC may grant acute support package

Division 1—Eligibility for acute support package

6 MRCC may grant acute support package

- (1) The MRCC may decide to grant a package (an *acute support package*) of assistance or benefits to a person if:
 - (a) the person is covered by subsection (2), (3) or (4); and
 - (b) if the person has previously been granted an acute support package—either:
 - (i) the period during which assistance or benefits for that acute support package may be provided has ended by operation of subsection 9(2); or
 - (ii) the support plan has been revoked; and
 - (c) the MRCC is satisfied that it is appropriate to grant an acute support package to the person to assist the person to adjust to new and challenging life circumstances.

Employees

- (2) A person is covered by this subsection if the following criteria are satisfied:
 - (a) the person is an employee;
 - (b) the person is under 65 years of age;
 - (c) the person is receiving, or is eligible to receive, compensation under Division 3 of Part II of the Act;
 - (d) the MRCC is satisfied that the person, or a related person of the person, is experiencing, or is at risk of experiencing, crisis.

Spouses of deceased employees

- (3) A person is covered by this subsection if the following criteria are satisfied:
 - (a) the person was a spouse of an employee immediately before the employee's death;
 - (b) the person is under 65 years of age;
 - (c) the deceased employee's death occurred no more than 2 years ago;
 - (d) the deceased employee's death resulted from an injury;
 - (e) either:
 - (i) the injury arose out of or occurred in the course of the employee's employment; or
 - (ii) the MRCC is satisfied that the deceased employee's death was a suicide that arose out of or occurred in the course of the employee's employment.

Former spouses of employees

- (4) A person is covered by this subsection if the following criteria are satisfied:
-

Part 2 MRCC may grant acute support package

Division 1 Eligibility for acute support package

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- (a) the person is a former spouse of an employee;
- (b) the person is under 65 years of age;
- (c) the employee is receiving, or is eligible to receive, compensation under Division 3 of Part II of the Act;
- (d) either or both of the following apply:
 - (i) the person ceased being the employee's spouse within the previous 12 months;
 - (ii) a child of the employee who is under 18 years of age lives with the person;
- (e) the MRCC is satisfied that the person is experiencing, or is at risk of experiencing, crisis.

Division 2—Support plan for acute support package

7 MRCC must develop support plan

- (1) If the MRCC grants an acute support package to a person, the MRCC must prepare a plan (a *support plan*) for the person.

Contents of support plan

- (2) The support plan must include the following:
 - (a) the persons who are to be provided with assistance or benefits under the support plan;
 - (b) the kinds of assistance or benefits that the MRCC is satisfied are appropriate to be provided to those persons;
 - (c) the period or periods during which those assistance or benefits are to be provided;
 - (d) the providers that are to provide the assistance or benefits;
 - (e) the payment arrangements relating to the provision of the assistance or benefits;
 - (f) the day on which the support plan comes into effect.

Persons included in support plan

- (3) A person must not be included in a support plan for an acute support package for the purposes of paragraph (2)(a) unless:
 - (a) the person has been granted the package; or
 - (b) if the package has been granted to an employee:
 - (i) the person is a related person of the employee; and
 - (ii) the MRCC is satisfied that the person is experiencing, or is at risk of experiencing, crisis; or
 - (c) if the package has been granted to a spouse of a deceased employee:
 - (i) the person is a child under 18 years of age of the deceased employee; and
 - (ii) the spouse is parenting the child; and
 - (iii) the MRCC is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or
 - (d) if the package has been granted to a former spouse of an employee:
 - (i) the person is a child under 18 years of age of the employee; and
 - (ii) the former spouse is parenting the child; and
 - (iii) the MRCC is satisfied that the child is experiencing, or is at risk of experiencing, crisis.

Kinds of assistance or benefits included in support plan

- (4) The kinds of assistance or benefits that may be included in a support plan for the purposes of paragraph (2)(b) are one or more of the following:

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- (a) child care services for a child who is attending, or not yet attending, primary school;
- (b) counselling;
- (c) household assistance;
- (d) services to build capacity;
- (e) academic and extra-curricular support services for a child who is under 18 years of age;
- (f) transport services in relation to assistance or benefits being provided under the support plan;
- (g) equipment and other goods in relation to assistance or benefits being provided under the support plan;
- (h) any other kind of assistance or benefits that the MRCC is satisfied will assist the person being provided with the assistance or benefits to adjust to new and challenging life circumstances.

Child care service providers

- (5) For the purposes of paragraph (2)(d), a provider of child care services must not be included in a support plan unless the provider is:
 - (a) an approved child care service (within the meaning of the *A New Tax System (Family Assistance) (Administration) Act 1999*); or
 - (b) a person registered under section 73E of the *National Disability Insurance Scheme Act 2013* in relation to the provision of child care services.

8 Varying and revoking support plan

Varying support plan

- (1) The MRCC may vary a support plan:
 - (a) on request by:
 - (i) the person for whom the support plan was prepared; or
 - (ii) a person who is included in the support plan; or
 - (b) on the MRCC's own initiative;if the MRCC is satisfied that it is appropriate to do so.

Revoking support plan

- (2) The MRCC must revoke a support plan that was prepared for an employee or former spouse of an employee if the employee is no longer receiving, or is no longer eligible to receive, compensation under Division 3 of Part II of the Act.
- (3) The MRCC may revoke a support plan if:
 - (a) either:
 - (i) if the support plan was prepared for an employee—the MRCC is satisfied that the employee, or a related person of the employee, is no longer experiencing, or is no longer at risk of experiencing, crisis; or
 - (ii) if the support plan was prepared for a former spouse of an employee—the MRCC is satisfied that the former spouse is no longer experiencing, or is no longer at risk of experiencing, crisis; or

- (b) a person who is included in the support plan does not comply with a request made to the person under section 12; or
- (c) the MRCC is satisfied that, as a result of new and challenging life circumstances, it is appropriate for the support plan to be revoked in order for the MRCC to grant a further acute support package to the person for whom the support plan was prepared.

Effect of revocation

- (4) If a support plan is revoked, assistance or benefits must no longer be provided under the support plan.

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Division 3—Conditions and limits on assistance or benefits

9 Assistance or benefits generally

- (1) Subject to sections 10 and 11, the total value of assistance or benefits that may be included in a support plan is:
 - (a) for a support plan prepared for an employee or former spouse of an employee:
 - (i) a maximum of \$7,500 in relation to one or more periods during which assistance or benefits are to be provided that add up to 12 months; and
 - (ii) if the 12 month period referred to in subparagraph (i) has been accumulated—a maximum of \$5,000 in relation to one or more periods during which assistance or benefits are to be provided that add up to a further 12 months; and
 - (b) for a support plan prepared for a spouse of a deceased employee—a maximum of \$27,835 every 12 months for a continuous 24 month period starting on the day the support plan comes into effect.
- (2) Despite subsection (1), the period during which assistance or benefits included in a support plan for the purposes of this section may be provided ends immediately after:
 - (a) for a support plan prepared for an employee or former spouse of an employee—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
 - (b) for a support plan prepared for a spouse of a deceased employee—the end of the 24 month period referred to in paragraph (1)(b).

10 Additional counselling

- (1) In addition to section 9, assistance or benefits may be included in a support plan prepared for an employee or former spouse of an employee in the form of a maximum of 4 courses of counselling every 12 months for a continuous 36 month period.
- (2) The 36 month period starts on the day after the end of the period referred to in paragraph 9(2)(a) in relation to the support plan.

11 Additional assistance or benefits in relation to children

- (1) This section applies if a person who is included in a support plan for the purposes of paragraph 7(2)(a) is a child who is attending, or not yet attending, primary school.
- (2) In addition to section 9, assistance or benefits may be included in the support plan in relation to the child for a continuous period starting on the later of:
 - (a) the day the support plan comes into effect; or

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- (b) the day the child is included in the support plan for the purposes of paragraph 7(2)(a);
and ending on the first anniversary of the start of the period that occurs after the child has completed primary school.
- (3) The value of assistance or benefits included in the support plan in relation to the child must not exceed:
 - (a) until the first-occurring anniversary of the start of the period for which the child is attending primary school—\$10,000 every 12 months; and
 - (b) thereafter until the period ends—\$5,000 every 12 months.
- (4) Assistance or benefits provided under this section do not count towards the maximum amounts or periods referred to in section 9.

Division 4—Other matters

12 MRCC may request information

The MRCC may request information from a person who is included in a support plan for an acute support package in relation to the provision of assistance or benefits included in that support plan.

Note: Failure to comply with a request may result in the revocation of the support plan (see paragraph 8(3)(b)).