



Military Rehabilitation and Compensation (Special Assistance) Instrument 2023

The Military Rehabilitation and Compensation Commission makes the following instrument.

Dated 18 September 2023

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

Alison Frame

Chair

Mark Harrigan

Acting Member

Glen Ferraroto

Acting Member

Gwen Cherne

Member

~~Rear Admiral Sarah Sharkey~~

AM CSC RAN

Member

Greg Vines

Acting Member

Part 1 Preliminary

1 Name

This instrument is the *Military Rehabilitation and Compensation (Special Assistance) Instrument 2023*.

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

Note: Unless otherwise indicated, terms used in this instrument have the same meaning as they do in the *Military Rehabilitation and Compensation Act 2004*. For example, the following terms are defined in that Act:

- dependant (section 15);
- member (subsection 5(1));
- former member (subsection 5(1));
- deceased member (subsection 5(1)).

In this instrument:

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

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2 Prescribed circumstances

6 Persons unable to meet eligible young person definition

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 the Act, or would be entitled to such compensation or benefit if a claim was made in respect of the dependant.

7 Persons unable to meet child definition

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 subparagraph (b)(i) of the definition of *child* in subsection 5F(1) of the *Veterans' Entitlements Act 1986*; and
- (d) the dependant does not meet subparagraph (b)(ii) of that definition solely because the mental ailment, disorder, defect or morbid condition or mental injury prevents the dependant from receiving full-time education at a school, college or university; and
- (e) but for the circumstance mentioned in paragraph (d), the dependant would have been entitled to assistance, an allowance or a benefit under the

Veteran's Entitlements Act 1986, or would be entitled to such assistance, allowance or benefit if a claim was made in respect of the dependant.

Schedule 1—Repeal

Military Rehabilitation and Compensation (Special Assistance) Instrument 2022

1 The whole of the instrument

Repeal the instrument.