

MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024

The Military Rehabilitation and Compensation Commission makes this instrument.

Dated 30 October 2024

The Seal of the Military Rehabilitation   
and Compensation Commission

was affixed to this instrument

in the presence of:

|  |  |
| --- | --- |
| Mark Brewer | Gwen Cherne |
| AM CSC and Bar |  |
| Acting Deputy President  Repatriation Commission | Member |
| Kahlil Fegan | Greg Vines |
| DSC AM |  |
| Member | Member |
| Rear Admiral Sonya Bennett |  |
| AM RAN |  |
| Member |  |
|  |  |
|  |  |
|  |  |

Name

This instrument is the MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024.

2 Commencement

This instrument commences on the day after the day it is registered.

Authority

This instrument is made under:

1. section 268B of the *Military Rehabilitation and Compensation Act 2004* (the MRCA); and
2. section 41B of the *Safety, Rehabilitation and Compensation (Defence‑related Claims) Act 1988* (the **DRCA**)*.*

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022

[1] Paragraph 7(1)(a)

substitute

(a) subsection (2), (3), (4), (5) or (6) applies to the person at the time the person’s eligibility for an acute support package is determined; and

[2] Paragraph 7(2)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[3] Paragraph 7(3)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[4] Paragraph 7(4)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[5] Paragraph 7(5) (heading)

omit

persons

substitute

people

[6] Paragraph 7(5)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[7] Paragraph 7(5)(a)

omit

the member

substitute

a member

[8] Paragraph 7(5)(b)

substitute

(b) the member or former member is under 65 years of age;

[9] Paragraph 7(5)(e)

omit

experiencing,

substitute

experiencing

[10] Paragraph 7(6)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[11] Paragraph 8(2)(a)

omit

persons

substitute

people

[12] Paragraph 8(2)(b)

omit

those persons

substitute

the people

[13] Paragraph 8(3) (heading)

omit

*Persons*

substitute

*People*

[14] Paragraph 8(3)

omit

A person must not be included in a support plan for an acute support package for the purposes of paragraph (2)(a) unless:

substitute

For the purposes of paragraph (2)(a), a person may be included in a support plan for an acute support package only if:

[15] After paragraph 8(3)(a)

insert

(b) if the package has been granted to a member or former member:

(i) the person is a related person of the member or former member; and

(ii) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis; or

[16] Paragraph 8(3)(d)(iii)

omit

crisis.

substitute

crisis;

[17] Paragraph 8(3)(e)

substitute

(e) if the package has been granted to a parent or step-parent of a deceased member:

       (i) the person is a child under 18 years of age of the deceased member; and

(ii) the parent or step-parent is parenting the child; and

  (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(f) if the package has been granted to a parent or step-parent of a wholly dependent partner of a deceased member:

  (i) the person is a child under 18 years of age of the deceased member; and

(ii) the parent or step-parent is parenting the child; and

(iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(g) if the package has been granted to a parent or step-parent of another person who was the partner of a deceased member (the ***former partner***):

(i) the person is a child under 18 years of age of the deceased member; and

(ii) the parent or step-parent is parenting the child; and

   (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis.

[18] Paragraph 10(1)(b)

omit

24 month period starting on the day the support plan comes into effect and

substitute

24‑month period starting on the day the support plan comes into effect; and

[19] Paragraph 10(1)(c)

substitute

(c) for a support plan prepared for a parent or step-parent mentioned in paragraph 8(3)(e), (f) or (g)—a maximum of $27,835 every 12 months for a continuous 24‑month period starting on the day the support plan comes into effect.

[20] Paragraph 10(2)(a)(ii)

omit

48 month

substitute

48‑month

[21] Paragraph 10(2)(b)

substitute

(b) for a support plan prepared for a wholly dependent partner of a deceased member—the end of the 24‑month period mentioned in paragraph (1)(b); or

(c) for a support plan prepared for a parent or step-parent mentioned in paragraph 8(3)(e), (f) or (g) —the end of the 24‑month period mentioned in paragraph (1)(c).

[22] After section 13

insert

Division 5 Operation of certain provisions—MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024

14 Operation of paragraphs 7(5)(b) and 8(3)(b) during relevant period

(1) This section applies in relation to the determination of a person’s eligibility, made during the relevant period:

(a) for the granting of an acute support package under section 7 (a **relevant determination**); or

(b) for the person’s inclusion in a support plan under section 8 (a **relevant determination**).

(2) An amendment made by the following provisions of the amending instrument is taken to have effect in relation to a relevant determination:

(a) item 8 of schedule 1 (which substitutes paragraph 7(5)(b));

(b) item 15 of schedule 1 (which inserts new paragraph 8(3)(b)).

(3) However, the amendment does not affect a relevant determination made before the day after the registration day if giving effect to the amendment would:

1. affect a person’s rights as at the registration day so as to disadvantage the person; or
2. impose liabilities on a person in respect of anything done or omitted to be done before the registration day.

(4) In this section:

**amending instrument** means the *MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024*.

***registration day*** means the day the amending instrument is registered under section 15H of the *Legislation Act 2003*.

***relevant period*** means the period beginning on 1 July 2023 and ending at the end of the registration day.

Schedule 2 Safety, Rehabilitation and Compensation (Defence‑related Claims) (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022

[1] Paragraph 6(1)(a)

substitute

(a) subsection (2), (3), (4), (5) or (6) applies to the person at the time the person’s eligibility for an acute support package is determined; and

[2] Paragraph 6(2)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[3] Paragraph 6(3)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[4] Paragraph 6(4)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[5] Paragraph 6(5) (heading)

omit

*persons*

substitute

*people*

[6] Paragraph 6(5)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[7] Paragraph 6(5)(a)

omit

the employee

substitute

an employee

[8] Paragraph 6(5)(b)

substitute

(b) the employee is under 65 years of age;

[9] Paragraph 6(5)(e)

omit

experiencing,

substitute

experiencing

[10] Paragraph 6(6)

omit

A person is covered by this subsection

substitute

This subsection applies to a person

[11] Paragraph 7(2)(a)

omit

persons

substitute

people

[12] Paragraph 7(2)(b)

omit

those persons

substitute

the people

[13] Paragraph 7(3) (heading)

omit

*Persons*

substitute

*People*

[14] Paragraph 7(3)

omit

A person must not be included in a support plan for an acute support package for the purposes of paragraph (2)(a) unless:

substitute

For the purposes of paragraph (2)(a), a person may be included in a support plan for an acute support package only if:

[15] After paragraph 7(3)(a)

insert

(b) if the package has been granted to an employee:

(i) the person is a related person of the employee; and

(ii) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis; or

[16] Paragraph 7(3)(d)(iii)

omit

crisis.

substitute

crisis;

[17] Paragraph 7(3)(e)

substitute

(e) if the package has been granted to a parent or step-parent of a deceased employee:

       (i) the person is a child under 18 years of age of the deceased employee; and

(ii) the parent or step-parent is parenting the child; and

  (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(f) if the package has been granted to a parent or step-parent of another person who was the partner of a deceased employee (the ***former spouse***):

(i) the person is a child under 18 years of age of the deceased employee; and

(ii) the parent or step-parent is parenting the child; and

   (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis.

[18] Paragraph 9(1)(a)(ii)

omit

12 month

substitute

12-month

[19] Paragraph 9(1)(b)

omit

24 month period starting on the day the support plan comes into effect. and

substitute

24‑month period starting on the day the support plan comes into effect; and

[20] Paragraph 9(1)(c)

substitute

(c) for a support plan prepared for a parent or step-parent mentioned in paragraph 7(3)(e) or (f)—a maximum of $27,835 every 12 months for a continuous 24-month period starting on the day the support plan comes into effect.

[21] Paragraph 9(2)(b)

substitute

(b) for a support plan prepared for a wholly dependent spouse of a deceased employee—the end of the 24-month period mentioned in paragraph (1)(b); or

(c) for a support plan prepared for a parent or step-parent mentioned in paragraph 7(3)(e) or (f)—the end of the 24-month period mentioned in paragraph (1)(c).

[22] After section 12

insert

Division 5 Operation of certain provisions—MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024

13 Operation of paragraphs 6(5)(b) and 7(3)(b) during relevant period

(1) This section applies in relation to the determination of a person’s eligibility, made during the relevant period:

(a) for the granting of an acute support package under section 6 (a **relevant determination**); or

(b) for the person’s inclusion in a support plan under section 7 (a **relevant determination**).

(2) An amendment made by the following provisions of the amending instrument is taken to have effect in relation to a relevant determination:

1. item 8 of schedule 2 (which substitutes paragraph 6(5)(b));
2. item 15 of schedule 2 (which inserts new paragraph 7(3)(b)).

(3) However, the amendment does not affect a relevant determination made before the day after the registration day if giving effect to the amendment would:

1. affect a person’s rights as at the registration day so as to disadvantage the person; or
2. impose liabilities on a person in respect of anything done or omitted to be done before the registration day.

(4) In this section:

**amending instrument** means the *MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024*.

***registration day*** means the day the amending instrument is registered under section 15H of the *Legislation Act 2003*.

***relevant period*** means the period beginning on 1 July 2023 and ending at the end of the registration day.