

Topic: Veterans Payment

Extension of payment period under 'special circumstances'

- From 1 May 2018, the new Veteran Payment provides interim financial support to eligible veterans who have lodged a claim for a mental health condition under the *Military Rehabilitation and Compensation Act 2004* (MRCA) or the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA).
- Veteran Payment is payable up to 14 days prior to lodgement of a MRCA or DRCA liability claim for a mental health condition, and initially for 42 days following the liability determination.
- If multiple liability claims for mental health conditions are lodged by the same person, the 42 day period does not start until the final liability decision is made.
- However, the Repatriation Commission and the Government recognises the vulnerability of the veterans this payment has been introduced to support.
- This is why the legislative instrument allows the 42 day period to be extended under 'special circumstances'.
- In policy, and in practice, this 'special circumstances' provision places the onus on DVA to ensure that the eligible veteran has either transitioned to another income support payment, or has returned to the workforce, before removing them from Veteran Payment.
- Veteran Payment policy, which is publicly available on DVA's CLIK website, contains a number of practical examples of circumstances in which the 42 day period can be extended. It provides guidance to delegates to ensure that the intention of the provision is met – that is that no veteran is left vulnerable. Delegates should make referrals to the Veterans and Veterans Families Counselling Services (VVCS) as appropriate and seek advice from the relevant policy team if a particular case raises any doubt.
- In short, the 'special circumstances' policy makes it clear that it is not the responsibility of veterans or their advocates to apply for an extension of the payment period for Veteran Payment, but rather it is DVA's responsibility to ensure that the payment is extended until the veteran has alternative means of financial support in place.

Veteran Payment Policy

Extension of Veteran Payment in special circumstances

<http://clik.dva.gov.au/compensation-and-support-policy-library/part-3a-veteran-payment/determination-claim-mental-health-condition/extension-veteran-payment-special-circumstances>

Section 17 of the instrument provides for extension of veteran payment in special circumstances beyond the 42 days following the liability determination:

The Commission may extend the period of payment for a veteran payment to a person if the Commission is satisfied that there are special circumstances.

The intent of this provision in the instrument is that no veteran is left vulnerable.

The Veteran Payment can continue to be paid for 42 days following the determination of the final liability claim for a mental health condition. This provision provides for an extension of the payment period in special circumstances. This is to ensure that a current or former ADF member receiving Veteran Payment (Veteran Payment recipient) does not lose their financial support before being transitioned to another payment (such as incapacity payments) or returning to work. Veteran Payment recipients are not expected to initiate the extension process, rather it is DVA's responsibility to ensure that the payment continues until alternative financial support arrangements are in place.

Special circumstances include but are not limited to:

Where the claim for a mental health condition is accepted:

- *A need for incapacity payments has been identified during the needs assessment process and or eligibility is still being determined.*

If incapacity payments are yet to be determined, or there is evidence that the incapacity payments will not be determined, within the 42 day payment period, then Veteran Payment may be extended.

- *Claim for incapacity payments has been rejected:*

If incapacity payments have been rejected, then Veteran Payment may be extended beyond the 42 day period to enable the Veteran Payment recipient to transition to another Australian Government income support payment.

Where the claim for the mental health condition is not accepted:

- *Veteran Payment recipient is transitioning to another Commonwealth payment.*

If the claim for a mental health condition has been rejected and there are no more outstanding claims for a mental health condition, then Veteran Payment may be extended to ensure the Veteran Payment recipient has continuous financial support while they are transitioning to another Australian Government income support payment or returning to work.

- *Veteran Payment recipient is on a rehabilitation plan and intends to return to work.*

If the Veteran Payment recipient is on a return to work rehabilitation plan, Veteran Payment may be extended while they successfully complete their return to work rehabilitation plan and either return to work or access other forms of financial support.

- *Claim for a mental health condition has been rejected, and the Veteran Payment recipient is appealing or intending to appeal this decision.*

Veteran Payment may continue throughout the appeal process. This extension can include the period after finalisation of the appeal while the member is transitioned onto another form of financial support.

This is not an exhaustive list of special circumstances. For other circumstances please contact the Eligibility and Payments Policy Branch for assistance.

Once a decision has been made that special circumstances exist, a file note must be made on the veteran's record detailing the reason for the extension and its duration.

Termination of Special Circumstances.

Where special circumstances no longer exist then the veteran payment will cease. This should be on transition to another form of income support or on return to work and should reviewed periodically at least on a quarterly basis.
