Australian Government
Department of Veterans' Affairs

Veterans in prison information booklet

Acknowledgement of Country

The Department of Veterans' Affairs acknowledges the Traditional Custodians of Country throughout Australia.

We pay our respects to Elders past and present.

We recognise and celebrate Aboriginal and Torres Strait Islander people as the First Peoples of Australia and their continuing spiritual and cultural connection to land, sea and community.

Acknowledgement of Service

We respect and give thanks to all who have served in our Defence Force and their families.

We acknowledge the unique nature of military service and the sacrifice demanded of all who commit to defend our nation.

We undertake to preserve the memory and deeds of all who have served and promise to welcome, embrace and support all military veterans as respected and valued members of our community.

For what they have done, this we will do.

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Disclaimer

This booklet contains information to help you understand your DVA entitlements while you're in prison and after you're released. The booklet talks about DVA's Prison Servicing Officer who can help you with things like lodging claims. Please note that they, and DVA in general, cannot provide you with any legal advice.

Contents

Introduction 2

About us

It is important to tell DVA if you are in prison

Prison Servicing Officer 3

Contacting a PSO

What DVA support is available 4

Who is a veteran? Am I eligible?

What type of support is available?

Can I still receive pension or compensation payments if I am in prison?

What payments won't I receive?

Can my pension be re-directed to my partner or child?

What if I want to submit a claim?

Which legislation applies to new claims?

Compensation Claims

Claims for Income Support Payments

Qualifying Service

Claims for mental health conditions under MRCA

What is a Veteran Card?

Can I use my Veteran Card while I'm imprisoned?

Once you are released 10

Free advocacy services

Homelessness

What is a crisis payment? Is it the same as a claim?

Is DVA the only agency that can help me? 11

Checklists

Further information

Introduction

You have received this booklet because you have identified as a veteran and you might be able to get support from the Department of Veterans' Affairs (DVA). This booklet might be useful whether you are beginning your custodial episode, or you are currently serving or have served your sentence.

This booklet might also be useful to families of veterans in prison, or correctional staff providing support to veterans.

About us

DVA is the main Australian Government agency responsible for providing services to the veteran community:

- we provide income support, compensation and other support services, and information about entitlements
- we also support the health and wellbeing of veterans and other eligible people, including dependants, through health care and other services that promote early intervention, prevention and treatment
- we acknowledge and honour those who serve and have served Australia and its allies in wars, conflicts and peace operations. We do this through recognition of service and sacrifice, preservation of Australia's wartime heritage, and official commemorations.

It is important to tell DVA if you are in prison

If you currently receive a payment from DVA, you must tell us if you are in prison. This is a legal obligation.

If you don't tell us, you may keep getting money you are not entitled to while you are in custody. This can create a debt that you will need to repay.

Prison Servicing Officer

DVA's Prison Servicing Officer (PSO) is a DVA employee, dedicated to supporting veterans who are in prison. Their role is to help veterans in prison, as well as their families, to access DVA support, treatment and entitlements.

A PSO can help you to:

- prioritise any outstanding DVA claims
- check your current DVA payments
- register you with DVA
- request a Veteran Card (if you are eligible)
- identify and submit claims that have not yet been finalised
- connect you and your family with support services, such as counselling
- apply for a crisis payment when you are released from prison (if eligible).

Contacting a PSO

PSOs are not based in prisons. A staff member at your prison can contact a PSO on your behalf.

Because it can be difficult to stay in regular contact while in prison, you can nominate a custodial representative to deal with DVA for you. This is usually a correctional staff member.

You will need to sign a consent form, so they can speak to DVA on your behalf. The form asks for your service details and your PMKeyS number or DVA file number (it's okay if you don't know this). Once completed, the form can be emailed to: veterans.in.corrections@dva.gov.au

What DVA support is available

Who is a veteran? Am I eligible?

To DVA, a veteran is any person who has served more than one day of continuous service in the ADF, or who is still serving in the ADF. One day of continuous service means you served as a permanent member of the ADF for at least one day.

Some serving or ex-serving personnel may not identify with the term 'veteran' even if they are for DVA purposes. If this is the case, they are still entitled to certain forms of support from DVA.

It is important to note that while being in prison can affect some DVA payments and supports you can receive, it doesn't change the fact that you're a veteran and you could still be entitled to support from DVA. We can also provide support to your family in some circumstances.

If you are not a current client of DVA, or are not sure if you are a veteran, the DVA PSO can assist you. If you are eligible, they can register you as a DVA client.

What type of support is available?

DVA provides a range of support to veterans and families, depending on your circumstances and eligibility. Whilst imprisoned, you may not be able to access all DVA support and services. A PSO can help you to apply for services and support that you may be eligible for when you are released, so you can get support from DVA i upon your release.

If you're eligible for DVA health care, you continue to be eligible for it while you're in prison.
You have the same rights to medical treatment as other people in prison. In most instances, treatment services for eligible persons would be provided by the correctional facility on the same terms and conditions that apply to other people in prison.

Your PSO can provide more information about the following supports if you don't have online access:

- Health care
- Transport
- Rehabilitation
- Mental health
- Incapacity benefits
- Permanent impairment payments
- Payments – Veteran Payment
- Pensions – income support
- Pensions – disability compensation
- Pensions – war widows and widowers
- Compensation following death
- Housing and loans assistance
- Defence Service Homes Insurance Scheme
- Other services and support
- MyService
- Veteran Support and Veteran Prison Support Officers

Can I still receive pension or compensation payments if I am in prison?

We will continue to pay you disability compensation and permanent impairment payments, as well as the Veterans Supplement, while you're in prison. The Veterans' Supplement is only paid to veterans who hold a Veteran Card or receive certain compensation payments.

These are the only DVA payments veterans can receive while in prison.

What payments won't I receive?

If you've been receiving the service pension, the Veteran Payment or the income support supplement, including rent assistance and the remote area allowance, payments will stop after the first day of imprisonment.

This applies to those held on remand as well.

If you get the Special Rate Disability Pension or Incapacity Payments, you will continue to receive payments while on remand. If you're convicted to a term of imprisonment for any of the remand offences, your payments will cease and you will have to pay back payments you received when on remand to DVA. Incapacity payments are not payable while you are serving a sentence of imprisonment.

When you're released from prison, we can re-start your payments. You can ask your PSO to set this up as you're approaching your release date.

Can my pension be re-directed to my partner or child?

Yes, under some circumstances we can re-direct payments.

What can be redirected?

Payments such as Service Pension, Income Support Supplement, Veteran Payment, and other related allowances can be redirected.

Who can payments be redirected to?

Payments can be redirected to your partner or dependent child, or another person, provided the payment is used for the benefit of the partner or child. It is important to notify DVA when you enter into a relationship so that your partner's details can be recorded.

When is redirection applicable?

Redirection can be applied when the veteran is in lawful custody. Payments may be redirected to a partner or dependent child to ensure their financial support. If the partner is already receiving a pension or payment, the redirected amount combined with their own payment cannot exceed the single rate of the pension or payment.

If there is no partner but there is a dependent child, payments can be redirected to a person caring for the child, provided the child is not under the care of a State Authority.

Conditions for redirection

The redirection must be approved by the Department of Veterans' Affairs (DVA) and comply with the provisions of the Veterans' Entitlements Act 1986 (VEA).

What if I want to submit a claim?

If you are a veteran and meet certain eligibility criteria, you can make a claim for compensation while in prison. A compensation claim can be made if you have an injury or health condition that relates to your service.

An income support payment cannot be made to you while you are incarcerated, you can however lodge a claim before you are released from prison. That way, **if the claim is accepted** payments may start upon your release.

What information is needed when making a claim will depend on what you are claiming. Generally, you will be asked for your service details and proof of identity. This can be difficult for an incarcerated veteran and the DVA PSO can help you.

Which legislation applies to new claims?

Any compensation or rehabilitation claim will be assessed under the Military Rehabilitation and Compensation Act 2004 (MRCA).

New claims cannot be made under the Veterans' Entitlements Act 1986 (VEA) or the Safety, Rehabilitation and Compensation (Defence related Claims) Act 1988 (DRCA).

Compensation Claims

Veterans who have an injury or health condition which relates to their service can submit a claim to access medical care and financial compensation.

To establish liability, DVA will consider the evidence provided to support the claim and will use that evidence to decide whether the condition is service related. This will often require the veteran to attend an appointment with a doctor or specialist (depending on the type of injury or health condition you are claiming). DVA usually pays for these appointments, if they have been requested and approved by DVA. Being incarcerated does not exclude a veteran from taking part in this process. However, it does require the collaboration of the prison where the veteran is housed as DVA does not pay transport costs.

If you do have a compensation claim accepted whilst you are imprisoned, the financial compensation aspect of your claim will not be paid until you are released from custody.

Claims for Income Support Payments

Veterans may be eligible for pensions or benefits from DVA, depending on their individual situations. DVA recognises that the impacts of service can reduce the length of time a veteran is able to keep working, for that reason the service pension can be paid earlier (60+) than the Social Security Age Pension (Centrelink). You cannot be in receipt of both the service pension and the Social Security Age Pension (Centrelink).

The service pension is the most common of these payments. It provides a regular income to veterans and their partners. As it is an income support payment, a person's income and assets affect how much they can receive.

If a veteran is permanently incapacitated for work, they may be eligible for the invalidity service pension. There is no age limit on this pension.

Qualifying Service

Qualifying service is the most common criteria used to determine if you are eligible for a service pension. Qualifying service for a service pension is different from operational service for a disability compensation payment.

You may have qualifying service if you have done any of the following:

- served in an operational area after the Second World War and were allotted for duty in that operational area; or rendered war-like service
- rendered service during the Second World War and incurred danger from hostile forces of the enemy during the period of hostilities (this criterion also applies to Australian mariners)
- served in an operational area after the Second World War and were allotted for duty, or were a member of a unit that was allotted for duty in that operational area; or have war-like service
- served on certain submarine special operations between 1978 and 1997 and were awarded, or were eligible to be awarded, the Australian Service Medal with the Special Operations Clasp
- have been awarded, or were eligible to be awarded, prescribed medals/clasps in respect of certain bomb clearance or minesweeping duties following the Second World War.

If you are unsure if you have qualifying service, you can ask the PSO to make a determination on this for you.

Claims for mental health conditions under MRCA

If you lodge a claim for a mental health condition, it will be assessed under the *Military Rehabilitation and Compensation Act 2004 (MRCA)*.

Some veterans may be eligible for temporary financial support while their claim is being assessed. These payments are not payable while you are in custody but may be payable after your release if eligibility criteria are met.

You may receive a Veteran Payment, if you meet all the following criteria:

- have lodged a claim for a mental health condition under the DRCA or MRCA
- can't work more than 8 hours a week
- are below Aged Pension age on the day you lodged the claim for the mental health condition
- are a resident of Australia
- are in Australia when you lodged the claim
- are below the income and asset test thresholds.

The Veteran Payment will be made while DVA assesses your claim and will stop 42 days after your claim for mental health has been determined. At that time if your claim is approved you will be moved to a more appropriate benefit or payment. If your claim is declined, you will be referred to Services Australia.

I am a veteran who has an outstanding claim with DVA

DVA processes claims as quickly as possible and will prioritise claims if required. If you have made a claim before you were imprisoned that is yet to be determined, please let the PSO know. Let us know whether your circumstances are changing or have recently changed and why. For instance, that you've been sent to prison or that you're about to be released. That way, we can do our best to help you get a determination on your claim. Ask your custodial representative to let the PSO know when advising of your release date.

What is a Veteran Card?

DVA-issued Veteran Cards provide a way for veterans and the eligible dependants of veterans to access concessions, support and services in acknowledgement of their service and sacrifice to the nation. Your access to treatment and support depends on which card you have. The PSO can have the relevant Veteran Card you are entitled to issued to you at your request.

There are two main Veterans Cards:

Veteran Card – Specific Conditions



The Specific Conditions card is the most common Veteran Card. Also known as the White Card, it provides access to funded treatment for accepted servicerelated conditions as well as providing access to NonLiability Health Care (NLHC), including cancer, pulmonary tuberculosis and mental health treatment.

NLHC for cancer (malignant neoplasm) and pulmonary tuberculosis can be accessed by certain eligible veterans.

NLHC (mental health), is available to anyone with a Specific Conditions card. Support is needs-based and is uncapped. You do not need to prove that your ADF service caused these conditions.

DVA funds a comprehensive range of mental health support services provided by a:

- GP
- Psychologist
- Psychiatrist
- Occupational therapist (mental health)
- social worker (mental health)
- Hospital
- trauma recovery (post-traumatic stress disorder) program
- DVA-approved alcohol or drug community-based program.

You qualify for a Specific Conditions card if you have completed even a single day of continuous full-time service (CFTS) in the permanent forces of the ADF, were a reservist who has been formally designated to be on full-time service by Defence, or were a reservist who was called out for full-time service by the Governor-General under the Defence Act.

Veteran Card – All Conditions



The All Conditions card allows you to get clinically required healthcare treatment for all conditions. Also known as the Gold Card, you can also access a range of services and supports such as counselling, home help, medical aids and equipment, and care services.

To qualify for an All Conditions card there is strict criteria, the most common of which includes meeting one of the following:

- be aged 70 years or over and have qualifying service
- be receiving a Disability Compensation Payment assessed at 100% of the general rate or higher, or your Disability Compensation Payment is assessed at 50% of the general rate or higher and you also receive a service pension
- be receiving a service pension and you are also permanently blind in both eyes or your income and assets are below a certain limit.

If DVA knows you're eligible, we will send you an All Conditions card automatically. If you believe you are eligible and have not been automatically issued one, you will need to apply.

Can I use my Veteran Card while I'm imprisoned?

You can still use your Veteran Card to access medical and mental health treatment for accepted conditions while you are imprisoned, if the required treatment falls outside the standard arrangements for prisoners in the state or territory government in which you are imprisoned.

It is important to be aware that before treatment commences, prior financial approval must be obtained from DVA and prison authorities.

DVA will not pay for costs incidental to the provision of treatment, such as the cost of transport or security escorts. These specific costs for transport and security are the responsibility of the government of the state or territory in which you are imprisoned.

The PSO can help you apply for prior financial approval from DVA if you believe you have a medical or mental health treatment need you believe meets the above criteria.

Once you are released

Free advocacy services

Advocates are people trained to help eligible people access DVA services and payments. They may be of use once you're released. They are generally volunteers and work for one or more ex-service organisations. Visit the 'Finding an advocate' page on the DVA website to find out more (dva.gov.au and search for 'what advocate').

Homelessness

DVA can connect you with local homelessness service providers located throughout Australia and the relevant government homelessness agency in your state or territory. Some other support that may be available to you includes emergency short-term accommodation through Open Arms or a one-off crisis payment – see the next section.

What is a crisis payment? Is it the same as a claim?

A crisis payment differs from a claim as it provides immediate financial assistance to people in severe financial hardship and suffering from extreme circumstances, including the release from lawful custody. To be eligible for this payment you must meet certain criteria. It is only payable once, immediately after you're released from prison. A crisis support payment is equivalent to a flat rate of one week's pension payment, which is either paid at the single or partnered rate, within 2 working days of being approved.

- You must be in receipt of or have submitted a claim for:
  - service pension (SPA, SPP, SPI)
  - income support supplement (ISS)
  - Social Security Age Pension paid by DVA (SSAGE)
- You must also meet the following criteria:
  - reside in Australia
  - meet eligibility to receive an income support payment
  - be in severe financial hardship or be suffering from extreme circumstances, including the release from lawful custody
    - singles – less than one fortnight of max rate pension in liquid assets.
    - couples – less than two fortnights of max rate pension in liquid assets.
- Claim form D0567 – Application for Crisis Payment must be submitted within 7 days of the event occurring.
  - If you cannot complete the D0567 claim form due to your circumstances, it can be completed over the phone with the help of the PSO in the lead up to your release (it must occur within 7 days of the event occurring).

The eligibility for a crisis payment is limited and as such some clients in difficult circumstances may not meet the criteria. You are **not** eligible if you are:

- in receipt of the Veteran Payment (VP)
- a disaster relief payment has already been paid for the same circumstance from another source, for example, Services Australia.

To find more information about crisis support payments visit www.dva.gov.au/crisis-payment, or talk to your PSO.

If you need immediate access to crisis services and support, visit www.dva.gov.au/urgent-help

Support from Open Arms – Veterans & Families Counselling Is also available:

Open Arms – Veterans & Families Counselling Open Arms is the leading provider of free mental health assessment and counselling for ADF members, veterans and families. They offer both individual and relationship counselling to help build strong and healthy relationships at all stages of family life.	**1800 011 046** www.openarms.gov.au

Is DVA the only agency that can help me?

No, support is available through other government agencies and from some external providers listed below (this list is not exhaustive)

Support	Contact Information
Defence Member and Family Helpline The Helpline is available 24/7 with specialist support staff including Defence Social Workers, Military Support Officers and Family and Education Liaison Officers.	**1800 624 608** www.defence.gov.au and search for 'family helpline'
ADF Chaplains Chaplains provide pastoral, spiritual, religious and welfare support.	**1300 333 362** www.defence.gov.au and search for 'chaplaincy services'
ADF Mental Health All Hours Support Line Mental health and wellbeing advice for ADF members and families.	**1800 628 036** www.defence.gov.au and search for 'wellbeing'
13 YARN 13YARN is the national crisis support line for Aboriginal and Torres Strait Islander people who are feeling overwhelmed or having difficulty coping.	**13 92 76** www.13yarn.org.au
1800 IMSICK 1800 IMSICK is a national 24/7 nurse triage and health support line for ADF members if they become ill or injured after hours or are not near a Defence health facility.	**1800 467 425** www.defence.gov.au and search for 'imsick'
1800 VETERAN 1800 VETERAN is DVA's general phone number. It is available between 8am to 5pm, Monday to Friday. It's a way of finding out about the wealth of support offered by DVA.	**1800 838 372** www.dva.gov.au
1800 RESPECT 1800 RESPECT is the national Sexual Assault, Domestic and Family Violence Counselling Service for anyone living in Australia. The service provides telephone and online crisis and trauma counselling.	**1800 737 732** www.1800respect.org.au
Kids Helpline Kids Helpline is a free, and anonymous 24/7 telephone and online counselling service specifically for young people 5–25 years old.	**1800 551 800** www.kidshelpline.com.au
Lifeline Lifeline is a national 24-hour support line, which provides crisis support and mental health services.	**131 114** www.lifeline.org.au

Support	Contact Information
Mensline Australia Mensline Australia is a national 24/7 service for men, providing support, information, or referral by telephone or online.	**1300 789 978** www.mensline.org.au
Relationships Australia Relationships Australia offers counselling, family dispute resolution, mediation, and a range of family and community support and education programs.	**1300 364 277** www.relationships.org.au
Suicide Call Back Service Suicide Call Back Service offers free professional 24/7 telephone counselling support to people at risk of suicide, concerned about someone at risk, bereaved by suicide and people experiencing emotional or mental health issues.	**1300 659 467** www.suicidecallbackservice.org.au
The Family Relationship Advice Line The Family Relationship Advice Line helps families affected by relationship or separation issues, including information on parenting arrangements after separation. It can also refer callers to local services that provide assistance.	**1800 050 321** www.familyrelationships.gov.au/advice-line
My Aged Care My Aged Care is the starting point for people to access Australian Government-funded aged care services, if they are 65 years or older (50 years or older for Aboriginal or Torres Strait Islander people).	**1800 200 422** www.myagedcare.gov.au
Moneysmart Moneysmart.gov.au is a government website that provides free and independent information and tools to help you manage your money.	moneysmart.gov.au
Ex-service organisations Independent organisations who support current and former ADF members and their families. They can support you with things like social connection, advocacy services, employment or vocational studies etc.	www.dva.gov.au and search for 'what ex service'

Checklists

Intake checklist

	Check list item
☐	I've told DVA I'm in custody.
☐	I've completed a PSO consent form.
☐	I've connected with the PSO
☐	I've redirected my pension to my partner or child.
☐	I've submitted all outstanding claims via MyService.

Release checklist

	Check list item
☐	I've been issued with a Veteran Card, or have requested one
☐	I've told the PSO I'm being released
☐	I've submitted my D0567 form – crisis payment (within 7 days)

Further information

Visit www.dva.gov.au for more information or you can contact DVA:

- by emailing veterans.in.corrections@dva.gov.au
- by phoning (free call from within Australia) 1800 VETERAN (1800 838 372)

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