



## ***Military Rehabilitation and Compensation Act 2004***

# **Overview of the *Military Rehabilitation and Compensation Act 2004* (MRCA)**

### **Overview**

This Factsheet provides an overview of the *Military Rehabilitation and Compensation Act 2004* (MRCA), including a list of the basic rights and entitlements to compensation and rehabilitation for current and former members of the Australian Defence Force (ADF), as well as Cadets, Cadet Officers and Instructors who are injured in the course of their duties on or after 1 July 2004.

The MRCA also provides compensation to the dependants of those members and former members who die or are severely injured as a result of their service on or after 1 July 2004.

### **Who is covered by the MRCA?**

The MRCA provides rehabilitation and compensation coverage for the following 'members' of the ADF on or after 1 July 2004:

- all members of the permanent Australian Defence Force;
- all members of the Reserve Force;
- Cadets and Officers and Instructors of Cadets; and
- other people declared in writing by the Minister for Defence to be members of the ADF.

ADF members and former members who suffer from injuries or medical conditions arising from service prior to 1 July 2004 are generally not covered by the MRCA for those injuries or medical conditions. However, they will continue to be covered under the provisions of the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) and/or the *Veterans' Entitlements Act 1986* (VEA). The only exceptions to this are:

- where an injury, disease or illness is suffered which is due to, or aggravated by service both before 1 July 2004 and on or after that date. In such an event, the injury, disease or illness (as well as the aggravation) are covered entirely under the provisions of the MRCA
- in cases involving Permanent Impairment compensation under the MRCA where an injury, disease or illness has also been accepted under the VEA or the SRCA. In such cases, the combined conditions will be assessed under the MRCA with the new payment being the difference between the benefit assessed under the MRCA and the previously paid VEA and/or SRCA entitlement; *or*
- where a medical condition has been accepted under the VEA and where that condition is aggravated by ADF service on or after 1 July 2004. In those

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circumstances, the claimant will have the choice of applying for an increase in his or her disability pension under the VEA or making a claim under the MRCA for the effects of the aggravation.

## **Who is not covered under the MRCA?**

You are not covered under the MRCA if all of your ADF service occurred prior to 1 July 2004. Instead, you will continue to be covered under the SRCA and/or VEA depending on the type and period of your service with the ADF.

For further information on this matter, please see Factsheets:

- *DP 07 Military Service*
- *MCS 01 Overview of SRCA.*

## **What benefits might be payable under the MRCA?**

Where liability for injury or disease has been accepted under the MRCA, the following benefits may be payable:

- vocational and other rehabilitation services;
- choice of periodic payments or lump sum compensation or a combination of both for permanent impairment (non-economic loss);
- incapacity benefits which are periodic payments of compensation for economic loss due to incapacity for service or work;
- choice of a Special Rate Disability Pension (SRDP) (safety net) payment for life or incapacity payments up to age 65 (conditions apply);
- vehicle modifications or assistance with the cost of purchasing a vehicle under the Motor Vehicle Scheme (conditions apply);
- compensation for household services;
- compensation for attendant (personal) care services;
- MRCA supplement (replacing previous small allowances – depending on eligibility);
- compensation for dependants in the event of a member's death (conditions apply);
- funeral benefits;
- bereavement payments;
- assistance with the cost of financial advice obtained in relation to certain permanent impairment, SRDP and death benefit choices;
- DVA White or Gold Cards in certain cases or otherwise payment of reasonable treatment costs related to accepted medical conditions for those who are not eligible for a White or Gold card; and
- journey and accommodation costs associated with medical appointments for treatment and with rehabilitation assessments and programs.

For further information regarding the above benefits and payments, please refer to the appropriate Factsheet listed below.

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## How do I make a claim under MRCA?

Claims for benefits under the MRCA can be made by lodging a claim with your nearest DVA office. For further information, please see Factsheet:

- *MRC 25 How to Make a Claim under the Military Rehabilitation and Compensation Act*

## Proof of identity

Before any claim can be determined, proof of your identity must be obtained before any benefits or compensation can be paid to you under MRCA. Further information can be obtained from the Factsheet:

- *DVA 06 Proving your identity to DVA – Proof of Identity (POI)*

## Disclaimer

The information contained in this factsheet is general in nature and does not take into account individual circumstances. You should not make important decisions, such as those that affect your financial or lifestyle position, e.g. retirement, on the basis of information contained in this factsheet. Where you are required to lodge a written claim for a benefit, you must take full responsibility for your decisions prior to the written claim being determined. You should seek confirmation in writing of any oral advice you receive from DVA relating to complex or important matters.

## Other Factsheets

Other Factsheets related to this topic include:

- *MRC 02 Compensation Coverage for Members and Former Members of the Australian Defence Force*
- *MRC 03 Types of Service covered under the MRCA*
- *MRC 04 MRCA Compensation Payment Rates*
- *MRC 05 Rehabilitation*

## More information

All DVA Factsheets are available from DVA offices, and on the DVA website at [www.dva.gov.au](http://www.dva.gov.au).

You can phone DVA for the cost\* of a local call on 133 254 or free call 1800 555 254 if you are outside a major city

Note: \*Use a normal landline phone if you can. Mobile phone calls may cost you more. Local call rates vary depending on your phone service provider.

You can send an email to DVA at: [GeneralEnquiries@dva.gov.au](mailto:GeneralEnquiries@dva.gov.au)

You can get more help from any DVA office.