



Military Rehabilitation and Compensation Act 2004 (MRCA)

How to Make a Claim Under the *Military Rehabilitation and Compensation Act 2004*

Overview

This Factsheet explains how to make a claim for injuries, diseases or illnesses caused by military service in the Australian Defence Force (ADF) on or after 1 July 2004 under the *Military Rehabilitation and Compensation Act 2004 (MRCA)*.

What is the MRCA and what does it provide?

The MRCA is a special compensation scheme which applies to serving and former members of the ADF and, in the case of the death of a member, to dependent family members.

The MRCA recognises the unique nature of service in the ADF and is designed specifically to meet injured members' needs in the event of injury, disease or illness which is related to service in the ADF.

The MRCA covers:

- all members of the permanent ADF;
- all members of the ADF Reserve force;
- Cadets and Officers and Instructors of Cadets; *and*
- other people declared in writing by the Minister for Defence.

The MRCA applies only to injury, death, disease or illness sustained, contracted or which became apparent on or after 1 July 2004 (the date the Act came into operation). The *Safety, Rehabilitation and Compensation Act 1988 (SRCA)* and the *Veterans' Entitlements Act 1986 (VEA)* provide coverage in certain circumstances for injury, death, disease or illness sustained or suffered before 1 July 2004.

See Factsheet *Overview of the Military Rehabilitation and Compensation Act 2004: MRC 01* and *Compensation Coverage for Members and Ex-Members of the Australian Defence Force: MRC 02* for further details.

What can a claim be made for?

Most benefits under the MRCA require a claim to be made. A claim can be made for:

- acceptance of liability for an injury, disease, illness or death;
- acceptance of liability for loss of, or damage to, medical aids (e.g. prosthetic arm or leg);
- permanent impairment compensation;
- incapacity for service or work;

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- the cost of household and attendant care services;
- medical, pharmaceutical and other similar treatment; *and*
- death benefits.

Who can make a claim?

A claim can be made by:

- the ADF member or former member who suffered the injury or disease or the loss or damage to a medical aid;
- another person on behalf of that member (with the member's approval);
- the member's legal personal representative; or
- a person appointed by the Military Rehabilitation and Compensation Commission (MRCC):
 - if the member is incapable of approving someone to lodge a claim on his or her behalf
 - if the member does not have a legal personal representative; *or*
 - if the member has a legal personal representative who will not make a claim.

A claim for acceptance of liability for a deceased member's death (or for compensation in respect of that death) can be made by:

- a dependant of the deceased member;
- another person on behalf of that dependant (with the dependant's approval);
- the dependant's legal personal representative; *or*
- a person appointed by the MRCC:
 - if the dependant is incapable of approving someone to lodge a claim on his or her behalf
 - if the dependant does not have a legal personal representative; *or*
 - if the dependant has a legal personal representative who will not make a claim.

What do I need to do to make a claim?

To make a claim, you need to complete the appropriate claim form. Claim forms are available through the Department of Veteran's Affairs (DVA) website at <http://www.dva.gov.au/Clientforms/Documents/D2051.pdf> or from your nearest DVA office.

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What if I need help filling out the form?

If you find anything in the claim form difficult to understand or to complete, you are encouraged to ask for help.

Most service and ex-service organisations have officers and advocates who can help you with your claim. Alternatively, you can contact DVA.

Other Factsheets

Other Factsheets related to this topic include:

Overview of the Military Rehabilitation and Compensation Act 2004: MRC 01

Compensation Coverage for Members and Ex-Members of the Australian Defence Force: MRC 02

How Claims are Decided Under the Military Rehabilitation and Compensation Act: MRC 26

More information

All DVA Factsheets are available from DVA offices, and on the DVA website at www.dva.gov.au.

You can phone DVA for the cost of a local call on:

133 254, or 1800 555 254, if you are outside a major city

Use a normal landline phone if you can. Mobile phone calls may cost you more

You can send an email to DVA at: generalenquiries@dva.gov.au

You can get more help from any DVA office.