



Safety, Rehabilitation and Compensation Act 1988 (SRCA)
Veterans' Entitlements Act 1986 (VEA)

Comparison of the *Safety, Rehabilitation and Compensation Act 1988* and the *Veterans' Entitlements Act 1986*

Overview

This Factsheet explains the differences between the eligibility requirements of the *Safety, Rehabilitation and Compensation Act 1988 (SRCA)* and the *Veterans' Entitlements Act 1986 (VEA)*.

Which Act am I covered by?

If you were injured or developed an illness (or if someone on whom you were dependent for economic support dies), as a result of ADF service up to and including 30 June 2004, you may be entitled to claim under the SRCA, the VEA or possibly both.

Additional compensation may also be paid under the *Defence Act 1903* to those who were severely injured and to the families to those who lose their lives in compensable' circumstances. Defence Act payments flow automatically from a finding of liability under the SRCA in appropriate cases so a further claim for those benefits is not necessary. Please see the comparison table at the end of this Factsheet.

When am I covered by the SRCA?

The SRCA is the workers' compensation legislation that applies to all employees of the Australian Government. This includes members and former members of the Australian Defence Force (ADF), Reservists, Cadets and Cadet Instructors and certain other persons who hold honorary rank in the ADF, as well as members of certain philanthropic organisations that provide services to the ADF.

Delegates of the Military Rehabilitation and Compensation Commission (MRCC) within the Department of Veterans' Affairs (DVA) determine claims under the SRCA for ADF employees.

The SRCA provides compensation coverage for all members and ex-serving members of the ADF from 3 January 1949 until and including 30 June 2004. Injuries, deaths and diseases are covered during that period although the eligibility criteria applying at various times mean that not all claims for benefits were successful, or would be, successful if a claim were lodged now. Service covered includes:

- being at work or during an ordinary break (eg lunch)
- during a journey between home and work

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- during authorised and published activities outside normal hours of duty (e.g. approved participation in sport as detailed in DI(G)PERS 14-2; *or*
- while undergoing approved Career Transition Training around the time of your discharge under an arrangement made by the ADF. Please refer to the ADF Pay and Conditions Manual (PACMAN) on the Department of Defence website:
<http://www.defence.gov.au/DPE/PAC/>

When am I covered by the VEA?

You are covered under the VEA for injury, disease or death occurring on or before 30 June 2004 for the following service:

- peacetime service (after completion of a three year qualifying period) – from 7 December 1972 to 6 April 1994. Members who enlisted before 22 May 1986 and who served continuously until after 6 April 1994 are also covered for service after that date
- all periods of operational service, peacekeeping service and hazardous service; *and*
- warlike operations (for example East Timor) and non-warlike operations.

A member who had not completed the three year qualifying period before 7 April 1994 is not covered under the VEA, unless he/she was medically discharged within that time.

Under which Act should I claim?

If your claim relates to an injury, disease or death occurring before 1 July 2004, you may be eligible to claim under both the SRCA and the VEA therefore you can choose to claim under one or both Acts. This is not to suggest that any such claim will be successful. Claims are assessed against the relevant criteria of each Act and liability may or may not be found in a claimants favour depending on the circumstances of his or her claim and the medical evidence and other evidence which is available. For further information, please see the table below.

It should be noted that there are 'offsetting' provisions to prevent your being compensated under the SRCA and also under the VEA for the same injury or disease. Any compensation you may receive under the SRCA might affect any Disability Pension or Income Support Pension you receive under the VEA. For further information, please see *Factsheet DP 82 Disability Pension and Compensation Offsetting*

Comparison Table of VEA and SRCA

If your injury occurred on:	7 Dec 72 – 21 May 86	22 May 86 – 6 Apr 94	7 Apr 94 – 30 Jun 04
Peacetime Continuous Full-Time Service (CFTS)			
Enlisted on or after 7 Apr 94	N/A	N/A	SRCA
Enlisted on or after 22 May 86 (and have completed 3 years continuous service by 6 Apr 94)	N/A	SRCA & VEA	SRCA
Enlisted on or after 22 May 86 (and have not completed 3 years continuous full-time service by 6 Apr 94)	N/A	SRCA	SRCA
Enlisted before 22 May 86 (and have continuous services up to and after 7 Apr 94)	SRCA & VEA	SRCA & VEA	SRCA & VEA
Former Members (prior to 7 Apr 94)	SRCA & VEA	SRCA & VEA	N/A
Part-time Service	SRCA	SRCA	SRCA
Operational Service (warlike service)	VEA	VEA	SRCA & VEA
Peacekeeping Service (non-warlike service)	SRCA & VEA	SRCA & VEA	SRCA & VEA
Hazardous Service (non-warlike service)	Not Declared	SRCA & VEA	SRCA & VEA

Notes:

1. For service between 3 January 1949 and 7 December 1972, ADF members are covered under the SRCA only for peacetime service and under the VEA for operational and peacekeeping service. There was no provision for hazardous service at that time.
2. Members who enlisted on or after 22 May 1986 and who did not complete 3 years continuous full-time service before 6 April 1994 but were discharged as medically unfit may claim under the VEA.
3. 'Hazardous service' is service that has been declared, in writing, by the Minister of Defence, to be hazardous.

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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:

- *MCS 01 Overview of the Safety, Rehabilitation and Compensation Act 1988 (SRCA)*
- *MCS 06 Benefits under the Safety, Rehabilitation and Compensation Act 1988 and the Defence Act 1903*
- *MRC 38 Comparison of Benefits – Health, Treatment and Rehabilitation*
- *MRC 39 Comparison of Benefits for Dependants*
- *DVA 03 Overview of DVA Benefits and Services*
- *DP 01 Overview of Disability Pensions and Allowances*
- *DP 07 Eligibility – Military Service*
- *DP 82 Disability Pension and Compensation Offsetting.*

More information

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

You can phone DVA 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.

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