



## Australian Government

### Department of Veterans' Affairs

# Factsheet MRC01 – Overview of the Military Rehabilitation and Compensation Act 2004 (MRCA)

## Purpose

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.

It also provides a brief description of the types of military service after 1 July 2004 that are covered under the MRCA.

## Who is covered by the MRCA?

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

- all members of the permanent ADF;
- all members of the Reserve Force;
- Cadets and Officers and Instructors of Cadets;
- persons who hold an honorary rank or appointment in the ADF and who perform acts at the request or direction of the Defence Force;
- persons who are receiving assistance under the Career Transition Assistance Scheme (under an arrangement approved by the ADF) and who perform actions in connection with the Scheme;
- persons who perform acts at the request or direction of the Defence Force as an accredited representative of a registered charity; and
- other people declared in writing by the Minister for Defence to be members of the ADF.

If you are an ADF member or former member and you have conditions (i.e. injuries or diseases) arising from service prior to 1 July 2004, you are generally not covered by the MRCA for those conditions. The only exceptions to this are:

- if you have a condition which is due to service on or after 1 July 2004, the condition is covered entirely under the provisions of the MRCA;
- if you have a pre-existing condition under the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) which is "aggravated" by service on or after 1 July 2004, the aggravation component is covered under the MRCA.

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Prior to 1 July 2013, any person with an accepted condition under the *Veterans' Entitlements Act 1986* (VEA) who lodged a claim under the MRCA in respect of an aggravation of that condition was given a choice between:

- making an Application for Increase (AFI) of their disability pension under the VEA in respect of the aggravation; or
- continuing with a claim under the MRCA for acceptance of liability for the aggravation.

However, from 1 July 2013, any aggravations of accepted VEA conditions are required to be treated as an AFI under the VEA (with no ability to have the aggravation assessed under the MRCA). Additionally, if the aggravation occurred prior to 1 July 2013 but a person had not, prior to that date, chosen to claim under the MRCA, the aggravation is automatically considered under the VEA.

## 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, please see [DVA Factsheet DP02](#), [DVA Factsheet DP15](#) and [DVA Factsheet MCS01](#).

## What types of military service are recognised under the MRCA?

Under the MRCA, there are three types of service:

- warlike service;
- non-warlike service; and
- peacetime service.

The Minister for Defence, in consultation with the Prime Minister, determines warlike and non-warlike service in a formal declaration. All other service is considered peacetime.

## How is warlike service determined?

Warlike service is determined by the Minister for Defence on the advice of the Chief of the Defence Force, when the application of force is authorised to pursue specific military objectives and there is an expectation of casualties, the determination is likely to be that of warlike service.

It also includes peace enforcement activities, that is peacemaking (but not peacekeeping) operations, when armed force is authorised to restore peace and security.

## How is non-warlike service determined?

Non-warlike service is likely to be determined where military activities are short of warlike operations and where casualties could occur but are not expected. The only force to be used by the ADF is in self-defence.

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Peacekeeping activities, such as truce observation and monitoring of cease-fire agreements, maintenance of peace and order with the consent of both parties and sanction enforcement, come into the category of non-warlike service.

## What benefits might be available under the MRCA?

There are a range of benefits that are available under the MRCA where liability for a service-related condition has been accepted. Some of these benefits include:

- permanent impairment (lump sum) compensation;
- incapacity benefits (due to an inability or reduced ability to work);
- rehabilitation (both vocational and non-vocational);
- medical treatment;
- household and attendant care services; and
- compensation for the dependants of deceased members – including bereavement payments, lump sums, funeral expenses (unless these costs are met by the Department of Defence), medical treatment (via the provision of a DVA Health Card (Gold)) and compensation for the cost of obtaining financial advice.

## Is there different compensation for different types of service?

Yes. For example, lump sum payments for ADF members who are injured or contract a disease that is related to warlike and non-warlike service are calculated at a higher rate than those members who were injured on peacetime service. However, members who are eligible for maximum permanent impairment compensation get the same amount, irrespective of the type of service which caused the impairment.

## How do I make a claim under MRCA?

You can make a claim for benefits under the MRCA by lodging a claim with your nearest DVA office. For further information, please see [DVA Factsheet MRC25](#).

## 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 [DVA Factsheet DVA06](#).

## 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 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.

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## Related Factsheets

- [DP02 Disability pension entitlements for service in wars, conflicts and operational deployments](#)
- [DP15 Defence and Peacekeeping Service under the Veterans' Entitlements Act 1986](#)
- [DVA06 Proof of Identity Requirements](#)
- [MCS01 Overview of the Safety, Rehabilitation and Compensation Act 1988 \(SRCA\)](#)
- [MRC04 Compensation Payment Rates \(MRCA\)](#)
- [MRC14 Compensation for Wholly Dependent Partners](#)
- [MRC15 Compensation for Eligible Young Persons](#)
- [MRC25 How to Make a Claim Under the MRCA](#)
- [MRC44 Compensation for Other Dependents](#)

## More Information

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[Factsheet Website](http://factsheets.dva.gov.au): factsheets.dva.gov.au

\* Calls from mobile phones and pay phones may incur additional charges.