



*Military Rehabilitation and Compensation Act 2004 (MRCA)*

## Compensation Coverage for Members and Former Members of the Australian Defence Force

### Purpose

This Factsheet provides information about the benefits available under the *Military Rehabilitation and Compensation Act 2004 (MRCA)* for Australian Defence Force (ADF) members and former members.

The MRCA provides compensation coverage for all military service rendered on or after 1 July 2004. Compensation and other benefits under the MRCA may be available to an ADF member or former member who suffers an injury, disease or death related to service on or after 1 July 2004.

### Who is eligible?

The following ADF members and former members have coverage under the MRCA:

- 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 of the Defence Force as an accredited representatives of a registered charity; *and*
- other people declared in writing by the Minister for Defence to be members of the ADF.

The MRCA also provides benefits to certain dependants of those listed above, in the event that they are severely injured or lose their life as a result of their service.

### What service is covered under the MRCA?

You are covered for the part of the day that you perform your military duties, that is while you are on duty or doing something required, authorised or expected to be done in connection with or incidental to your duties in the ADF.

# Compensation Coverage for Members and Former Members of the Australian Defence Force, *continued*

## What benefits are available under the MRCA?

The MRCA provides a comprehensive compensation and rehabilitation structure for injured and ill ADF members and former members, including:

- payment for medical treatment;
- income replacement for periods of incapacity for work;
- permanent impairment compensation, which can be provided as a lump sum or as ongoing periodic payments;
- payment for rehabilitation programs; *and*
- compensation following the death of a member or former member.

## When am I eligible for compensation under the MRCA?

You may be eligible for compensation under the MRCA if:

- you sustain an injury or suffer a disease which arose out of, or was attributed to your Defence service on or after 1 July 2004; *or*
- you suffer an “aggravation” of an accepted injury or disease under the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) as a result of your Defence service on or after 1 July 2004.

Your dependants may also be eligible for compensation if:

- you die as a result of your service or as a result of an injury or disease that arose out of, or was attributable to, your Defence service; *or*
- you were eligible for the Special Rate Disability Pension at some time in your life; *or*
- the Military Rehabilitation and Compensation Commission had assessed your impairment from service injuries or diseases at 80 or more impairment points.

## What if I had a condition before enlisting and it was aggravated by my service?

No compensation is payable for any impairment which existed before enlistment. Compensation is only payable for further impairment arising from service-related aggravation. If a pre-existing condition is found to have been aggravated by ADF service on or after 1 July 2004, it will be treated as a new injury or disease and liability to pay compensation will be accepted for the aggravation portion only.

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## **What if I have a condition accepted under either the *Veterans' Entitlements Act 1986 (VEA)* or the *Safety, Rehabilitation and Compensation Act 1988 (SRCA)* that was aggravated by my service after 1 July 2004?**

Prior to 1 July 2013, any person with an accepted condition under the 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.

If you are eligible to receive Permanent Impairment (PI) compensation under the MRCA for the aggravation of a condition which has been accepted under the SRCA, compensation will only be paid under the MRCA for the aggravation component of that condition.

## **Am I covered under the MRCA while travelling?**

Injuries sustained while on journeys that are service-related are generally covered for compensation purposes. You may be covered if the journey is:

- to a place for the purpose of performing duty; *or*
- away from a place of duty upon having ceased to perform duty.

However, each case is considered on its merits and there are exclusions which may apply depending on the circumstances of the journey. You are not usually covered if the journey was not connected with service.

## **Am I covered under the MRCA for sporting activities?**

Written authorisation is required before MRCA coverage is available for injury caused by participation in civilian sporting competitions and other similar activities outside your normal hours of duty. Sporting activities undertaken as part of normal duties or organised by the ADF are generally covered.

# Compensation Coverage for Members and Former Members of the Australian Defence Force, *continued*

## When am I *not* covered under the MRCA?

You may not have liability accepted if:

- the injury or disease resulted from a serious default or wilful act you committed, such as being under the influence of alcohol or illegal drugs, or drugs not taken in accordance with the directions;
- the injury or disease arose from a serious breach of discipline;
- the injury was intentionally self-inflicted;
- you made a false representation that you did not suffer from the injury or disease to which the claim relates prior to enlistment;
- the injury, disease or death is due only to the personal use of tobacco products and no other cause is determined to have contributed to the injury, disease or death; *or*
- the injury or disease is the result of reasonable counselling about performance or failure to obtain a promotion, transfer or payment of a benefit.

The above exclusions do not apply if you were seriously and permanently impaired by the injury or disease.

## How do I make a claim under the MRCA?

For details of how to claim benefits under the MRCA, please see *Factsheet MRC 25 How to Make a Claim Under the Military Rehabilitation and Compensation Act*

## What does “liability” mean?

Liability means that the Australian Government accepts that it is responsible for the injury suffered, disease contracted, or the death of a member or former member as a result of service in the ADF. Liability must be determined before any compensation benefits are payable.

## How is liability determined under the MRCA?

Statements of Principles (SoPs) developed by an independent statutory authority, the Repatriation Medical Authority, are used in relation to the determination of most claims under the MRCA. The SoPs are legislative instruments that set out the factors which can connect particular injuries, diseases or death with service. The MRCA requires that in order for a claim to succeed at least one of the SoP factors must be related to service. For further information, please see *Factsheet DP 22 Statements of Principles*.

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## What evidence do I need to provide?

It is the responsibility of the MRCC Delegate to investigate your claim. While you do not have to prove anything about your claim, any supporting medical or other evidence that you may be able to provide will increase the likelihood of your claims being determined quickly and in your favour.

## What standard of proof is used to assess my claim?

There are two standards of proof used in determining claims, dependent on the type of service to which the injury, disease or death relates.

The reasonable hypothesis standard of proof applies if the injury, disease or death is related to service classified by Defence as warlike or non-warlike service. This means that the MRCC Delegate must find liability, unless a causal connection to a member's service can be disproved beyond reasonable doubt. This is a more generous standard of proof than applies in other compensation schemes in Australia.

The balance of probabilities standard of proof applies if the injury, disease or death is related to peacetime service. This means that the MRCC Delegate must be reasonably satisfied that the injury, disease or death was, more likely than not, caused by that service. This is sometimes called the civil standard of proof.

## What if I want to claim common law damages?

For further information about common law damages, please refer to *Factsheet MRC 33 Common Law Action for Compensation for Service Related Injuries and Diseases*.

## What other benefits are available for service on or after 1 July 2004?

If you have rendered warlike service on or after 1 July 2004, you are considered a veteran under the *Veterans' Entitlements Act 1986*. You may be entitled to benefits provided under that Act to veterans with qualifying service, such as the service pension and an automatic Gold Card from age 70.

Those with warlike and non-warlike service on or after 1 July 2004 have access to non-liability health care for malignant cancers, pulmonary tuberculosis, post-traumatic stress disorder, anxiety and depressive disorders under the VEA.

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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:

- *MRC 01 Overview of the Military Rehabilitation and Compensation Act 2004*
- *MRC 04 Compensation Payment Rates (MRCA)*
- *MRC 05 Rehabilitation*
- *MRC 07 Permanent Impairment Compensation Payments*
- *MRC 08 Benefits for Incapacity for Service or Work*
- *MRC 09 Special Rate Disability Pension Safety Net Payment*
- *MRC 10 Motor Vehicle Compensation Scheme*
- *MRC 14 Compensation for Wholly Dependent Partners*
- *MRC 15 Compensation for Eligible Young Persons*
- *MRC 35 Common Law Action for Service Related Deaths*
- *MRC 40 MRCA Supplement*
- *MRC 41 Attendant Care*
- *MRC 42 Household Services*
- *MRC 44 Compensation for Other Dependants*

## 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)

DVA General Enquiries telephone number: 133 254 (metro)  
or FreeCall 1800 555 254 (regional callers).

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](mailto:GeneralEnquiries@dva.gov.au)