



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 compensation scheme which applies to serving and former members of the ADF and, in the case of the service-related death of a member, to dependent family members.

The MRCA recognises the unique nature of service in the ADF. It provides compensation 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; *and*
- all members of the ADF Reserve force; *and*
- 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.

What can a claim be made for?

A claim can be made for:

- acceptance of liability for an injury, disease, illness or death; *and*
- acceptance of liability for loss of, or damage to, medical aids (e.g. prosthetic arm or leg); *and*
- permanent impairment compensation; *and*
- incapacity for service or work; *and*
- the cost of household and attendant care services; *and*
- medical, pharmaceutical and other similar treatment; *and*
- death benefits.

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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; *or*
 - 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; *or*
 - 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/dvaforms> or from your nearest DVA office.

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.

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How is the claim investigated?

Once you have lodged a claim, a delegate of the Military Rehabilitation and Compensation Commission (MRCC) must investigate your claim before making a decision. The investigation is aimed at ensuring that all information relevant to your claim is available when the delegate makes a decision.

The type of information that the delegate seeks can differ from case to case but usually includes your service history, service medical records and other information on your medical history.

The delegate may also ask you for information in your possession or readily available to you. The information needed will be requested in writing and you will be advised of how long you have to provide the information. Normally this will be 28 days so that finalisation of your claim is not unduly delayed. You can ask for an extension of time if there is likely to be a delay in getting that information.

Additionally, the delegate may ask you to undergo a medical examination. The MRCC will pay for any medical examinations it requests as well as reasonable travel and accommodations costs associated with the examination.

What are my obligations?

If the MRCC delegate asks you to attend a medical examination in connection with your claim and you fail to attend or otherwise obstruct the examination without a reasonable excuse, penalties may be applied.

If you fail to provide information which a MRCC delegate has asked you to provide in connection with your claim, the delegate may refuse to proceed with your claim until such time as the requested information is provided.

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.

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Other Factsheets

Other Factsheets related to this topic include:

- *MRC 01 Overview of the Military Rehabilitation and Compensation Act 2004*
- *MRC 02 Compensation Coverage for Members and Ex-Members of the Australian Defence Force*

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.