



Australian Government
Department of Veterans' Affairs

Frequently Asked Questions

The Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA)

Summary

The Parliament has passed a new Act that will replace the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) for current and former members of the Australian Defence Force (ADF) with conditions linked to service prior to 1 July 2004.

The new Act, titled the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA), will have the same eligibility requirements and provide the same benefits for current and former members of the ADF with compensation coverage under the SRCA.

When will the new Act commence?

The DRCA will commence on 12 October 2017.

Who will the DRCA apply to?

DVA clients who were eligible under the SRCA (including the Acts preceding the SRCA) will be covered under the DRCA.

The DRCA will also apply to new claims from current and former ADF members with injuries, diseases, deaths, losses or damages resulting from ADF employment prior to 1 July 2004.

Does it matter if I have submitted a claim on the SRCA claim form?

No. However, new forms and factsheets will be available on the DVA website.

Will I have to submit a new claim for my SRCA conditions once the DRCA commences?

No. Once the DRCA commences, all existing claims and entitlements for ADF members under the SRCA will automatically become claims under the DRCA.

Will my existing benefits under the SRCA be affected by the change?

No. Any claim for an injury (or disease) occurring prior to the enactment of the DRCA will be treated exactly the same way as it would have been under SRCA, with the same eligibility criteria and the same entitlement to benefits.

In addition, the DRCA replicates all historical versions of the SRCA to ensure that the version of the SRCA that was in force at the time of the injury or illness was sustained is the version that will be applied to any new claim under the DRCA. All relevant case law relating to the operation of the SRCA will also continue to apply to claims which are assessed under the DRCA.

Are my appeal rights the same under the DRCA?

Yes. There are no changes to your appeal rights.

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If my claim has been rejected under the SRCA, can I reapply under the DRCA?

Your appeal rights under the DRCA will be the same as those that exist under the SRCA. Applicants will not be able to re-submit a claim for the same condition simply because the new Act has commenced.

Will I be disadvantaged by the commencement of the DRCA?

Every effort has been made to ensure that veterans are not disadvantaged by the enactment of the DRCA. However, in cases where there are any anomalies or the DRCA operates in a way that was unintended, there is a clause (section 121B) that provides the Minister for Veterans' Affairs with the ability to address any veteran disadvantage. This provision can only be used to benefit the veteran, not the Commonwealth.

Will my claims under the VEA and/or the MRCA be impacted by the commencement of the DRCA?

The commencement of the new Act will not alter the eligibility and benefits currently available under the *Veterans' Entitlements Act 1988* (VEA) or the *Military Rehabilitation and Compensation Act 2004* (MRCA). Offsetting arrangements will continue to operate as they currently do for those with eligibility under more than one Act.

If there's no change to any benefits, why has the new Act been developed?

The DRCA was created to:

- separate the compensation of ADF members from non-military Commonwealth employees under the SRCA; and
- give the Minister for Veterans' Affairs full responsibility for all veterans' compensation legislation.

These changes recognise the unique nature of military service and it will consolidate all the veteran legislation and policy responsibilities in the portfolio of the Minister of Veterans' Affairs. The Minister for Employment is responsible for the SRCA.

Will I be able to keep the treatment card I've been issued for my condition?

Yes. The commencement of the DRCA will not affect your eligibility for treatment already being provided.

Who has been consulted about the development of the new Act?

DVA has consulted with ex-service organisations and Defence representatives since the intention to create a standalone Act for ADF members and veterans was publicly announced by the Government in 2015.