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

Safety, Rehabilitation and Compensation (Defence-related Claims) (Full-time Study) Instrument 2018

Instrument 2018 No. MRCC 76

The Military Rehabilitation and Compensation Commission, by its delegates, under subsection 19(3AC) of the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988, makes the following instrument.

Dated this 17th day of October 2018

The Seal of the Military Rehabilitation and Compensation Commission was affixed hereto in the presence of:

Elizabeth Cosson
ELIZABETH COSSON
AM CSC
CHAIR and DELEGATE

C Orme
CRAIG ORME
DSC AM CSC
MEMBER and DELEGATE

M A Kelly
MAJOR GENERAL MARK KELLY
AO DSC
MEMBER and DELEGATE

Authorised Version F2018L01450 registered 19/10/2018
1 Name
This instrument is the Safety, Rehabilitation and Compensation (Defence-related Claims) (Full-time Study) Instrument 2018.

2 Commencement
This instrument commences on 1 November 2018.

3 Authority
This instrument is made under subsection 19(3AC) of the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988.

4 Purpose
The purpose of this instrument is to determine the circumstances of undertaking full-time study for the purposes of subsection 19(3AB) of the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988.

5 Full-time study
(1) For the purposes of subsection 19(3AB) of the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988, a person is undertaking full-time study in the circumstances set out in subsection (2).

(2) A person is undertaking full-time study if:

(a) the person is enrolled in a course of study or instruction that:

   (i) leads to the award of any of the types of qualifications referred to in subsection (3); or

   (ii) is necessary to complete in order to meet the requirements for entry into a course of study or instruction referred to in subparagraph (i); and

(b) the person is undertaking in the particular study period (for example, a semester) for which he or she is enrolled in the course at least three-quarters of the normal amount of full-time study in respect of the course for that period; and

(c) in the Commission’s opinion, the person is making satisfactory progress towards completing the course.

(3) The types of qualifications are:

(a) the Senior Secondary Certificate of Education referred to in the Australian Qualifications Framework or a qualification that is equivalent to it; or

(b) a qualification accredited at any of the following levels in the Australian Qualifications Framework:

   (i) Certificate I, II, III or IV;

   (ii) diploma;
(iii) advanced diploma or associate degree;

(iv) bachelor degree;

(v) bachelor honours degree, graduate certificate or graduate diploma.

(4) For the purposes of paragraph (2)(b), the normal amount of full-time study in respect of a course is:

(a) if the institution or body conducting the course defines an amount of full-time study that a full-time student should typically undertake in respect of the course – the amount so defined; or

(b) otherwise – an amount of full-time study equivalent to the average amount of full-time study that a person would have to undertake for the duration of the course in order to complete the course in the minimum amount of time needed to complete it.

(5) In this section, “Australian Qualifications Framework” means the framework for recognition and endorsement of qualifications:

(a) that is established by the Council consisting of the Ministers for the Commonwealth and each State and Territory responsible for higher education; and

(b) that is to give effect to agreed standards in relation to the provision of education in Australia;

as in force on the day of commencement of this instrument.