Safety, Rehabilitation and Compensation (Defence-related Claims) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 08 August 2019

David Hurley
Governor-General

By His Excellency’s Command

Darren Chester
Minister for Veterans and Defence Personnel
## Contents

**Part 1—Preliminary**

1. Name.................................................................................................................................................. 1
2. Commencement ....................................................................................................................................... 1
3. Authority................................................................................................................................................ 1
4. Definitions ............................................................................................................................................. 1
5. Forms of medical treatment ............................................................................................................... 1

**Part 2—Compensation**

6. Prescribed index—further annual increase in normal weekly earnings after cessation of employment................................................................................................................................. 3
7. Manner of calculating further annual increase—indexation after cessation of employment .................................................................................................................................................. 3
8. Prescribed index—further annual increase in normal weekly earnings in certain other cases .......................................................................................................................................................... 3
9. Manner of calculating further annual increase—indexation in certain other cases .......................................................................................................................................................... 3

**Part 3—Miscellaneous**

10. Appropriate officer for giving notice of retirement of employee ...................................................... 5

**Part 4—Transitional**

11. Repeal of instrument taken to be made under the Act.................................................................... 6
Part 1—Preliminary

1 Name

This instrument is the *Safety, Rehabilitation and Compensation (Defence-related Claims) Regulations 2019*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Commencement information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Column 1</strong></td>
</tr>
<tr>
<td>Provisions</td>
</tr>
<tr>
<td>The whole of this instrument</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

4 Definitions

In this instrument:

*Act* means the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

*quarter* means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

5 Forms of medical treatment

(1) For the purposes of paragraph (i) of the definition of *medical treatment* in subsection 4(1) of the Act, therapeutic treatment by, or under the supervision of, any of the following persons who meet the requirements of subsection (2) of this section is prescribed:

(a) an occupational therapist;
(b) an optometrist;
(c) a podiatrist;
Section 5

(d) a psychologist;
(c) a speech therapist or speech pathologist.

(2) A person mentioned in any of paragraphs (1)(a) to (e) meets the requirements of this subsection if the person is:

(a) registered by a national registration authority (within the meaning of section 8 of the Healthcare Identifiers Act 2010); or

(b) if there is no such authority—a member of a relevant professional association.
Part 2—Compensation

6 Prescribed index—further annual increase in normal weekly earnings after cessation of employment

For the purposes of subsection 8(9B) of the Act, the Wage Price Index (total hourly rates of pay excluding bonuses/all sectors/all Australia/original) published by the Australian Statistician is prescribed.

7 Manner of calculating further annual increase—indexation after cessation of employment

For the purposes of subsection 8(9D) of the Act, the further increase in normal weekly earnings referred to in subsection 8(9B) of the Act is to be calculated, to 3 decimal places and rounded up to 2 decimal places, in accordance with the following formula:

\[(F \times WE) - WE\]

where:

- \(F\) is the greater of the following:
  - (a) the number (worked out to 4 decimal places and rounded up to 3 decimal places) obtained by dividing the index number by the previous index number;
  - (b) 1.000.

- \(index\ number\) is the index number of the Wage Price Index mentioned in section 6 for the quarter that ended on 31 December in the year immediately before the indexation date.

- \(previous\ index\ number\) is the index number of the Wage Price Index mentioned in section 6 for the quarter that ended on 31 December in the previous year.

- \(WE\) is the normal weekly earnings that applied immediately before the indexation date.

Note: Under this formula, there will be a further increase in normal weekly earnings only if \(F\) is greater than 1.000.

8 Prescribed index—further annual increase in normal weekly earnings in certain other cases

For the purposes of subsection 8(9F) of the Act, the Wage Price Index (total hourly rates of pay excluding bonuses/all sectors/all Australia/original) published by the Australian Statistician is prescribed.

9 Manner of calculating further annual increase—indexation in certain other cases

For the purposes of subsection 8(9G) of the Act, the further increase in normal weekly earnings referred to in subsection 8(9F) of the Act is to be calculated, to
Section 9

3 decimal places and rounded up to 2 decimal places, in accordance with the following formula:

\[(F \times WE) - WE\]

where:

\(F\) is the greater of the following:

(a) the number (worked out to 4 decimal places and rounded to 3 decimal places) obtained by dividing the index number by the previous index number;

(b) 1.000.

\textit{index number} is the index number of the Wage Price Index mentioned in section 8 for the quarter that ended on 31 December in the year immediately before the indexation date.

\textit{previous index number} is the index number of the Wage Price Index mentioned in section 8 for the quarter that ended on 31 December in the previous year.

\(WE\) is the normal weekly earnings that applied immediately before the indexation date.

Note: Under this formula, there will be a further increase in normal weekly earnings only if \(F\) is greater than 1.000.
Part 3—Miscellaneous

10 Appropriate officer for giving notice of retirement of employee

For the purposes of paragraph 114A(2)(b) of the Act, the Chief of the Defence Force is the appropriate officer in relation to a member of the Defence Force.
Part 4—Transitional

11 Repeal of instrument taken to be made under the Act

The Safety, Rehabilitation and Compensation Regulations 2002 as in force for the purposes of the Act under item 63 of Schedule 1 to the Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Act 2017 is taken to be repealed.

Note: The Safety, Rehabilitation and Compensation Regulations 2002 was in force for the purposes of the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 because of item 63 of Schedule 1 to the Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Act 2017.