



Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Regulations 2020

made under the

*Military Rehabilitation and Compensation (Consequential and Transitional
Provisions) Act 2004*

Compilation No. 1

Compilation date: 21 April 2025

Includes amendments: F2025L00427

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Regulations 2020* that shows the text of the law as amended and in force on 21 April 2025 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Regulations 2020*.

3 Authority

This instrument is made under the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*.

5 Definitions

Note 1: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) DRCA;
- (b) MRCA;
- (c) Simplification Act.

Note 2: Expressions used in this instrument that are defined in the MRCA have the same meanings as they have in that Act. For example:

- (a) compensation;
- (b) Special Rate Disability Pension.

In this instrument:

Act means the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*.

Part 2—Matters arising out of the enactment of the MRCA

6 Method of converting lump sum amounts paid under sections 24, 25 and 27 of DRCA into weekly amounts

- (1) For the purposes of paragraph 24(3)(b) of the Act, this section sets out the method of converting into a weekly amount the sum of any previous payments of a lump sum to a person under sections 24, 25 and 27 of the DRCA.

Note: Subsection 14(2) of the Act applies regulations made for paragraph 24(3)(b) of the Act (see section 7 of this instrument).

- (2) For the purposes of subsection (1), and subject to section 7, the method is:

$$\frac{\text{Current lump sum amount}}{\text{Aged based number}}$$

where:

aged based number means the person's life expectancy (in years) worked out using the *Australian Life Tables 2015-17* published by the Australian Government Actuary by reference to:

- (a) the person's age on the day the lump sum amount for the purposes of section 24, 25 or 27 of the DRCA was paid to the person; and
- (b) the person's gender.

Note: The *Australian Life Tables 2015-17* could in 2020 be viewed on the Australian Government Actuary's website (<http://www.aga.gov.au>).

current lump sum amount means the amount worked out in accordance with subsection (3).

- (3) The **current lump sum amount** means the amount worked out using the following formula:

$$\text{Previous lump sum amount} \times \frac{\text{Maximum amount for the current financial year}}{\text{Maximum amount for the relevant financial year}}$$

where:

maximum amount means the maximum amount specified in subsection 24(9) of the DRCA, as indexed in accordance with section 13 of that Act.

previous lump sum amount means the sum of any amounts previously:

- (a) assessed as payable to the person under sections 24, 25 and 27 of the DRCA; and
- (b) paid as a lump sum or lump sums.

relevant financial year means the financial year in which an amount of compensation was paid to the person under section 24, 25 or 27 of the DRCA.

7 Weekly amount to be indexed

- (1) For the purposes of subsection 14(2) and paragraph 24(3)(b) of the Act, the weekly amount worked out under section 6 of this instrument is the weekly amount by which the maximum weekly amount of a Special Rate Disability Pension (***SRDP***) must be reduced in the first financial year in which the SRDP is payable.

Note: Section 203 of the MRCA provides the day from which an SRDP is payable.

- (2) In the second and subsequent financial years in which the SRDP is payable, the indexation provisions of section 404 of the MRCA apply to the weekly amount worked out under section 6 of this instrument as if a reference to ***dollar amount*** in section 404 of the MRCA were a reference to that ***weekly amount***.

Section 8

Part 3—Matters arising out of the enactment of Schedule 3 to the Simplification Act

8 Continued effect of certain instruments

(1) If:

- (a) before the review pathway commencement day, an instrument was made under, or for the purposes of, subsection 170B(1) of the old VEA; and
- (b) immediately before the review pathway commencement day, the instrument is in force;

the instrument continues to have effect, on and after the review pathway commencement day, as if it had been made under subsection 353P(1) of the MRCA.

(2) In this section:

old VEA has the same meaning as in section 25 of the Act.

review pathway commencement day has the same meaning as in section 25 of the Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Regulations 2020	24 Mar 2020 (F2020L00296)	25 Mar 2020 (s 2(1) item 1)	
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Amendment (Review Pathway) Regulations 2025	26 Mar 2025 (F2025L00427)	21 Apr 2025 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part 1 heading	ad F2025L00427
s 2.....	rep LA s 48D
s 4.....	rep LA s 48C
s 5.....	ad F2025L00427
Part 2	
Part 2 heading	ad F2025L00427
Part 3	
Part 3.....	ad F2025L00427
s 8.....	ad F2025L00427
Schedule 1.....	rep LA s 48C