



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

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 19 March 2020

David Hurley
Governor-General

By His Excellency's Command

Darren Chester
Minister for Veterans' Affairs

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1 Name

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

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	25 March 2020

Note: This table relates only to the provisions of this instrument as originally made.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 *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

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

- (a) DRCA;
- (b) MRCA.

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*.

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**.

Schedule 1—Repeals

Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Regulations 2004

1 The whole of the instrument

Repeal the instrument.