



Military Rehabilitation and Compensation Regulations 2020

made under the

Military Rehabilitation and Compensation Act 2004

Compilation No. 1

Compilation date: 30 March 2021

Includes amendments up to: F2021L00363

Registered: 22 April 2021

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Military Rehabilitation and Compensation Regulations 2020* that shows the text of the law as amended and in force on 30 March 2021 (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 Legislation 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 series page on the Legislation 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 series page on the Legislation 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 Regulations 2020*.

3 Authority

This instrument is made under the *Military Rehabilitation and Compensation Act 2004*.

5 Definitions

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

- (a) cadet;
- (b) Commission;
- (c) declared member;
- (d) former member.

Note 2: A declared member, or member, includes a person who is the subject of a determination under subsection 8(1) of the Act.

In this instrument:

Act means the *Military Rehabilitation and Compensation Act 2004*.

casual work: a person who is in **casual work** means a person who:

- (a) is employed on a casual or irregular basis; and
- (b) is aged 16 years or over.

Human Services Department means a Department, or Executive Agency, administered by the Minister administering the *Human Services (Centrelink) Act 1997*.

initial planning session, for a person, means the initial session mentioned in 18D(3)(a) for the person.

remunerated cadet means an individual who:

- (a) is an Officer of Cadets or an Instructor of Cadets; and
- (b) is remunerated for the individual's service as a cadet.

social security law has the same meaning as in section 23 of the *Social Security Act 1991*.

transition day, for a person, means the day after the person ceases to be a Permanent Forces member.

Part 2—Matters relating to cadets

Division 1—Working out compensation for serving cadets

6 Normal and actual earnings—cadet engaged in paid civilian work at time of incapacity

- (1) For the purposes of section 116 of the Act, this section applies to a cadet who:
 - (a) for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (b) was a cadet when the service injury was sustained or the service disease was contracted; and
 - (c) was engaged in paid civilian work that was not casual work at the time of the cadet's incapacity; and
 - (d) is not a person who is unable to continue full-time studies or enter the workforce as a result of the incapacity.
- (2) The cadet's normal earnings for a week is the amount worked out by:
 - (a) treating the cadet as if the cadet were an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) assuming, for the application of section 95 of the Act, that the cadet would have an ADF component of:
 - (i) if the person is a remunerated cadet—the total worked out under subsection (3) of this section; or
 - (ii) in any other case—nil; and
 - (c) working out the amount that would be the cadet's normal earnings if the cadet were an incapacitated Reservist.
- (3) For the purposes of subparagraph (2)(b)(i), work out the total of:
 - (a) an amount determined by the Commission having regard to the cadet's rate of pay; and
 - (b) if the cadet is also a member of the Permanent Forces or the Reserves—any normal ADF pay earned by the cadet.
- (4) The cadet's actual earnings for a week is the amount worked out by:
 - (a) treating the cadet as an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) working out, for the application of section 101 of the Act, the cadet's actual ADF pay; and
 - (c) working out the amount that would be the cadet's actual earnings if the cadet were an incapacitated Reservist.

7 Normal and actual earnings—cadet only engaged in casual work, or not engaged in civilian work, at time of incapacity

- (1) For the purposes of section 116 of the Act, this section applies to a cadet who, at the time of the cadet's incapacity, was:
- (a) for a week referred to in this section, incapacitated for either or both service or work as a result of a service injury or disease; and
 - (b) a cadet when the service injury was sustained or the service disease was contracted; and
 - (c) a person who was:
 - (i) not engaged in paid civilian work; or
 - (ii) only engaged in casual work.

Cadet's normal earnings for a week

- (2) The cadet's normal earnings for a week is the amount worked out by:
- (a) treating the cadet as if the cadet were an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) assuming, for the application of section 95 of the Act, that the cadet would have a civilian component of:
 - (i) if subsection (3) of this section applies—an amount determined by the Commission, having regard to the cadet's qualifications, skills and experience; or
 - (ii) otherwise—nil; and
 - (c) assuming, for the application of section 95 of the Act, that the cadet would have an ADF component of:
 - (i) if the person is a remunerated cadet—the total worked out under subsection (4) of this section; or
 - (ii) otherwise—nil; and
 - (d) working out the amount that would be the cadet's normal earnings if the cadet were an incapacitated Reservist.

Cadet's civilian component requiring Commission determination

- (3) For the purposes of subparagraph (2)(b)(i), this subsection applies if:
- (a) the cadet is aged 16 years or over; and
 - (b) the cadet is unable to continue full-time studies or enter the workforce as a result of the incapacity; and
 - (c) the cadet has undertaken a rehabilitation assessment; and
 - (d) the cadet:
 - (i) has undertaken a rehabilitation program; or
 - (ii) is undertaking a rehabilitation program; or
 - (iii) is not currently fit to undertake a rehabilitation program; or
 - (iv) is assessed as not requiring a rehabilitation program.

Part 2 Matters relating to cadets

Division 1 Working out compensation for serving cadets

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ADF component for a remunerated cadet

- (4) For the purposes of subparagraph (2)(c)(i), work out the total of:
- (a) an amount determined by the Commission having regard to the cadet's rate of pay; and
 - (b) if the cadet is also a member of the Permanent Forces or the Reserves—any normal ADF pay earned by the cadet.

Cadet's actual earnings for a week

- (5) The cadet's actual earnings for a week is the amount worked out by:
- (a) treating the cadet as an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) working out, for the application of section 101 of the Act, the cadet's actual ADF pay; and
 - (c) working out the amount that would be the cadet's actual earnings if the cadet were an incapacitated Reservist.

Division 2—Working out compensation for former cadets

8 Normal earnings and normal weekly hours for person who was a cadet— person engaged in paid civilian work before last ceasing to be member of Defence Force

- (1) For the purposes of section 175 of the Act, this section applies to a person:
 - (a) who was a cadet; and
 - (b) who, for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (c) who was a cadet when the service injury was sustained or the service disease was contracted; and
 - (d) in respect of whom the Commonwealth is liable to pay compensation under section 118 of the Act; and
 - (e) who has not chosen to receive a Special Rate Disability Pension under Part 6 of Chapter 4 of the Act; and
 - (f) who, before last ceasing to be a member of the Defence Force, was a person engaged in civilian work that was not casual work.
- (2) The person's normal earnings for a week is the amount worked out by:
 - (a) treating the person as if the person were an incapacitated person mentioned in section 152 of the Act; and
 - (b) assuming, for the application of section 153 of the Act, that the person would have an ADF component of:
 - (i) if the person was a remunerated cadet—the total worked out under subsection (3) of this section; or
 - (ii) in any other case—nil; and
 - (c) working out the amount that would be the person's normal earnings if the person were an incapacitated person.
- (3) For the purposes of subparagraph (2)(b)(i), work out the total of:
 - (a) an amount determined by the Commission having regard to the person's rate of pay as a cadet immediately before the date of discharge; and
 - (b) if the person was a member of the Permanent Forces or the Reserves—any ADF pay earned by the person up to and including the date of discharge.
- (4) The person's normal weekly hours are the number of hours that would be the person's normal weekly hours worked out under section 158 of the Act as if the person were an incapacitated person.
- (5) The actual earnings for a week for a person to whom this section applies is the amount worked out by treating the person as if the person were a person mentioned in section 129 of the Act:
 - (a) to whom subsection 125(1) of the Act applies; and

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- (b) if, for the purposes of subsection 130(1) of the Act, the number of hours worked by the person exceeds the number mentioned in that subsection—to whom section 130 applies; and
- (c) whose actual earnings are worked out in accordance with section 132 of the Act.

9 Normal earnings and normal weekly hours for person who was a cadet—person not engaged in paid civilian work, or only engaged in casual work, before last ceasing to be a member of the Defence Force

- (1) For the purposes of section 175 of the Act, this section applies to a person:
 - (a) who was a cadet; and
 - (b) who, for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (c) who was a cadet when the service injury was sustained or the service disease was contracted; and
 - (d) in respect of whom the Commonwealth is liable to pay compensation under section 118 of the Act; and
 - (e) who has not chosen to receive a Special Rate Disability Pension under Part 6 of Chapter 4 of the Act; and
 - (f) who, before last ceasing to be a member of the Defence Force:
 - (i) did not have paid civilian work; or
 - (ii) was engaged in casual work.

Person's normal earnings for a week

- (2) The person's normal earnings for a week is the amount worked out by:
 - (a) treating the person as if the person were an incapacitated person mentioned in section 152 of the Act; and
 - (b) assuming, for the application of section 153 of the Act, that the person would have a civilian component of:
 - (i) if subsection (3) of this section applies—an amount determined by the Commission having regard to the person's qualifications, skills and experience, and assuming that the person's normal weekly hours are 37.5 hours; or
 - (ii) otherwise—nil; and
 - (c) assuming, for the application of section 153 of the Act, that the person would have an ADF component of:
 - (i) if the person was a remunerated cadet—the total of worked out under subsection (4) of this section; or
 - (ii) otherwise—nil; and
 - (d) working out the amount that would be the person's normal earnings if the person were an incapacitated person; and
 - (e) treating the person's normal weekly hours as being 37.5 hours.

Person's civilian component requiring Commission determination

- (3) For the purposes of subparagraph (2)(b)(i), this subsection applies if:
- (a) the person is aged 16 years or over; and
 - (b) the person is unable to continue full-time studies or enter the workforce as a result of the incapacity; and
 - (c) the person has undertaken a rehabilitation assessment; and
 - (d) the person:
 - (i) has undertaken a rehabilitation program; or
 - (ii) is undertaking a rehabilitation program; or
 - (iii) is not currently fit to undertake a rehabilitation program; or
 - (iv) is assessed as not requiring a rehabilitation program.

ADF component for a person who was a remunerated cadet

- (4) For the purposes of subparagraph (2)(c)(i), work out the total of:
- (a) an amount determined by the Commission having regard to the person's rate of pay as a cadet immediately before the person ceased being a cadet; and
 - (b) if the person was also a member of the Permanent Forces or the Reserves—any normal ADF pay earned by the person.

Person's actual earnings for a week

- (5) The actual earnings for a week for a person to whom this section applies is the amount worked out by treating the person as if the person were a person mentioned in section 129 of the Act:
- (a) to whom subsection 125(1) of the Act applies; and
 - (b) if, for the purposes of subsection 130(1) of the Act, the number of hours worked by the person exceeds the number mentioned in that subsection—to whom section 130 applies; and
 - (c) whose actual earnings are worked out in accordance with section 132 of the Act.

Division 3—Working out compensation for parts of weeks

10 Number of days in part of week

For the purposes of paragraph (b) of the definition of *number of days* in subsection 196(3) of the Act, the number of days for a cadet is:

- (a) if the cadet is engaged in paid employment—the number of days the cadet normally works in a week; or
- (b) otherwise—5 days.

Division 4—Modification of Chapter 2 of the Act for cadets

11 Modifications of Chapter 2 of the Act

For the purposes of subsection 439(1) of the Act, Chapter 2 of the Act applies in respect of cadets as if:

- (a) section 32 of the Act did not apply to a serious default or wilful act of a cadet aged under 16 years; and
- (b) section 34 of the Act did not apply to a wilful and false representation of a cadet aged under 16 years; and
- (c) subsections 35(3), (4) and (5) of the Act did not apply to a cadet who, at the time of the injury, disease, death, aggravation or material contribution, was:
 - (i) aged under 18 years; and
 - (ii) under the supervision of a parent of the cadet, or of a responsible adult.

Part 3—Matters relating to declared members

Division 1—Working out compensation for declared members

12 Normal and actual earnings—declared member engaged in paid civilian work at time of incapacity, who is not undertaking career transition assistance

- (1) For the purposes of section 116 of the Act, this section applies to a declared member who:
 - (a) for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (b) was a declared member when the service injury was sustained or the service disease was contracted; and
 - (c) was engaged in paid civilian work at the time of the member's incapacity and is not undertaking a period of career transition assistance.
- (2) The member's normal earnings for a week is the amount worked out by:
 - (a) treating the member as if the member were an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) assuming, for the application of section 95 of the Act, that the member would have an ADF component of nil; and
 - (c) working out the amount that would be the member's normal earnings if the member were an incapacitated Reservist.
- (3) The member's actual earnings for a week is the amount worked out by:
 - (a) treating the member as an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) working out the amount that would be the member's actual civilian earnings if the member were an incapacitated Reservist.

13 Normal and actual earnings—declared member not engaged in civilian work at time of incapacity and not undertaking career transition assistance

- (1) For the purposes of section 116 of the Act, this section applies to a declared member who:
 - (a) for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (b) was a declared member when the service injury was sustained or the service disease was contracted; and
 - (c) was not engaged in paid civilian work at the time of the member's incapacity, and is not undertaking a period of career transition assistance.
 - (2) The member's normal earnings for a week is the amount worked out by:
 - (a) treating the member as if the member were an incapacitated Reservist mentioned in section 94 of the Act; and
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- (b) assuming, for the application of section 95 of the Act, that the member would have a civilian component of:
 - (i) if subsection (3) of this section applies—an amount determined by the Commission, having regard to the member’s qualifications, skills and experience; or
 - (ii) otherwise—nil.
- (3) For the purposes of subparagraph (2)(b)(i), this subsection applies if:
 - (a) the member is aged 16 years or over; and
 - (b) the member is unable to continue full-time studies or enter the workforce as a result of the incapacity; and
 - (c) the member has undertaken a rehabilitation assessment; and
 - (d) the member:
 - (i) has undertaken a rehabilitation program; or
 - (ii) is undertaking a rehabilitation program; or
 - (iii) is not currently fit to undertake a rehabilitation program; or
 - (iv) is assessed as not requiring a rehabilitation program.
- (4) The member’s actual earnings for a week is the amount worked out by:
 - (a) treating the member as an incapacitated Reservist mentioned in section 94 of the Act; and
 - (b) working out the amount that would be the member’s actual civilian earnings if the member were an incapacitated Reservist.

14 Normal and actual earnings—incapacitated declared member undertaking career transition assistance

- (1) For the purposes of section 116 of the Act, this section applies to an incapacitated declared member who:
 - (a) for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (b) was a declared member when the service injury was sustained or the service disease was contracted; and
 - (c) was undertaking a period of career transition assistance at the time of the incapacity.

Member has not been discharged

- (2) The normal earnings for a week for a member to whom this section applies, and who has not been discharged, is the amount worked out by treating the member as if the member were:
 - (a) a Permanent Forces member or continuous full-time reservist mentioned in section 91 of the Act; and
 - (b) incapacitated for service.

Part 3 Matters relating to declared members

Division 1 Working out compensation for declared members

Section 14

- (3) The actual earnings for a week for a member to whom this section applies, and who has not been discharged, is the amount worked out by treating the member as if the member were:
- (a) a Permanent Forces member or continuous full-time reservist mentioned in section 92 of the Act; and
 - (b) incapacitated for service.

Member has been discharged

- (4) The normal earnings for a week for a member to whom this section applies, and who has been discharged, is the amount worked out by treating the member as if the member were a person mentioned in section 104 of the Act who was a Permanent Forces member immediately before completing the member's last period of full-time service.
- (5) The actual earnings for a week for a member to whom this section applies, and who has been discharged, is the amount worked out by treating the member as if the member were a person mentioned in section 105 of the Act, and who is incapacitated for service.

Note: For subsections (4) and (5)—a person who has been discharged from the Permanent Forces or the Reserves remains a declared member while undertaking career transition assistance.

Division 2—Working out compensation for former declared members

15 Normal and actual earnings—former declared member engaged in paid civilian work before last ceasing to be a member of the Defence Force, who has not undertaken career transition assistance

- (1) For the purposes of section 175 of the Act, this section applies to a person:
 - (a) who was a declared member; and
 - (b) who, for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (c) who was a declared member when the service injury was sustained or the service disease was contracted; and
 - (d) in respect of whom the Commonwealth is liable to pay compensation under section 118 of the Act; and
 - (e) who has not chosen to receive a Special Rate Disability Pension under Part 6 of Chapter 4 of the Act; and
 - (f) who had paid civilian work before last ceasing to be a member of the Defence Force.
- (2) The person's normal earnings for a week is the amount worked out by:
 - (a) treating the person as if the person were an incapacitated person mentioned in section 152 of the Act; and
 - (b) assuming, for the application of section 153 of the Act, that the person would have an ADF component of nil; and
 - (c) working out the amount that would be the person's normal earnings if the person were an incapacitated person; and
 - (d) working out the number of hours that would be the person's normal weekly hours if the person were an incapacitated person.
- (3) The actual earnings for a week for a person to whom this section applies is the amount worked out by treating the person as if the person were a person mentioned in section 129 of the Act:
 - (a) to whom subsection 125(1) of the Act applies; and
 - (b) if, for the purposes of subsection 130(1) of the Act, the number of hours worked by the person exceeds the number mentioned in that subsection—to whom section 130 applies; and
 - (c) whose actual earnings are worked out in accordance with section 132 of the Act.

16 Normal and actual earnings—former declared member not engaged in paid civilian work before last ceasing to be a member of the Defence Force, who did not undertake career transition assistance

- (1) For the purposes of section 175 of the Act, this section applies to a person:
 - (a) who was a declared member; and

Part 3 Matters relating to declared members

Division 2 Working out compensation for former declared members

Section 16

- (b) who, for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (c) who was a declared member when the service injury was sustained or the service disease was contracted; and
 - (d) in respect of whom the Commonwealth is liable to pay compensation under section 118 of the Act; and
 - (e) who has not chosen to receive a Special Rate Disability Pension under Part 6 of Chapter 4 of the Act; and
 - (f) who did not have paid civilian work before last ceasing to be a member of the Defence Force.
- (2) The person's normal earnings for a week is the amount worked out by:
- (a) treating the person as if the person were an incapacitated person mentioned in section 152 of the Act; and
 - (b) assuming, for the application of section 153 of the Act, that the person would have a civilian component of:
 - (i) if subsection (3) of this section applies—an amount determined by the Commission, having regard to the person's qualifications, skills and experience, and assuming that the person's normal weekly hours are 37.5 hours; or
 - (ii) otherwise—nil; and
 - (c) assuming, for the application of section 153 of the Act, that the person would have an ADF component of nil; and
 - (d) working out the amount that would be the person's normal earnings if the person were an incapacitated person; and
 - (e) treating the person's normal weekly hours as being 37.5 hours.
- (3) For the purposes of subparagraph (2)(b)(i), this subsection applies if:
- (a) the person is aged 16 years or over; and
 - (b) the person is unable to continue full-time studies or enter the workforce as a result of the incapacity; and
 - (c) the person has undertaken a rehabilitation assessment; and
 - (d) the person:
 - (i) has undertaken a rehabilitation program;
 - (ii) is undertaking a rehabilitation program;
 - (iii) is not currently fit to undertake a rehabilitation program;
 - (iv) is assessed as not requiring a rehabilitation program.
- (4) The actual earnings for a week for a person to whom this section applies is the amount worked out by treating the person as if the person were a person mentioned in section 129 of the Act:
- (a) to whom subsection 125(1) of the Act applies; and
 - (b) if, for the purposes of subsection 130(1) of the Act, the number of hours worked by the person exceeds the number mentioned in that subsection—to whom section 130 applies; and

- (c) whose actual earnings are worked out in accordance with section 132 of the Act.

17 Normal and actual earnings—incapacitated former declared member who undertook career transition assistance

- (1) For the purposes of section 175 of the Act, this section applies to an incapacitated former declared member who has completed a period of career transition assistance who:
 - (a) for a week referred to in this section, was incapacitated for either or both service or work as a result of a service injury or disease; and
 - (b) was a declared member when the service injury was sustained or the service disease was contracted.
- (2) The normal earnings for a week for a member to whom this section applies is the amount worked out by treating the member as if the member were a person mentioned in section 141 of the Act who was a Permanent Forces member immediately before last ceasing to be a member of the Defence Force.
- (3) The actual earnings for a week for a member to whom this section applies is the amount worked out by treating the member as if the member were a person mentioned in section 129 of the Act:
 - (a) to whom subsection 125(1) of the Act applies; and
 - (b) if, for the purposes of subsection 130(1) of the Act, the number of hours worked by the person exceeds the number mentioned in that subsection—to whom section 130 applies; and
 - (c) whose actual earnings are worked out in accordance with section 132 of the Act.

Division 3—Working out compensation for parts of weeks

18 Working out compensation for parts of weeks for declared members

For the purposes of paragraph (b) of the definition of *number of days* in subsection 196(3) of the Act, the number of days for a declared member is:

- (a) if the member is on career transition assistance—5 days; or
- (b) if paragraph (a) does not apply, and the member is engaged in paid employment—the number of days the member normally works in a week;
or
- (c) if neither paragraph (a) nor (b) applies—5 days.

Part 3A—Employment support to former members

Division 1—Preliminary

18A Purpose of this Part

- (1) This Part is made for the purposes of subsection 268D(1) of the Act.
- (2) It provides for and in relation to the granting of specified kinds of assistance to certain former members to assist them to transition into civilian work.

Section 18B

Division 2—Application and eligibility for assistance

18B Application for assistance

- (1) A person may apply to the Commission for assistance under this Part if:
 - (a) the person is a former member; and
 - (b) the transition day for the person is at least 12 months and no more than 5 years before the day the person makes the application.
- (2) The application must:
 - (a) be in a form approved in writing by the Commission; and
 - (b) include any information, and be accompanied by any documents, required by the Commission.

Division 3—Eligibility for assistance

18C Eligibility criteria

A person is eligible to be granted assistance under section 18D if:

- (a) the person is a former member; and
- (b) the transition day for the person is at least 12 months and no more than 5 years before the day the person makes an application under section 18B; and
- (c) the person declares in the application that the person:
 - (i) is unemployed or is underemployed because the person is employed fewer hours than the person would like to work; or
 - (ii) is seeking assistance to change careers; or
 - (iii) is seeking assistance to adjust to a civilian workplace; and
- (d) the person is not:
 - (i) undertaking an approved rehabilitation program; or
 - (ii) undertaking a rehabilitation program provided under section 37 of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*; or
 - (iii) receiving assistance under the Veterans' Vocational Rehabilitation Scheme (within the meaning of the *Veterans' Entitlements Act 1986*); and
- (e) the person has not previously been granted assistance to transition into civilian work under section 18D.

Division 4—Grant of assistance

18D Assistance to transition into civilian work

- (1) The Commission must grant a person assistance to transition into civilian work of a kind specified in subsection (3) if the person:
 - (a) made an application in accordance with section 18B; and
 - (b) meets the eligibility criteria mentioned in section 18C;
- (2) The grant of assistance under subsection (1) to the person is subject to:
 - (a) the conditions specified in section 18E; and
 - (b) the limits on the provision of the assistance specified in section 18F.
- (3) For the purposes of subsection (1), the following kinds of assistance are specified:
 - (a) an initial session to identify and plan what assistance of a kind mentioned in paragraphs (b) to (d) the person requires;
 - (b) pre-employment assistance including, but not limited to, assistance to:
 - (i) develop and review civilian career goals; or
 - (ii) undertake personality profiling; or
 - (iii) develop job searching skills including translating skills to other jobs; or
 - (iv) develop personal branding and marketing; or
 - (v) develop interviewing skills; or
 - (vi) develop negotiating skills; or
 - (vii) undertake adjustment coaching to adjust to civilian work; or
 - (viii) undertake competency and capability mapping; or
 - (ix) develop workplace communication skills; or
 - (x) break out of long-term unemployment (including assistance to re-examine employment strategies and tactics);
 - (c) post-employment assistance including, but not limited to, assistance to:
 - (i) navigate civilian workplace issues; or
 - (ii) seek career or job advancement;
 - (d) a combination of the kinds of assistance mentioned in paragraphs (b) and (c);
 - (e) a final session with an assistance provider to reflect with the person on the assistance provided and report to the Commission on that assistance.

18E Conditions on grant of assistance

The assistance granted to a person under subsection 18D(1) is subject to the condition that the person must participate in the initial planning session for the person.

18F Limits on the provision of assistance

- (1) The provision of assistance granted to a person under subsection 18D(1) is limited in accordance with this section.
- (2) The assistance (excluding the assistance mentioned in paragraphs 18D(3)(a) and (e)) is limited to the provision of:
 - (a) 10 hours of assistance; or
 - (b) if, after identifying and planning the assistance required at the initial planning session for the person:
 - (i) the person agrees that an amount that is less than 10 hours of assistance is required; and
 - (ii) the Commission is notified of this in writing; that amount of assistance that is less than 10 hours; or
 - (c) the number of hours of assistance (that is 10 hours or less) that the person receives before assistance is no longer available to the person under subsection (3).
- (3) The assistance is no longer available to the person on:
 - (a) the later of:
 - (i) the day that is 5 years after the transition day for the person; and
 - (ii) the day that is 12 months after the initial planning session for the person; or
 - (b) if, after the assistance is granted to the person, the person starts undertaking a program or receiving assistance mentioned in subsection (4)—the day that is the earlier of the following:
 - (i) the day that is 6 months after the person starts the program or receives the assistance;
 - (ii) the day mentioned in paragraph (a).
- (4) For the purposes of paragraph (3)(b), the programs and assistance are as follows:
 - (a) an approved rehabilitation program;
 - (b) a rehabilitation program provided under section 37 of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*;
 - (c) assistance under the Veterans' Vocational Rehabilitation Scheme (within the meaning of the *Veterans' Entitlements Act 1986*).
- (5) The assistance mentioned in paragraphs 18D(3)(a) and (e) is limited to the provision of no more than a total of 2 hours of assistance to the person.

Section 19

Part 4—Review by the Board of original determinations

19 Application of the *Veterans' Entitlements Regulations 1986*

- (1) For the purposes of section 353 of the Act:
- (a) regulations 2, 8A to 9AL, 9AN, 10 and 12 of the *Veterans' Entitlements Regulations 1986*; and
 - (b) Form 3 of Schedule 1 to those Regulations;
- apply for the purposes of the application of the applied provisions specified in section 353 of the Act to a review by the Board under Part 4 of Chapter 8 of the Act.
- (2) Those provisions of the *Veterans' Entitlements Regulations 1986* apply as if appropriate modifications were made, including the following substitutions:

Substitutions to be made in provisions of the <i>Veterans' Entitlements Regulations 1986</i>			
Item	In this provision:	For each reference to:	Substitute a reference to:
1	paragraph (c) of the definition of <i>attendant</i> in subregulation 9(1)	Commission	Military Rehabilitation and Compensation Commission
2	subregulation 9(3), (4) or (5)	Commission	Military Rehabilitation and Compensation Commission
3	subregulation 9(16)	a veteran or a dependant of a deceased veteran	a claimant (within the meaning of the <i>Military Rehabilitation and Compensation Act 2004</i>)
4	subregulation 9(16) or (17)	veteran or dependant	claimant
5	subregulation 9(18) (not including the examples)	(a) veteran or a dependant of a deceased veteran; or (b) veteran or dependant	claimant (within the meaning of the <i>Military Rehabilitation and Compensation Act 2004</i>)
6	each example for subregulation 9(18)	veteran	claimant
7	regulation 9AD, 9AE, 9AF, 9AG, 9AH, 9AI, 9AJ, 9AK or 9AL	Commission	Military Rehabilitation and Compensation Commission
8	Form 3 in Schedule 1	VETERANS' ENTITLEMENTS REGULATIONS	VETERANS' ENTITLEMENTS REGULATIONS (as applied under section 19 of the <i>Military Rehabilitation and Compensation Regulations 2020</i>)
9	Form 3 in Schedule 1	a decision of the Repatriation Commission	an original determination under Part 4 of Chapter 8 of the <i>Military Rehabilitation</i>

Substitutions to be made in provisions of the *Veterans' Entitlements Regulations 1986*

Item	In this provision:	For each reference to:	Substitute a reference to:
10	Form 3 in Schedule 1	<i>Veterans' Entitlements Act 1986</i>	<i>Veterans' Entitlements Act 1986</i> (as applied under section 353 of the <i>Military Rehabilitation and Compensation Act 2004</i>)

Part 5—Indexation of certain pay and earnings

20 Indexation of pre-CFTS pay and civilian daily earnings

- (1) For the purposes of paragraph 182(1)(a) of the Act, the index for the purposes of section 182 of the Act is *Total hourly rates of pay excluding bonuses*, contained in *6345.0 Wage Price Index, Australia*, published by the Australian Bureau of Statistics in respect of the most recent quarter.
- (2) For the purposes of paragraph 182(1)(b) of the Act, the manner of working out an increase in the amount of a person’s pre-CFTS pay or civilian daily earnings is:
 - (a) to assume that the pre-CFTS pay or civilian daily earnings is a dollar amount to be indexed under subsection 404(1) of the Act; and
 - (b) to treat the **December index number** mentioned in section 404 of the Act as the value for “December” in the tables of the index referred to in subsection (1) under the headings “Australia”, “Private and Public” and “All industries”.

Note: In 2020, the index was found in “Table 1. Total Hourly Rates of Pay Excluding Bonuses: Sector, Original, Seasonally Adjusted and Trend” under the data item description “Percentage Change from Corresponding Quarter of Previous Year; Total hourly rates of pay excluding bonuses; Australia; Private and Public; All industries” (see the Australian Bureau of Statistics’ website).

21 Indexation of \$100 in ADF pay

- (1) For the purposes of paragraph 183(1)(a) of the Act, the index for the purposes of section 183 of the Act is created by:
 - (a) treating a base amount of \$100 as being in effect on 31 December 2001; and
 - (b) applying to the base amount the percentage increases required in each subsequent calendar year in accordance with the ADF Workplace Remuneration Arrangement applicable to that subsequent calendar year.
- (2) For the purposes of paragraph 183(1)(b) of the Act, the manner of working out the increase in an amount of \$100 mentioned in that paragraph is:
 - (a) for the year ending on 31 December 2002—to multiply the amount of \$100 by the value of 104.55, and divide the result by 100; and
 - (b) for the year ending on 31 December 2003—to multiply the amount of \$100 by the value of 107.69, and divide the result by 100; and
 - (c) for each subsequent calendar year—to multiply the amount of \$100 by the value of the index set out in subsection (1) on 31 December in that year, and divide the result by 100.

Note: The values mentioned in paragraphs (2)(a) and (b) are the values for 2002 and 2003 worked out using the index set out in subsection (1).

Part 6—Other matters

22 Provision of information by the Commission

For the purposes of item 3 of the table in subsection 409(2) of the Act, each purpose mentioned in an item in the following table is specified for the person or agency specified in the item.

Providing information to a specified person or agency for a specified purpose		
Item	For this person or agency:	The purposes are:
1	(a) an employee, or contractor, of the Defence Department; or (b) the Chief of the Defence Force	(a) monitoring or reporting of the Defence Force's occupational health and safety performance; or (b) monitoring the cost to the Commonwealth of a service injury or a service disease
2	an employee, or contractor, of the Human Services Department	(a) administering the social security law; or (b) giving information relevant to the administration of concessions provided, on the basis of receipt of compensation under the Act, by: (i) a State, Territory or local government authority; or (ii) an organisation included in a class set out in the table in subsection 17(2) of the <i>Privacy Regulation 2013</i>

Note: ***Defence Department***, ***Defence Force***, ***service disease*** and ***service injury*** are defined in section 5 of the Act.

Part 7—Application and transitional matters

23 Things done under the *Military Rehabilitation and Compensation Regulations 2004* etc.

Things done under the Military Rehabilitation and Compensation Regulations 2004

- (1) If:
 - (a) a thing was done for a particular purpose under the *Military Rehabilitation and Compensation Regulations 2004* as in force before those Regulations were repealed; and
 - (b) the thing could be done for that purpose under this instrument;the thing has effect for the purposes of this instrument (and may be dealt with) as if it had been done under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a calculation, determination, decision or other instrument being given or made.

Things done under the applied Veterans' Entitlements Regulations 1986

- (3) If:
 - (a) a thing was done for a particular purpose under the old VE law before the *Military Rehabilitation and Compensation Regulations 2004* were repealed; and
 - (b) the thing could be done for that purpose under the new VE law;the thing has effect for the purposes of the new VE law (and may be dealt with) as if it had been done under the new VE law.
- (4) Without limiting subsection (3), a reference in that subsection to a thing being done includes a reference to a calculation, determination, decision, application, notice or other instrument being given or made.

- (5) In this section:

new VE law means the *Veterans' Entitlements Regulations 1986* as applied by this instrument.

old VE law means the *Veterans' Entitlements Regulations 1986* as applied by the *Military Rehabilitation and Compensation Regulations 2004*.

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 the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

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 Regulations 2020	24 Mar 2020 (F2020L00297)	25 Mar 2020 (s 2(1) item 1)	
Military Rehabilitation and Compensation Amendment (Transition to Civilian Work) Regulations 2021	29 Mar 2021 (F2021L00363)	30 Mar 2021 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
s 5	am F2021L00363
Part 3A	
Part 3A	ad F2021L00363
Division 1	
s 18A	ad F2021L00363
Division 2	
s 18B	ad F2021L00363
Division 3	
s 18C	ad F2021L00363
Division 4	
s 18D	ad F2021L00363
s 18E	ad F2021L00363
s 18F	ad F2021L00363
Schedule 1	rep LA s 48C
