Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Bill 2016

(The DRCA Bill)

The DRCA would duplicate the Safety, Rehabilitation and Compensation Act 1988 (SRCA) as a standalone Act, with modifications to limit coverage under the Act to ADF members and their dependants.

If the DRCA is enacted, the Minister for Veterans’ Affairs will have policy responsibility for all veterans’ affairs compensation legislation.

Separating ADF coverage from the SRCA into a “military specific” Act will allow the Minister for Veterans’ Affairs and the Military Rehabilitation and Compensation Commission to consider changes to the DRCA that recognise the unique nature of defence service.

Eligibility and benefits under the DRCA will be the same as those currently available to the military under the SRCA.

The DRCA will cover the same period of defence service (pre 1 July 2004) as currently exists under the SRCA.

The version of the DRCA that will apply to a person’s claim is the version of the SRCA that existed at the time an injury/illness was sustained.

A “Henry VIII” clause has been included to act as a safeguard to ensure that the DRCA operates in the manner intended.

The “Henry VIII” clause would give the Minister for Veterans’ Affairs the power to ensure that, in moving from the SRCA to the DRCA, individual clients are not prevented from accessing the earlier version of the SRCA (and benefits) that existed at the time their injury or illness occurred.

Every effort has been made to ensure ADF members are not disadvantaged by the DRCA’s commencement.

However, in case a person is disadvantaged, a “Henry VIII” clause would enable the Minister to override the DRCA if a case of disadvantage came to his/her attention.

The “Henry VIII” clause would not allow the Minister to bypass the normal Parliamentary process (and associated scrutiny) to enact future policy/legislation changes.

The “Henry VIII” clause can only be used to ensure that no person (other than the Commonwealth) is disadvantaged by the DRCA’s commencement.