

AUSTRALIAN DEFENCE FORCE CADETS: REHABILITATION AND COMPENSATION

INTRODUCTION

1.1 All Officers of Cadets (OOC), Instructors of Cadets (IOC) and Cadets of the Australian Navy Cadets (ANC), Australian Army Cadets (AAC) and Australian Air Force Cadets (AAFC) are covered under the [Military Rehabilitation and Compensation Act 2004](http://www.austlii.edu.au/au/legis/cth/consol_act/mraca2004397/)¹ (MRCA) for injury, disease or death relating to cadet activities. For those with service prior to 01 July 2004, they may also have coverage under the [Safety, Rehabilitation and Compensation Act 1988](http://www.austlii.edu.au/au/legis/cth/consol_act/sraca1988368/)² (SRCA).

POLICY INTENT

- 1.2 The intent of this policy is to:
- a. provide information regarding Commonwealth rehabilitation and compensation arrangements for Australian Defence Force (ADF) Cadets members under the MRCA and SRCA; and
 - b. provide guidance on the provision of personal information including health information by a Service Chief to the Department of Veterans Affairs (DVA).

POLICY PRINCIPLES

- 1.3 The principles applicable to this policy are:
- a. Principle 1 – Under certain conditions ADF Cadets members are eligible for rehabilitation, compensation and support under either the MRCA or SRCA.
 - b. Principle 2 – Each Service Chief must collect, access, manage and disclose ADF Cadets members information in accordance with the [Privacy Act 1988](http://www.austlii.edu.au/au/legis/cth/consol_act/privacy19883/)³, and the requirements of the MRCA and/or SRCA.

POLICY PRACTICES AND MEASURES

Principle 1 – Under certain conditions ADF Cadets members are eligible for rehabilitation, compensation and support under the MRCA or SRCA.

1.4 The SRCA provides rehabilitation and compensation coverage for cadets, OOC and IOC of the ANC, AAC and AAFC for accepted conditions (ie injury or illness) arising from service from 03 January 1949 until, and including, 30 June 2004.

1.5 The MRCA provides rehabilitation and compensation coverage for cadets, OOC and IOC of the ANC, AAC and AAFC for accepted conditions (ie injuries or diseases) arising from service on or after 01 July 2004.

- 1.6 Both Acts provide coverage for injury, disease or death:
- a. occasioned while attending cadet activities;
 - b. sustained while travelling between home and the place where they undertake cadet activities, including parades, camps, etc; or

¹ http://www.austlii.edu.au/au/legis/cth/consol_act/mraca2004397/

² http://www.austlii.edu.au/au/legis/cth/consol_act/sraca1988368/

³ http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/

c. materially contributed to or aggravated by cadet activities.

1.7 Claimants may obtain further information relating to the MRCA and SRCA from DVA. DVA administers claims under both the MRCA and SRCA.

1.8 ADF Cadets members are not eligible for assistance under the ADF Rehabilitation Program. The rehabilitation authority for ADF Cadets members where liability has been accepted for a claim for compensation in respect to the member's related injury or illness is the Military Rehabilitation and Compensation Commission.

1.9 If a member believes that they have sustained an injury or illness that is related to their participation in ADF Cadets activities, the claimant should submit a claim under the MRCA or SRCA to DVA as soon as practical. Assistance in the completion of compensation claims is to be provided to ADF Cadets members by the cadet organisation.

1.10 Each Service Chief must ensure procedures are implemented by their respective cadet organisation to enable the timely and accurate notification of all serious incidents or fatalities involving ADF Cadets members to the parent Service headquarters and the Chief of Defence Force (CDF).

1.11 In order to ensure appropriate engagement between Defence and DVA, a Service Chief must notify the CDF of all serious incidents or fatalities involving ADF Cadets members.

Principle 2 – Each Service Chief must collect, access, manage and disclose ADF Cadets members information in accordance with the [Privacy Act 1988](#), and the requirements of the SRCA and/or MRCA.

1.12 Personal information records must be retained by the cadet organisation and made available to DVA on receipt of a lawful request.

1.13 In addition to the requirement to provide all relevant information to DVA in response to a claim under SRCA or MRCA, in the event of a member being involved in a serious incident, a Service Chief must disclose the following information to DVA:

- a. the member's name and cadet organisation details;
- b. that a serious incident or fatality, as defined in the Defence policy contained in the Defence Causality and Bereavement Support Manual, has occurred (including a general description of the nature and timing of that incident); and
- c. the member's contact details (including current cadet unit), or the contact details of the member's cadet unit, as appropriate to the circumstances.

1.14 The provision of a member's personal information to DVA by a Service Chief allows DVA to proactively engage with the member to determine what assistance DVA may be able to provide should the member intend to submit a claim under SRCA or MRCA. Early engagement by DVA does not; however, constitute a claim or acceptance of liability under the relevant legislation nor does it remove from the member the responsibility to submit a claim to DVA.

1.15 Records of activity attendance, injury, illness and treatment are to be retained by the cadet organisations in accordance with the Defence Records Management Policy Manual as evidence for any claims made through DVA.

ROLES AND RESPONSIBILITIES

SERVICE CHIEFS

1.16 The Service Chiefs are responsible for:

- a. ensuring that information related to any serious incident or fatality that occurs during ADF Cadets activities is provided to relevant mandated agencies; and
- b. ensuring processes are in place whereby ADF Cadets members are informed that the disclosure of personal information to Defence and mandated agencies in accordance with this policy is normal practice.

DIRECTOR-GENERAL DEFENCE COMMUNITY ORGANISATION

1.17 Director-General Defence Community Organisation may provide assistance to the guardian(s) of a cadet under the Australians Dangerously Ill Scheme in accordance with Chapter 2 of the Defence Casualty and Bereavement Support Manual.

RELATED POLICY

DEFENCE

Defence Casualty and Bereavement Support Manual

Defence Incident Reporting and Management Manual

Defence Privacy Policy

Records Management Policy Manual

Accountable Officer: Chief Joint Capability

Policy Officer: Head Reserve and Youth Division

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