



2004B00176



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

Statutory Rules 2004 No. 1

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*.

Dated 24 JUN 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

DANNA VALE
Minister for Veterans' Affairs

1 Name of Regulations

These Regulations are the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Regulations 2004*.

2 Commencement

These Regulations commence on 1 July 2004.

3 Definitions

In these Regulations:

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

Note 1 Expressions used in these Regulations have the meaning given by subsection 4 (1) of the Act. For example:

- MRCA
- SRCA.

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

- compensation
- financial year
- Special Rate Disability Pension.

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

- (1) For paragraph 24 (3) (b) of the Act, this regulation 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 SRCA.

Note Subsection 14 (2) of the Act applies regulations made for paragraph 24 (3) (b) of the Act.

- (2) For subregulation (1), and subject to regulation 5, the method is:

$$\frac{\text{current lump sum amount}}{\text{aged based number}}$$

where:

aged based number means the number that is advised by the Australian Government Actuary by reference to the age of the person on the day on which the lump sum amount for section 24, 25 or 27 of the SRCA was paid to the person, and the gender of the person.

current lump sum amount means the amount worked out in accordance with subregulation (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 SRCA, 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 SRCA; 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 SRCA.

5 Weekly amount to be indexed

- (1) For the application of these Regulations for subsection 14 (2) of the Act, the weekly amount worked out under regulation 4 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.

Regulation 5

- (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 regulation 4 as if a reference to *dollar amount* in that section is a reference to *weekly amount*.

Note

1. Notified in the *Commonwealth of Australia Gazette* on / 2004.

25 June