



Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988

## Safety, Rehabilitation and Compensation (Defence-related Claims) (Full-time Study) Instrument 2018

Instrument 2018 No. MRCC 76

The Military Rehabilitation and Compensation Commission, by its delegates, under subsection 19(3AC) of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*, makes the following instrument.

Dated this 17<sup>th</sup> day of October 2018

The Seal of the  
Military Rehabilitation and Compensation Commission )  
was affixed hereto in the ) SEAL  
presence of: )  
)

Elizabeth Cosson  
**ELIZABETH COSSON**  
AM CSC  
**CHAIR and DELEGATE**

C Orme  
**CRAIG ORME**  
DSC AM CSC  
**MEMBER and DELEGATE**

M A Kelly  
**MAJOR GENERAL MARK KELLY**  
AO DSC  
**MEMBER and DELEGATE**

## **1 Name**

This instrument is the *Safety, Rehabilitation and Compensation (Defence-related Claims) (Full-time Study) Instrument 2018*.

## **2 Commencement**

This instrument commences on 1 November 2018.

## **3 Authority**

This instrument is made under subsection 19(3AC) of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

## **4 Purpose**

The purpose of this instrument is to determine the circumstances of undertaking full-time study for the purposes of subsection 19(3AB) of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

## **5 Full-time study**

- (1) For the purposes of subsection 19(3AB) of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*, a person is undertaking full-time study in the circumstances set out in subsection (2).
- (2) A person is undertaking full-time study if:
  - (a) the person is enrolled in a course of study or instruction that:
    - (i) leads to the award of any of the types of qualifications referred to in subsection (3); or
    - (ii) is necessary to complete in order to meet the requirements for entry into a course of study or instruction referred to in subparagraph (i); and
  - (b) the person is undertaking in the particular study period (for example, a semester) for which he or she is enrolled in the course at least three-quarters of the normal amount of full-time study in respect of the course for that period; and
  - (c) in the Commission's opinion, the person is making satisfactory progress towards completing the course.
- (3) The types of qualifications are:
  - (a) the Senior Secondary Certificate of Education referred to in the *Australian Qualifications Framework* or a qualification that is equivalent to it; or
  - (b) a qualification accredited at any of the following levels in the *Australian Qualifications Framework*:
    - (i) Certificate I, II, III or IV;
    - (ii) diploma;

- (iii) advanced diploma or associate degree;
  - (iv) bachelor degree;
  - (v) bachelor honours degree, graduate certificate or graduate diploma.
- (4) For the purposes of paragraph (2)(b), the normal amount of full-time study in respect of a course is:
- (a) if the institution or body conducting the course defines an amount of full-time study that a full-time student should typically undertake in respect of the course – the amount so defined; or
  - (b) otherwise – an amount of full-time study equivalent to the average amount of full-time study that a person would have to undertake for the duration of the course in order to complete the course in the minimum amount of time needed to complete it.
- (5) In this section, “***Australian Qualifications Framework***” means the framework for recognition and endorsement of qualifications:
- (a) that is established by the Council consisting of the Ministers for the Commonwealth and each State and Territory responsible for higher education; and
  - (b) that is to give effect to agreed standards in relation to the provision of education in Australia;
- as in force on the day of commencement of this instrument.

*Note:* The version of the *Australian Qualifications Framework* that is in force on the day of commencement of this instrument is the Second Edition January 2013. The *Australian Qualifications Framework* is available at: <https://www.aqf.edu.au/sites/aqf/files/aqf-2nd-edition-january-2013.pdf>.