

Delegated claims

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Agencies with delegation to manage claims

Australian Defence Force (ADF)

Comcare manages the claims for Department of Defence **civilian** employees. However, the Claims Management Group does not, and has not in the past, managed claims for compensation for military employees. Those claims have been managed by delegates of both the Department of Veteran's Affairs (DVA) and Department of Defence under the SRC Act and later under the *Military Rehabilitation and Compensation Act 2004* (MRCA).

Three key pieces of legislation provide for this coverage and the extent of the coverage depends on the circumstances of the specific dates of service for the member and whether the medical conditions were sustained in operational circumstances or deployments. Those three pieces of legislation are:

- [The Veterans' Entitlements Act 1986](#) (VEA)
- [The Safety, Rehabilitation \(Defence-related Claims\) Act 1988](#) (DRCA)
- [The Military Compensation Act 1994](#) (MRCA)
 - This act amended the VEA and SRC Act for specific ADF claims.

From the commencement of the SRC Act in 1988, compensation claims for ADF members were originally managed by the Department of Defence under delegation from Comcare's CEO. Delegation later moved from the Department of Defence to the DVA in 1999 following a Federal Government review of all veterans' entitlements and a subsequent new delegation instrument being signed by Comcare's then CEO.

The federal review of the veterans' entitlements also resulted in the MRCA being introduced. It provided coverage for medical conditions suffered by current and former ADF members from their Defence service, sustained on or after 1 July 2004. This coverage is currently managed by DVA directly with no delegation required from Comcare.

The *Safety, Rehabilitation and Compensation (Defence related Claims) Act 1988* (DRCA) then amended the SRC Act again to remove cover for ADF claims from 12 October 2017. The DRCA created a second modified version of the SRC Act applicable to ADF members for injuries/diseases sustained prior to 1 July 2004, removing the requirement for delegation from Comcare for those matters.

Other Delegated Claims Arrangements

Comcare has offered alternative claims management arrangements to enable some agencies to play a greater role in managing their organisation's claims. Under these arrangements, Comcare's CEO can delegate claims management powers and responsibilities, including decision making, to appropriate delegates of certain Commonwealth employers.

To be eligible for an alternative claims management arrangement, an agency must be a non corporate Commonwealth entity. Current agencies undertaking this system include Services Australia and the Australian Taxation Office. More details on delegated claims arrangements can be found on the Comcare website under [Delegated claims management arrangements](#). For any queries, you should contact the [Contracted Claims Services team](#).