

## **EXPLANATORY STATEMENT**

### **Veterans' Entitlements (Treatment Principles –Access to RAP Equipment in Institutions and under Health Programs) Instrument 2007 (Instrument No. R10/2007)**

#### **EMPOWERING PROVISION**

Section 90 of the *Veterans' Entitlements Act 1986* (the Act).

#### **PURPOSE**

To amend the *Treatment Principles* (the Principles) to enable entitled persons who are issued non-consumable rehabilitation appliances by the Department of Veterans' Affairs (DVA) prior to entering an institution or a Commonwealth, State or Territory program (Health program) to retain the appliance after they have entered the institution or Health program for as long as they need it or until the Repatriation Commission (the Commission) requests the return of the appliance.

The Principles are made under section 90 of the Act and set out the circumstances in which the Commission may accept financial liability for treatment provided to entitled persons.

Part 11 of the Principles sets out circumstances in which the Commission may approve the provision of rehabilitation appliances under the Rehabilitation Appliances Program (RAP program).

Under Part 11 of the Principles rehabilitation appliances cannot be supplied to an entitled person residing in an institution where the Commission is satisfied that the appliance should be supplied by the institution under legislation under which the institution is registered or as a result of charges made or subsidies received by the institution under Commonwealth, State or Territory legislation.

Currently, where the Commission is satisfied that it is the responsibility of the institution, including residential aged care facilities, to provide the particular rehabilitation appliance, then the Principles may require the removal of the appliance from an entitled person once the person enters the institution.

This Instrument will allow entitled persons who enter an institution the continued use of non - consumable rehabilitation appliances that were

assessed and approved prior to the entitled persons entering the institution.

Similarly, the Instrument will allow entitled persons who have entered a Health program that provides equipment to assist entitled persons to remain in their home, the continued use of non - consumable rehabilitation appliances that were issued by DVA prior to them entering the Health program.

However, where an entitled person who is in receipt of a consumable rehabilitation appliance eg: continence products, enters an institution or a Health program and the Commission is satisfied that the institution or Health program has a responsibility to supply such consumable appliances, it is not intended that the Commission will be responsible for the ongoing supply of such consumable appliances.

## **RETROSPECTIVITY**

None. The Instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

## **DOCUMENTS INCORPORATED BY REFERENCE**

None.

## **CONSULTATION**

Ex - Service Organisations have been consulted through the National Ex - Service Round Table on Aged Care (NERTAC). NERTAC is the pre-eminent consultative body in relation to aged care issues for the veteran community and its membership includes representatives from Ex - Service Organisations that represent stakeholders likely to be affected by this Instrument. NERTAC wholly supported the implementation of this Instrument.

Consultation was also undertaken with the Department of Health and Ageing (DOHA) as a body representative of a wide range of stakeholders in the aged care industry. DOHA wholly supported the implementation of this Instrument.

## **FURTHER DETAILS**

See Attachment.

## **Attachment**

- Paragraph [1] sets out the name of the Instrument.
- Paragraph [2] provides that the Instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.
- Paragraph [3] states that the Schedule to the Instrument varies the Principles.
- Paragraph [4] inserts a new definition for consumable rehabilitation appliances.
- Paragraph [5] inserts a note after paragraph 11.2.1 which sets out an example of a situation where the Commission could request the return of a rehabilitation appliance.
- Paragraph [6] amends paragraph 11.3.6 by making the paragraph subject to the provisions of new paragraph 11.3.6A.
- Paragraph [7] inserts a new subparagraph 11.3.6(bb) which provides that the Commission will not approve the supply of a rehabilitation appliance to an entitled person where it is satisfied that the appliance should be supplied under a Commonwealth, State or Territory program.
- Paragraph [8] inserts new paragraphs 11.3.6A and 11.3.6B in the Principles.
- Subparagraph 11.3.6A(a) provides that entitled persons who have been issued with a rehabilitation appliance under the RAP program prior to entering an institution will be able to retain that

appliance until they no longer need it or if the Commission requests its return.

Subparagraph 11.3.6A(b) provides that entitled persons who have been issued with a rehabilitation appliance under the RAP program prior to entering a Commonwealth, State or Territory program will be able to retain that appliance until they no longer need it or if the Commission requests its return.

Paragraph 11.3.6B ensures that the Commission will not be responsible for the ongoing supply of consumable rehabilitation appliances eg: continence products, once the entitled person enters an institution or a Commonwealth, State or Territory program.