



## Australian Government

Australian Participants in British Nuclear Tests (Treatment) Act 2006

# Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Providers/Incorporated Documents) Instrument 2007

Instrument No. R27/2007

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I, Alan Griffin, Minister for Veterans' Affairs, pursuant to subsection 16(7) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*, approve this instrument made by the Repatriation Commission.

Dated this 24th day of January 2008

Alan Griffin

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**ALAN GRIFFIN**

The Repatriation Commission, pursuant to subsection 16(6) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*, varies the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* (Instrument No.R30 of 2006), in accordance with Schedules A and B.

Dated this 14th day of January 2008

Mark Sullivan

Ed Killesteyn

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**MARK SULLIVAN**  
**PRESIDENT**

.....  
**ED KILLESTEYN**  
**DEPUTY PRESIDENT**

## 1. Name of Instrument

This instrument is the Treatment Principles Australian Participants in British Nuclear Tests) 2006 (Providers/Incorporated Documents) Instrument 2007.

## 2. Commencement

This instrument commences when it is registered on the Federal Register of Legislative Instruments.

## 3. Definitions

For the purposes of this instrument other than the Schedules:

*Department of Veterans' Affairs* means the Department of State known as the Department of Veterans' Affairs;

*entitled person* means a person entitled to treatment under the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006*;

*health care provider* means a person who provides treatment of a type referred to in the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006*;

*Notes for Providers* means a document prepared by the *Department of Veterans' Affairs* that includes the word "Notes" in its title and which sets out the terms and conditions on which the *Repatriation Commission* will accept financial liability under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* for treatment provided by a *health care provider* to an *entitled person* e.g. Notes for Exercise Physiologists;

*Repatriation Commission* means the body corporate continued in existence under section 179 of the *Veterans' Entitlements Act 1986*;

*Treatment Principles (Australian Participants in British Nuclear Tests) 2006* means the legislative instrument made by the *Repatriation Commission* under section 16 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

## 4. Application

Any procedure or other action, or decision, commenced or made, as the case may be, under *Notes for Providers*, before the commencement of this instrument that, on the commencement of this instrument remains incomplete or not implemented, as the case may be, is taken to have been made under the relevant Notes as incorporated into the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* by this instrument and the procedure or other action, or decision, may be completed or implemented, as the case may be, under those Notes.

## Schedule A – Disqualification of Providers

### 1. Paragraph 1.4.1 (definition of “Medicare benefit”)

*omit, substitute:*

“**medicare benefit**” has the same meaning as in section 3 of the *Health Insurance Act 1973* in force from time to time.

### 2. Paragraph 1.4.1 (definition of “physiotherapy”)

*after this definition, insert:*

“**practitioner**” has the same meaning as in section 124B of the *Health Insurance Act 1973* in force from time to time.

### 3. Paragraph 1.4.1 (definition of “provider number”)

*omit, substitute:*

“**provider number**” means the number that:

- (a) is allocated by the Chief Executive Officer of *Medicare Australia* or by his or her delegate or by a person authorised by the Chief Executive Officer, to a *practitioner*; and
- (b) identifies the *practitioner* and the places where the *practitioner* practises his or her profession.

Note: see regulation 2 of the *Health Insurance Regulations 1975*.

### 4. Paragraph 4.3.4

*after this paragraph, insert:*

#### 4.3A Disqualified Medical Practitioners

**4.3A.1** The *Commission* is not to accept financial responsibility for the cost of a medical service provided to an *entitled person* by, or on behalf of, a *LMO*, *other GP* or a *medical specialist* if, at the time the service was provided, a *medicare benefit* would not have been payable in respect of the service under

section 19B or section 19C of the *Health Insurance Act 1973* (in force from time to time) if the *LMO, other GP or medical specialist* had provided the service as a *practitioner* under that Act.

## 5. Paragraph 5.2.6

*after this paragraph, insert:*

### 5.2A Disqualified Dental Practitioners

**5.2A.1** The *Commission* is not to accept financial responsibility for the cost of a dental service provided to an *entitled person* by, or on behalf of, a *dental prosthetist, dentist or a dental specialist* if, at the time the service was provided, a *medicare benefit* would not have been payable in respect of the service under section 19B of the *Health Insurance Act 1973* (in force from time to time) if the *dental prosthetist, dentist or dental specialist* had provided the service as a *practitioner* under that Act.

## 6. Paragraph 7.1A.3

*after the Table, insert:*

### 7.1B Disqualified Health Care Providers

**7.1B.1** The *Commission* is not to accept financial responsibility for the cost of a service provided to an *entitled person* by, or on behalf of, a *health care provider* if, at the time the service was provided, a *medicare benefit* would not have been payable in respect of the service under section 19B of the *Health Insurance Act 1973* (in force from time to time) if the *health care provider* had provided the service as a *practitioner* under that Act.

## Schedule B – Incorporated Documents

### 1. Paragraph 1.4.1 (definition of “dental schedules”)

*omit the definition, substitute:*

“**dental schedules**” means the documents known as Dental Schedules A, B and C, and the document entitled “Dental Prosthetist Schedule”, approved by the *Commission* for the purposes of Part 5 of the *VEA Treatment Principles*, that list the dental services arranged by the *Commission for entitled persons*, and in force on the date in Schedule 3 for these documents.

### 2. Paragraph 1.4.1 (definition of “Fee Schedule”)

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for the document

### 3. Paragraph 1.4.1 (definition of “Notes for Local Medical Officers”)

*omit, wherever occurring:*

in August 2001

*substitute:*

on the date in Schedule 3 for this document

### 4. Paragraph 1.4.1 (definition of “Notes for Providers of Optometric Services / Dispensers of Optical Appliances”)

*omit:*

in June 2006

*substitute:*

on the date in Schedule 3 for this document

**5. Paragraph 1.4.1 (definition of “Pricing Schedule for Visual Aids”)**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for this document

**6. Paragraphs 3.5.1A.1 and 3.5.1A.2**

*omit, wherever occurring:*

1 May 2007

*substitute:*

the date in Schedule 3 for the document

**7. Paragraph 5.1.1**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for this document

**8. Paragraphs 7.1A.1 and 7.1A.3**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for the document

## 9. Paragraph 7.1A.3 (Table )

*after:*

Dietitian	Notes for Dietitians
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*insert:*

Exercise Physiologist	Notes for Exercise Physiologists
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## 10. Paragraph 11.2A.1

*omit:*

1 July 2007

*substitute:*

the date in Schedule 3 for this document

## 11. Schedule 2      Repatriation Medical Fee Schedule

*after the Schedule, insert:*

### SCHEDULE 3 DATES FOR INCORPORATED DOCUMENTS

The date for :

- (i) the dental schedules (paragraph 1.4.1);
- (ii) a fee schedule (paragraph 1.4.1);
- (iii) Notes for Local Medical Officers (paragraph 1.4.1);
- (iv) Notes for Providers of Optometric Services/Dispensers of Optical Appliances (paragraphs 1.4.1 and 7.1A.3);
- (v) Pricing Schedule for Visual Aids (paragraph 1.4.1);

- (vi) Notes for Providers (paragraphs 3.5.1A.1, 3.5.1A.2, 7.1A.1);
- (vii) Notes for Local Dental Officers (paragraph 5.1);
- (viii) Notes for Chiropractors (paragraph 7.1A.3);
- (ix) Notes for Diabetes Educators (paragraph 7.1A.3);
- (x) Notes for Dietitians (paragraph 7.1A.3);
- (xi) Notes for Exercise Physiologists (paragraph 7.1A.3);
- (xii) Notes for Occupational Therapists (paragraph 7.1A.3);
- (xiii) Notes for Osteopaths (paragraph 7.1A.3);
- (xiv) Notes for Podiatrists (paragraph 7.1A.3);
- (xv) Notes for Physiotherapists (paragraph 7.1A.3);
- (xvi) Notes for Speech Pathologists (paragraph 7.1A.3);
- (xvii) RAP National Schedule of Equipment (paragraph 11.2A.1);
- (xviii) Rehabilitation Appliances Program (RAP) National Guidelines (paragraph 11.2A.1);

is 1 November 2007.