



Military Rehabilitation and Compensation Commission

Military Rehabilitation and Compensation (Accelerated Access to Rehabilitation) Determination 2017

Instrument 2017 No. MRCC22

The Military Rehabilitation and Compensation Commission, by its delegates, under subsection 43(4) of the *Military Rehabilitation and Compensation Act 2004* makes the following instrument.

Dated this 26th day of June 2017

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

Simon Lewis	C Orme	MA Kelly
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SIMON LEWIS	CRAIG ORME	MAJOR GENERAL MARK KELLY
	DSC AM CSC	AO DSC
CHAIR and DELEGATE	MEMBER and DELEGATE	MEMBER and DELEGATE

1 Name

This instrument is the *Military Rehabilitation and Compensation (Accelerated Access to Rehabilitation) Determination 2017*.

2 Commencement

This instrument commences immediately after the commencement of items 1 to 6 of Schedule 3 to the *Veterans' Affairs Legislation Amendment (Budget Measures) Act 2017*.

Note: Section 2 of the *Veterans' Affairs Legislation Amendment (Budget Measures) Act 2017* provides for those items to commence on the 28th day after the *Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2017* receives the Royal Assent.

3 Authority

This instrument is made under subsection 43(4) of the *Military Rehabilitation and Compensation Act 2004*.

4 Purpose

The purpose of this instrument is to determine a class of persons who will be eligible (subject to further selection by the Commission) for early access to *rehabilitation services* during the period after the person has made a claim for liability under the *Act* and before liability for that claim has been determined.

Note 1: The *Commission* is empowered, under paragraph 43(3)(d) of the *Act* to determine in writing that Part 2 of Chapter 3 of the *Act* (rehabilitation programs) applies to a person who falls within the class determined by this instrument.

Note 2: The effect of this provision is to enable the *Commission*, by determination in writing, to select persons from the class determined by this instrument to be provided with *rehabilitation services* after they have made a claim under paragraph 319(1)(a) of the *Act* and before that claim has been determined.

5 Definitions

In this instrument:

Act means the *Military Rehabilitation and Compensation Act 2004*.

Commission means the body corporate known as the Military Rehabilitation and Compensation Commission established under section 361 of the *Act*.

early access to rehabilitation program means an early intervention program funded by the Department to provide *rehabilitation services* to selected eligible claimants

with the aim of assisting them to meet their recovery goals and transition to civilian life.

rehabilitation services means a service provided under Part 2 of Chapter 3 of the *Act* including a request for assessment (initial assessment or further assessment) mentioned in section 44 of the *Act* and a rehabilitation program mentioned in section 51 of the *Act*.

specified rehabilitation condition – see section 6.

Statement of Principles means a determination made by the Repatriation Medical Authority under subsection 196B(3) of the *Veterans' Entitlements Act 1986* (VEA) for the purposes of the VEA and the *Act*.

6 Meaning of specified rehabilitation condition

- (1) In this instrument, a *specified rehabilitation condition* means a medical condition or a mental health condition listed in column 1 of the table in this section.
- (2) Each condition in column 1 of the table in this section has the meaning given in the provision of the *Statement of Principles*, as in force from time to time, listed in column 2 for the corresponding condition, or the meaning given in any subsequent *Statement of Principles*, as in force from time to time, for that condition.

Column 1		Column 2
<i>Medical conditions</i>		
1.	Achilles Tendinopathy and Bursitis	subsection 7(2) of the Statement of Principles concerning <i>Achilles Tendinopathy and Bursitis</i> (Balance of Probabilities) (No. 97 of 2015)
2.	Chondromalacia Patella	paragraph 3(b) of the Statement of Principles concerning <i>Chondromalacia Patella</i> (Balance of Probabilities) (No. 80 of 2010)
3.	Cut, Stab, Abrasion and Laceration	subsection 7(2) of the Statement of Principles concerning <i>Cut, Stab, Abrasion and Laceration</i> (Balance of Probabilities) (No. 54 of 2016)
4.	Dislocation	paragraph 3(b) of the Statement of Principles concerning <i>Dislocation</i> (Balance of Probabilities) (No. 25 of 2010)
5.	Fracture	subsection 7(2) of the Statement of Principles concerning <i>Fracture</i> (Balance of Probabilities) (No. 95 of 2015)
6.	Internal Derangement of the	paragraph 3(b) of the Statement of

	Knee	Principles concerning <i>Internal Derangement of the Knee</i> (Balance of Probabilities) (No. 52 of 2010)
7.	Intervertebral Disc Prolapse	subsection 7(2) of the Statement of Principles concerning <i>Intervertebral Disc Prolapse</i> (Balance of Probabilities) (No. 44 of 2016)
8.	Joint Instability	paragraph 3(b) of the Statement of Principles concerning <i>Joint Instability</i> (Balance of Probabilities) (No. 33 of 2010)
9.	Labral Tear	paragraph 3(b) of the Statement of Principles concerning <i>Labral Tear</i> (Balance of Probabilities) (No. 95 of 2010)
10.	Lumbar Spondylosis	paragraph 3(b) of the Statement of Principles concerning <i>Lumbar Spondylosis</i> (Balance of Probabilities) (No. 63 of 2014)
11.	Non-melanotic Malignant Neoplasm of the Skin	subsection 7(2) of the Statement of Principles concerning <i>Non-melanotic Malignant Neoplasm of the Skin</i> (Balance of Probabilities) (No. 8 of 2016)
12.	Osteoarthritis	paragraph 3(b) of the Statement of Principles concerning <i>Osteoarthritis</i> (Balance of Probabilities) (No. 14 of 2010)
13.	Plantar Fasciitis	paragraph 3(b) of the Statement of Principles concerning <i>Plantar Fasciitis</i> (Balance of Probabilities) (No. 52 of 2015)
14.	Rotator Cuff Syndrome	paragraph 3(b) of the Statement of Principles concerning <i>Rotator Cuff Syndrome</i> (Balance of Probabilities) (No. 101 of 2014)
15.	Sensorineural Hearing Loss	paragraph 3(b) of the Statement of Principles concerning <i>Sensorineural Hearing Loss</i> (Balance of Probabilities) (No. 6 of 2011)
16.	Shin Splints	paragraph 3(b) of the Statement of Principles concerning <i>Shin Splints</i> (Balance of Probabilities) (No. 10 of 2015)
17.	Solar Keratosis	paragraph 3(b) of the Statement of Principles concerning <i>Solar Keratosis</i> (Balance of Probabilities) (No. 74 of 2012)
18.	Sprain and Strain	paragraph 3(b) of the Statement of Principles concerning <i>Sprain and Strain</i> (Balance of Probabilities) (No. 95 of 2011)
19.	Thoracic Spondylosis	paragraph 3(b) of the Statement of

		Principles concerning <i>Thoracic Spondylosis</i> (Balance of Probabilities) (No. 65 of 2014)
20.	Tinnitus	paragraph 3(b) of the Statement of Principles concerning <i>Tinnitus</i> (Balance of Probabilities) (No. 34 of 2012)
<i>Mental Health conditions</i>		
21.	Alcohol Use Disorder	paragraph 3(b) of the Statement of Principles concerning <i>Alcohol Use Disorder</i> (Balance of Probabilities) (No. 2 of 2009)
22.	Anxiety Disorder	paragraph 3(b) of the Statement of Principles concerning <i>Anxiety Disorder</i> (Balance of Probabilities) (No. 103 of 2014)
23.	Depressive Disorder	subsection 7(2) of the Statement of Principles concerning <i>Depressive Disorder</i> (Balance of Probabilities) (No. 84 of 2015)
24.	Posttraumatic Stress Disorder	paragraph 3(b) of the Statement of Principles concerning <i>Posttraumatic Stress Disorder</i> (Balance of Probabilities) (No. 83 of 2014)
25.	Substance Use Disorder	paragraph 3(b) of the Statement of Principles concerning <i>Substance Use Disorder</i> (Balance of Probabilities) (No. 4 of 2009)

7 Determined class of persons

For the purposes of paragraph 43(3)(c) of the *Act*, the following class of persons is determined:

A person:

- (a) whose claim under paragraph 319(1)(a) of the *Act* involves one or more *specified rehabilitation conditions*; and
- (b) who is, in the opinion of the *Commission*, likely to benefit from participation in an *early access to rehabilitation program*; and
- (c) who consents to participation in an *early access to rehabilitation program*.