

EXPLANATORY STATEMENT

Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Variations of Modifications of Treatment Principles) Instrument 2017

EMPOWERING PROVISION

Subsection 16(6) of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

PURPOSE

The attached instrument varies the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* (the modified Treatment Principles) which, in turn, modified the Treatment Principles under the *Veterans' Entitlements Act 1986* (the VEA Treatment Principles). The VEA Treatment Principles were modified to apply to eligible persons (entitled persons) under the (former) *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

This instrument has been made to reflect the additional treatment to be provided to eligible persons as a consequence of the changes to the (renamed) *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*. In addition to the renaming of the Act, the changes also provide people already covered under the former Act and civilians present at a nuclear test area during a relevant period, as well as Australian veterans of the British Commonwealth Occupation Force (BCOF) with treatment for all conditions by the application of the VEA Treatment Principles as modified by the current instrument and varied by this instrument.

While not all of the VEA Treatment Principles will apply to eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*, this is the case for Gold Card holders under the *Veterans' Entitlements Act 1986* in certain circumstances. This will ensure consistency in treatment for various Gold Card holders under Veterans' Affairs portfolio legislation.

The variation to the modified Treatment Principles is a legislative instrument made under section 16 of the Act. An entitled person is a person who is eligible for treatment under the section 7 of the Act.

CONSULTATION

Section 17 of the *Legislation Act 2003* requires a rule-maker to be satisfied, before making a legislative instrument that any consultation the rule-maker considered appropriate and reasonably practicable, has been undertaken.

The variation to the modified Treatment Principles gives effect to a Government decision to provide people already covered under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (British Nuclear Test Participants), as well as Australian veterans of the

British Commonwealth Occupation Force and civilians present at a British nuclear test area during a relevant period with treatment for all conditions.

The Ex-Service Organisation Round Table, which comprises the National Presidents of 14 Ex-Service Organisations was advised about the nature of this Budget measure on 9 May 2017. In addition, consultation was undertaken within the Department of Veterans' Affairs across the Rehabilitation and Support, and the Health and Community Services, Divisions.

Consultation was by way of phone calls, email correspondence and meetings.

External stakeholders will be notified of the changes in accordance with a communication plan to be implemented prior to the commencement date. This will include promulgating information to indigenous communities by engaging with the existing Indigenous networks including Indigenous medical networks, the Department of the Prime Minister & Cabinet Indigenous affairs unit and through Indigenous liaison officers across the Australian Public Service.

The changes are beneficial in nature in terms of their impact on clients.

In these circumstances, it is considered that the requirements of section 17 of the *Legislation Act 2003* have been fulfilled.

RETROSPECTIVITY

None.

DOCUMENTS INCORPORATED-BY-REFERENCE

None.

HUMAN RIGHTS STATEMENT

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The attached legislative instrument engages and promotes the Right to Health contained in article 12(1) of the International Covenant on Economic Social and Cultural Rights.

The instrument varies a legislative instrument that expands the circumstances in which the Repatriation Commission will provide free treatment for persons eligible under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Accordingly, the attached legislative instrument is considered to be compatible with the human right to health because it enables those persons who are eligible to be provided with treatment for all conditions to receive that treatment and therefore promotes their right to health.

Conclusion

The attached legislative instrument is considered to be compatible with human rights, in particular the right to health.

Dan Tehan

Minister for Veterans' Affairs

FURTHER EXPLANATION OF NEW PROVISIONS

Section [1]

This section sets out the name of the instrument - *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Variations of Modifications of Treatment Principles) Instrument 2017* (this instrument).

Section [2]

This section provides that the instrument commences on 1 July 2017.

Section [3]

This section provides that the authority of the Minister to make the instrument is derived from subsection 16(6) of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Section [4]

This section provides that the variations to the Modified Treatment Principles made by Schedule 1 will take effect according to the terms of the items in that schedule.

Schedule 1

The amendments made by Schedule 1 to this instrument make variations to the *Treatment Principles (Australian Participant in British Nuclear Tests) 2006* (Instrument 2013 No. R54) (the modified Treatment Principles).

The modified Treatment Principles are the VEA Treatment Principles as made under section 90 of the *Veterans' Entitlements Act 1986* and modified by a legislative instrument made under section 16 of the (renamed) *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

The variations being made by this instrument implement the expansion of the treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* (“entitled persons” under this instrument) to treatment for all conditions and diseases.

Item 1 repeals Item [2] of the modified Treatment Principles (including the heading “Interpretation.” In its place, Item 1 inserts three provisions. They are:

New Item 1 of the modified Treatment Principles provides that the name of the modified Treatment Principles is the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013*.

New Item 2 of the modified Treatment Principles sets out the legislative authority for the modifications to the Treatment Principles.

New Item 3 of the modified Treatment Principles is the operative provision of the instrument. It provides that the Treatment Principles as made under section 90 of the *Veterans' Entitlement Act 1986* are modified as set out in Schedule 1 of this instrument for the purposes of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Item 2 repeals item 1 of the modified Treatment Principles, which was the table of provisions. Instead, the table of provisions in the VEA Treatment Principles will be used. It should be noted that not every item listed in the table of provisions in the VEA Treatment Principles will be applicable to entitled persons under the modified Treatment Principles. This is because the modified Treatment Principles, as amend by this instrument, modify the operation of the VEA Treatment Principles.

Items 3 and 4 amend item 2 of the modified Treatment Principles. Item 2 substitutes a change of the title to the VEA Treatment Principles to distinguish the modified Treatment Principles that are applicable for the purposes of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*. The amendments to item 2 reflect both the change to the name of the principal Act and the name of the modified Treatment Principles.

The name of the Act has changed from the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* to the *Australian Participants in British Nuclear Tests and British*

Commonwealth Occupation Force (Treatment) Act 2006. This change was made by the *Veterans' Affairs Legislation Amendment (Budget Measures) Act 2017*.

The name of the modified Treatment Principles has changed from the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* (Instrument 2013 No. R54) to the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013*.

Item 5 amends paragraph 1.1.1 of the modified Treatment Principles. Paragraph 1.1.1 substitutes the Introduction/Commencement provision of the modified Treatment Principles. The reference to the provision of treatment to “eligible persons” under paragraph 1.1.1 of the modified Treatment Principles is replaced with a reference to “entitled persons”. Further, references to “the Act” under paragraph 1.1.1 of the modified Treatment Principles are replaced with references to “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in paragraph 1.1.1 of the VEA Treatment Principles has become a reference to the *Veterans' Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 1.1.1 is to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

Item 5 also substitutes Paragraph 1.1.2 to make it clear that the modified Treatment Principles state the rules under which the Repatriation Commission may arrange or accept financial responsibility for the cost of treatment of entitled persons. Paragraph 1.1.2 of the VEA Treatment Principles refers to “treatment for persons eligible for treatment under *the Act*,” which is a reference to the *Veterans' Entitlements Act 1986*. Substituted paragraph 1.1.2, by referring back to “entitled persons” clearly links this provision to the modified Treatment Principles.

New Item 3A of the modified Treatment Principles omits part of paragraph 1.2.1 of the VEA Treatment Principles and instead uses an existing definition. The words, “The Repatriation Private Patient Principles (the RPPPs), determined by the *Commission* under section 90A of the Act,” will be omitted and replaced with “The RPPPs.” This simplifies the paragraph as there is already a definition of “RPPPs” under paragraph 1.4.1 (interpretation provisions, albeit modified by Item 4T of this Schedule.)

New Item 3B of the modified Treatment Principles omits the words, “under the *Act*” in paragraph 1.3.1 of the VEA Treatment Principles and substitutes the words, “under the *BNT Act*.” Because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* and the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “under the Act” in paragraph 1.3.1 of the VEA Treatment Principles has become a reference to the *Veterans' Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 1.3.1 is a reference to the correct Act, it is now necessary to replace “under the Act” with “under the BNT Act.”

New Item 3C of the modified Treatment Principles modifies the Note after paragraph 1.3.1 so that, instead of referring to section 213 of the *Veterans' Entitlements Act 1986*, the reference will be to section 32 of the *Australian Participants in British Nuclear Tests and British*

Commonwealth Occupation Force (Treatment) Act 2006 under which the Commission may delegate its powers.

Item 6 repeals the interpretation provisions in paragraph 1.4 of the modified Treatment Principles. Under the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* Instrument 2013 No. 54, the approach was to substitute and modify required definitions.

Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, most of the definitions in the VEA Treatment Principles are required, with some exceptions. Therefore, instead of substituting and modifying definitions as required, the modified Treatment Principles will rely on the interpretation provisions of the VEA Treatment Principles, except for those definitions that it specifically omits, amends or replaces.

Item 6 omits from paragraph 1.4.1, for the purposes of the modified Treatment Principles, the definitions of “ACPMH treatment,” “approved provider” (second occurring), “Australian Centre for Posttraumatic Mental Health” and “ACPMH.” The definitions of “ACPMH treatment,” “Australian Centre for Posttraumatic Mental Health” and “ACPMH” are not required because they all appear in Principle 2.7B (omitted by Item 14 of the modified Treatment Principles), which relates to the Australian Centre for Posttraumatic Mental Health Treatment.

Under the existing modified Treatment Principles, this Principle did not apply to eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Also omitted is the second occurring definition of “approved provider.” This definition, in relation to *short-term restorative care*, has the meaning it has in the *Aged Care Act 1997*. This definition is not required because it appears in Part 10 Part F (short-term restorative care co-payment) of the VEA Treatment Principles. Under the existing modified Treatment Principles, this Part was omitted by Item 46A as it did not apply to eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

New Item 4A of the modified Treatment Principles omits and substitutes the definition of “Australian Government’s Better Access initiative” in paragraph 1.4.1 of the modified Treatment Principles to reflect the correct document title. The words, “Better Access to Psychiatrists, Psychologists & General Practitioners through the Medical Benefits Schedule Initiative,” will be replaced with, “Better Access to Psychiatrists, Psychologists and General Practitioners through the MBS (Better Access) initiative.”

New Item 4B of the modified Treatment Principles omits the definition of “authorised representative.” This definition is not required because it is found in Part 6B of the VEA Treatment Principles, which is the telemonitoring treatment initiative. Under the existing modified Treatment Principles, this Part was omitted by Item 25 as it did not apply to

eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

New Item 4C of the modified Treatment Principles inserts a new definition of “BNT Act” for the purposes of the modified Treatment Principles. “BNT Act” is defined to mean the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*. This reflects the amended title of the principal legislation and is also necessary because it is the Act under which the modified Treatment Principles are made.

New Item 4D of the modified Treatment Principles omits the definitions of “community patient” and “community services” from paragraph 1.4.1. These terms are omitted as they are not currently used in either the modified Treatment Principles or the VEA Treatment Principles.

New Item 4E of the modified Treatment Principles amends the definition of “contracted private hospital” in paragraph 1.4.1 of the modified Treatment Principles. The reference to the provision of treatment to “eligible persons” is replaced with a reference to “entitled persons”.

Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to extend this type treatment to *entitled persons* under this instrument.

New Item 4F of the modified Treatment Principles omits the words “(including a former *prisoner of war* or a person awarded the Victoria Cross)” from paragraph (b) of the definition of “daily care fee” in the VEA Treatment Principles. The reference to a “prisoner of war” for the purpose of the definition is only relevant for Paragraph 10.2 of the VEA Treatment Principles which is omitted by Item 38 of the modified Treatment Principles.

New Item 4G of the modified Treatment Principles omits the paragraph 1.4.1 definitions of “data repository” and “data repository controller”. These definitions are not required because they appear in Part 6B (telemonitoring treatment initiative) of the VEA Treatment Principles. Under the existing modified Treatment Principles, this Part was omitted by Item 25 as it did not apply to eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

New Item 4H of the modified Treatment Principles omits the paragraph 1.4.1 definitions of “DVA Telemonitoring Practice Incentive,” “eligible person” and “enrolment day.” The “DVA Telemonitoring Practice Incentive” and the “enrolment day” definitions are not required because they appear in Part 6B (telemonitoring treatment initiative) of the VEA Treatment Principles. As noted above, this Part was omitted by Item 25 as it did not apply to eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

New Item 4H of the modified Treatment Principles also repeals the definition of “eligible person” in paragraph 1.4.1 of the modified Treatment Principles. The effect of the repeal is that the modified Treatment Principles will use the same definition of “eligible person” as the VEA Treatment Principles. An “eligible person” is defined in paragraph 1.4.1 of the VEA Treatment Principles as having the same meaning that it has in subsection 90(8) of the *Veterans’ Entitlements Act 1986*.

Subsection 90(8) of the *Veterans; Entitlements Act 1986* defines an “eligible person” as meaning a person eligible under section 85, 86 or 88A to be provided with treatment.

New Item 4J of the modified Treatment Principles omits and substitutes a new definition of “entitled person” in paragraph 1.4.1. The new definition means that an entitled person is a person who is eligible for treatment under section 7 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*. This provides a clearer link between eligibility under that Act, and the range of treatment available to such persons under the modified Treatment Principles.

New Item 4K of the modified Treatment Principles omits the Note after the definition of “general practitioner” in paragraph 1.4.1. The Note refers to paragraph 2.4.2A of the VEA Treatment Principles, which no longer exists.

New Item 4L of the modified Treatment Principles substitutes a definition of “Gold Card” in paragraph 1.4.1 of the modified Treatment Principles. A “Gold Card” is defined as meaning “an identification card, or written authorisation, provided to an “entitled person” in relation to treatment for all injuries or diseases”.

Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to insert a definition of the card which will designate that the holder is entitled to treatment on that basis.”

New Item 4M of the modified Treatment Principles omits the paragraph 1.4.1 definition of “home care”. The term is referenced only in Part 10 Part D of the VEA Treatment Principles which is omitted by Item 45 of the modified Treatment Principles.

New Item 4N of the modified Treatment Principles omits the definitions of “in-home telemonitoring equipment”; “In-Home Telemonitoring for Veterans Initiative”; “internet carriage service”; “ISP Provider”; “Level A attendance”; “National Broadband Network”; “NBN”; “NBN wave site”; “nominated residence”; and “participating LMO”.

These definitions are not required because they appear in Part 6B (telemonitoring treatment initiative) of the VEA Treatment Principles. As noted above, this Part did not apply to eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

New Item 4P of the modified Treatment Principles amends the definition of “Principles” in the modified Treatment Principles to reflect the change (by **Items 3 and 4** of this Schedule) in the name of the modified Treatment Principles from the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Instrument 2013 No. R54)* to the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013*.

New Item 4Q of the modified Treatment Principles omits and substitutes the paragraph 1.4.1 definition of “Repatriation Pharmaceuticals Benefits Scheme.” The definition under the VEA Treatment Principles refers to Part 1 of the Repatriation Pharmaceuticals Benefits Scheme made under section 91 of the *Veterans’ Entitlements Act 1986*. However, it is appropriate in the modified Treatment Principles to refer to the modified Repatriation Pharmaceuticals Benefits Scheme, as this is the scheme applicable to persons who are covered by the modified Treatment Principles.

The substituted definition of Repatriation Pharmaceuticals Benefits Scheme means that scheme as modified by the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Variations of Modifications of Treatment Principles) Instrument 2017*.

New Item 4R of the modified Treatment Principles omits the Note after the definition of “Respite Care”. The Note refers to the effect of “Determination 4/2001” which was made under section 88A of the *Veterans’ Entitlements Act 1986*. That determination has subsequently been revoked.

New Item 4S of the modified Treatment Principles omits and substitutes the paragraph 1.4.1 definition of “revoked Treatment Principles.” The definition in the VEA Treatment Principles refers to the legislative instrument known as the Treatment Principles (2004 No. R8) made under section 90 of the *Veterans’ Entitlements Act 1986*. This is appropriate for the VEA Treatment Principles, but the modified Treatment principles need to refer to the revoked modified Treatment Principles, not the VEA Treatment Principles.

New Item 4T of the modified Treatment Principles omits and substitutes the paragraph 1.4.1 definition of “RPPPs.” The definition under the VEA Treatment Principles refers to the “Repatriation Private Patient Principles determined by the Commission under section 90 of the *Veterans’ Entitlements Act 1986*.” However, it is appropriate in the modified Treatment Principles to refer to the modified Repatriation Private Patient Principles, as this is the scheme applicable to persons who are covered by the modified Treatment Principles.

New Item 4U of the modified Treatment Principles omits the paragraph 1.4.1 definitions of “telemonitoring care plan”; “telemonitoring equipment”; “telemonitoring initiative data”; “telemonitoring initiative participant”; “telemonitoring treatment”; “TRCP treatment” and “TRCP provider”.

These definitions are not required because they appear in Part 6B (telemonitoring treatment

initiative) of the VEA Treatment Principles. As noted above, this Part did not apply to eligible persons under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (as it was then known.) This situation is continued under the expanded treatment regime under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

New Item 4V of the modified Treatment Principles inserts a new definition of “Treatment Principles” into paragraph 1.4.1 of the modified Treatment Principles. The new definition refers to the Treatment Principles made under section 90 of the *Veterans’ Entitlements Act 1986* as modified by the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of Treatment Principles) Instrument 2013*.

This reflects the change (by **Items 3 and 4** of this Schedule) in the name of the modified Treatment Principles from the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Instrument 2013 No. R54)* to the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of Treatment Principles) Instrument 2013*.

New Item 4W of the modified Treatment Principles omits and substitutes the paragraph 1.4.1 definition of “veteran” under the modified Treatment Principles. References to “veteran” under the VEA Treatment Principles should be read as references to an “entitled person” for the purposes of the modified Treatment Principles. This will ensure that persons eligible for treatment under section 7 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* will receive treatment available to “veterans” under the Treatment Principles.

New Item 4X of the modified Treatment Principles omits the words, “made under section 90 of the *Act*” from paragraph (a) of the paragraph 1.4.1 definition of “Veterans’ Home Care Program.” This removes the confusing and redundant reference to the provision of the *Veterans’ Entitlements Act 1986* under which the VEA Treatment Principles are made.

New Item 4Y of the modified Treatment Principles omits the definitions of “Victoria Cross” and “Vietnam veteran.” These terms are not required for the purposes of paragraph 1.4.1 of the modified Treatment Principles as they are used in those Parts of the VEA Treatment Principles which are omitted by various Items of the modified Treatment Principles.

New Item 4Z of the modified Treatment Principles omits and substitutes the paragraph 1.4.1 definition of “VVCS criterion.” It is necessary to slightly modify the VVCS criterion definition because under the VEA Treatment Principles, the “VVCS criterion” definition refers to “a person who is eligible for treatment under the *Act*, being the *Veterans’ Entitlements Act 1986*. Not all eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* will be eligible under the *Veterans’ Entitlements Act 1986*, hence the need in the modified Treatment Principles to refer to an *entitled person*, rather than a person who is eligible for treatment under the *Veterans’ Entitlements Act 1986*.

Item 5 of the modified Treatment Principles

Item 5 of the modified Treatment Principles substitutes a modification of paragraph 2.1.1 (Treatment for eligible persons in Australia) of the VEA Treatment Principles.

Item 7 replaces the reference to a “White Card” in paragraph 2.1.1(a)(i) of the modified Treatment Principles with a reference to a “Gold Card”. The amendment is a consequence of the expansion in the treatment that is available to eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Eligible persons were previously issued with a “White Card” for malignant neoplasia while all entitled persons will now be eligible to treatment for all conditions and diseases and will be issued with a “Gold Card”.

Item 8 repeals Item 9 of the modified Treatment Principles. Item 9 of the modified Treatment Principles substituted a modification of paragraph 2.4 of the VEA Treatment Principles which sets out the circumstances under which treatment for malignant neoplasia is provided or where financial responsibility was accepted by the Repatriation Commission.

With the expansion of treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* to treatment for all conditions and diseases, it is appropriate to rely on paragraph 2.4 of the VEA Treatment Principles because coverage is also provided for pulmonary tuberculosis.

The effect of the repeal of Item 9 of the modified Treatment Principles is that entitled persons under the modified Treatment Principles will have the same treatment for malignant neoplasia and pulmonary tuberculosis as is provided to “veterans” under paragraph 2.4 of the VEA Treatment Principles.

Item 9 repeals Item 10 of the modified Treatment Principles and inserts new items 10, 10A and 10B into the modified Treatment Principles which modify paragraphs 2.5A.1 and 2.5A.3 and repeal the definition of “veteran or eligible ADF member” from 2.5A.4 of the VEA Treatment Principles respectively.

Item 10 of the modified Treatment Principles had omitted paragraph 2.5 of the VEA Treatment Principles as persons eligible for treatment under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* were not eligible for the treatment provided under that paragraph as they were eligible only for treatment for malignant neoplasia.

Paragraphs 2.5 and 2.5A of the VEA Treatment Principles refer to the determinations made under section 88A of the *Veterans’ Entitlements Act 1986* that provide for specified persons to be eligible for specified kinds of treatment. Treatment is provided under the determinations for mental health and other conditions on a non-liability basis.

As entitled persons will now be issued with a “Gold Card” under the modified Treatment Principles they may also be eligible (if they meet the conditions of eligibility set out in the *Veterans’ Entitlements (Expanded Access to Non-Liability Health Care for Mental Health Treatment) Determination 2017* (Instrument 2017 No. 24) for treatment that is provided

under paragraph 2.5 of the VEA Treatment Principles. On that basis, the paragraph cannot be omitted for the purposes of the modified Treatment Principles.

New item 10 of the modified Treatment Principles replaces the reference in paragraph 2.5A.1 of the VEA Treatment Principles to “a person who is a veteran or an ADF member” with a reference to “an entitled person”.

New item 10A of the modified Treatment Principles replaces the reference in paragraph 2.5A.3 of the VEA Treatment Principles from “a veteran or eligible ADF member” with a reference to “an entitled person”. The definition of the term “veteran or eligible ADF member” is to be omitted for the purposes of the modified Treatment Principles by new item 10B (below).

New item 10B of the modified Treatment Principles repeals the definition in paragraph 2.5A.4 of the VEA Treatment Principles of “veteran or eligible ADF member”. That term is used to provide treatment under paragraph 2.5A of the VEA Treatment Principles to veterans and eligible ADF members as a consequence of determinations made under section 88A of the *Veterans' Entitlements Act 1986*.

Item 10 repeals Item 11 of the modified Treatment Principles. Currently, Item 11 of the modified Treatment Principles omits paragraph 2.6 of the VEA Treatment Principles, which relates to referrals by the Veterans and Veterans Families Counselling Service.

Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to extend this type treatment to *entitled persons* under the modified Treatment Principles.

Item 11 amends Item 15 of the modified Treatment Principles. That item substituted paragraph 2.8.1 which states that the Commission will not provide, arrange or accept financial responsibility for treatment for a person if the person is no longer eligible under section 7 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

The amendment substitutes the reference to “the Act” with a reference to the “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in paragraph 2.8.1 of the VEA Treatment Principles has become a reference to the *Veterans' Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 2.8.1 of the modified Treatment Principles is a reference to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

Item 12 repeals and substitutes Item 16 of the modified Treatment Principles. Repealed Item 16 substituted a modification of paragraph 4.3.1 of the VEA Treatment Principles.

Paragraph 4.3.1 of the modified Treatment Principles provided that the Repatriation Commission was only liable to pay for treatment related to malignant neoplasia. Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to

treatment for all conditions and diseases, it is appropriate for the Repatriation Commission to accept financial responsibility for all treatment available under the modified Treatment Principles.

New Item 16 of the modified Treatment Principles amends paragraph 3.2.2(a) of the VEA Treatment Principles. Paragraph 3.2.2 of the VEA Treatment Principles sets out the conditions under which prior approval will be provided for the treatment types set out in paragraph 3.2.1 of the VEA Treatment Principles.

Paragraph 3.2.2(a) of the VEA Treatment Principles provides that, in considering prior approval, “any specific requirements contained in these Principles or the Act” will be taken into account.

The amendment to paragraph 3.2.2(a) of the modified Treatment Principles to replace the reference to the “Principles or the Act” with a reference to the “Principles or the BNT Act” is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in paragraph 3.2.2(a) of the modified Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 3.2.2 is a reference to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

New Item 16A of the modified Treatment Principles amends paragraph 3.4.1(a) of the VEA Treatment Principles for the purposes of the modified Treatment Principles. Paragraph 3.4.1 of the VEA Treatment Principles provides that upon application, the Repatriation Commission may approve, and pay the cost of, any treatment that was provided to an entitled person which was undertaken in the period between the effective date of eligibility under “the Act” (paragraph 3.4.1(a)) and the date on which the person is notified of entitlement.

The amendment to paragraph 3.4.1(a) of the modified Treatment Principles to replace the reference to “the Act” with a reference to “the BNT Act” is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in paragraph 3.4.1(a) of the modified Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 3.4.1(a) is a reference to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

New Item 16B of the modified Treatment Principles replaces the references in paragraphs 3.4.4(b), 3.4.5(b) and 3.5.2(a) of the VEA Treatment Principles to an “eligible person” with references to an “entitled person”.

Paragraph 3.4.4 of the VEA Treatment Principles refers to the Repatriation Commission's financial liability for retrospective approvals under paragraphs 3.4.1 (treatment provided prior to notification) and 3.4.3 (emergency treatment) and limits that liability to the difference between the reasonable cost of treatment and the amount that an "eligible person" has claimed or is entitled to claim from the Department of Human Services as a medicare benefit, a health insurance fund or another third party.

Paragraph 3.4.5 of the VEA Treatment Principles refers to the Repatriation Commission's financial liability for retrospective approval under paragraph 3.4.2. Paragraph 3.4.2 provides that the Repatriation Commission may provide approval for treatment that has already been given or has commenced to be given in circumstances:

- where it would have accepted financial responsibility if prior approval had been sought before the service was provided and
- there are exceptional circumstances justifying the failure to seek prior approval; or
- where a request for prior approval was incorrectly processed or failed to be processed due to an administrative error or processing error.

Paragraph 3.4.5 of the VEA Treatment Principles provides that the financial liability of the Repatriation Commission under paragraph 3.4.2 is limited to the difference between the cost of treatment for which it is financially responsible under paragraph 3.5.1 (the general financial liability of the Repatriation Commission for the provision of treatment to an entitled person by various health care providers) and the amount that an "eligible person" has claimed or is entitled to claim from the Department of Human Services as a medicare benefit, a health insurance fund or another third party.

Paragraph 3.5.2 provides that the Repatriation Commission will only accept financial responsibility for treatment:

- that is reasonably necessary for the adequate treatment of the "eligible person";
- that is given by an appropriate category of health care provider; and
- if a claim for payment in respect of treatment:
 - is in the form, if any, approved by the Repatriation Commission for this purpose; and
 - contains, or is accompanied by, any information required by any direction in any approved form; and
 - is lodged at an appropriate place or with an appropriate person within the period of 2 years (or such longer period as is allowed in accordance with paragraph 3.5.2A) from the date of rendering the service to which the claim relates.

Item 13 repeals item 17 of the modified Treatment Principles, which substituted a modification of paragraph 4.8.1(k) (including the Notes) of the VEA Treatment Principles and substitutes an amendment to Note 1 to paragraph 4.8.1 of the VEA Treatment Principles.

Paragraph 4.8.1(k) states that the Repatriation Commission will not accept financial responsibility for the cost of vaccinations for persons who propose to travel outside Australia

unless the person holds a Gold Card, is in Australia at the time the vaccination is provided and the vaccination is provided under the Repatriation Pharmaceutical Benefits Scheme.

As noted above, treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases. It is therefore appropriate for paragraph 4.8.1(k) (including the Notes) of the VEA Treatment Principles to apply to entitled persons under the modified Treatment Principles.

The amendment to Note 1 to paragraph 4.8.1 of the modified Treatment Principles replaces the reference to “under the Act” with a reference to “under the BNT Act”. Note 1 to paragraph 4.8.1 refers to a vaccination as not being treatment of an injury or disease but rather as preventive treatment not normally provided to an entitled person “under the Act”.

The amendment is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in Note 1 to paragraph 4.8.1 of the modified Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in Note 1 to paragraph 4.8.1 is a reference to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

Item 14 omits Items 18, 19, 20 and 22 of the modified Treatment Principles.

This item repeals item 18 of the modified Treatment Principles, which substituted a modification of paragraph 5.2.5 of the VEA Treatment Principles. That paragraph provides that the annual monetary limit set out in Dental Schedule C in 5.2.1 of the VEA Treatment Principles does not apply in relation to a dental service in certain circumstances.

The modified Treatment Principles provided that the annual monetary limit set out in Dental Schedule C in 5.2.1 of the VEA Treatment Principles did not apply to a dental service for malignant neoplasia. That situation will continue with the repeal of item 18 of the modified Treatment Principles.

This item also repeals item 19 of the modified Treatment Principles, which substituted a modification of paragraphs 5.3.1 and 5.3.4 of the VEA Treatment Principles. Those paragraphs relate to eligibility for dental treatment under the VEA Treatment Principles. The modified Treatment Principles deleted the reference to “Gold Card” found in paragraph 5.3.1 of the VEA Treatment Principles and only referred to the holder of a White Card.

Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to use paragraph 5.3.1 of the VEA Treatment Principles with the reference to Gold Card.

The modified Treatment Principles also deleted the reference to “a *war-caused* injury or *war-caused* disease, a *determined condition* except a *determined residential care condition* of an *entitled person* receiving *residential care*, or of a,” found in paragraph 5.3.4 of the VEA Treatment Principles and only referred to the holder of a White Card. While *entitled persons* under this instrument are unlikely to fall within those definitions, paragraph 5.3.4 will continue the modified Treatment Principles position of providing dental treatment for a dental condition associated with malignant neoplasia.

This item further repeals item 20 of the modified Treatment Principles, which substituted a modification of paragraph 5.4.2 of the VEA Treatment Principles. That paragraph relates to financial responsibility for emergency dental treatment for White Card holders. Similar to the modification of paragraph 5.3.4 of the VEA Treatment Principles, the modified Treatment Principles deleted references to “a *war-caused injury*,” and “a *determined condition* except a *determined residential care condition* of an entitled person receiving *residential care*.”

While *entitled persons* under this instrument are unlikely to fall within those definitions, paragraph 5.4.2 will continue the modified Treatment Principles position of accepting financial responsibility for emergency dental treatment for a condition associated with malignant neoplasia.

This item also repeals item 22 of the modified Treatment Principles, which substituted a modification of paragraphs 5.7.1 – 5.7.4 of the VEA Treatment Principles. Those paragraphs deal with pharmaceutical benefits prescribed by dentists. The principal modifications made by the modified Treatment Principles limited financial responsibility for pharmaceutical items prescribed by dentists for a condition associated with malignant neoplasia. Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, paragraph 5.7 of the VEA Treatment Principles can be used, instead of the modified Treatment Principles.

Item 15 repeals Items 23 and 24 of the modified Treatment Principles, which substituted a modification of paragraph 6.2 of the VEA Treatment Principles and omitted Part 6A of the VEA Treatment Principles for the purposes of the modified Treatment Principles.

Paragraph 6.2 of the modified Treatment Principles had set out when a person is eligible to receive pharmaceutical benefits under the Repatriation Pharmaceutical Benefits Scheme. The modified Treatment Principles provided that a person was eligible to receive pharmaceutical benefits under the Repatriation Pharmaceutical Benefits Scheme if that person held a White Card for malignant neoplasia.

With the expansion of treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* to treatment for all conditions and diseases, it is appropriate to rely on paragraph 6.2 of the VEA Treatment Principles because paragraph 6.2.1(b) of the VEA Treatment Principles refers to a person who holds a Gold Card.

New Item 23 of the modified Treatment Principles modifies paragraph 6.1.1 of the VEA Treatment Principles by removing the reference to “(Part 1 of the Scheme prepared under section 91 of the Act)”. Paragraph 6.1.1 of the VEA Treatment Principles refers to the supply of pharmaceutical benefits to entitled persons under Part 1 of the Scheme (the Repatriation Pharmaceutical Benefits Scheme as prepared under section 91 of the *Veterans’ Entitlements Act 1986*).

The removal of the reference is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in paragraph 6.1.1 of the modified Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1).

New Item 24 replaces Item 24 of the modified Treatment Principles which had omitted Part 6A. Part 6A of the VEA Treatment Principles related to the Coordinated Veterans’ Care Program. Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to extend this type treatment to entitled persons under this instrument.

New Item 24 amends paragraph 6A.5.1(2) of the VEA Treatment Principles to remove the words “the person is eligible for treatment under the Act for any injury suffered, or disease contracted, by the person (i.e. person has been granted a Gold Card)”.

Item 16 repeals several items from the modified Treatment Principles. The item repeals Item 26 of the modified Treatment Principles, which substituted a modification of paragraph 7.1A.1 of the VEA Treatment Principles. The modified Treatment Principles deleted the words, “or with the *VVCS OPC Provider Notes*, as the case may be.” With the expansion of treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* to treatment for all conditions and diseases, it is appropriate to rely on paragraph 7.1A.1 of the VEA Treatment Principles.

This item further repeals Item 27 of the modified Treatment Principles, which omitted the words, “(except where providing services such as *outreach program counsellors*)” from the table in paragraph 7.1A.1 of the VEA Treatment Principles. This is a consequence of the repeal of Item 30 (discussed below) of the modified Treatment Principles.

This item also repeals Item 28 of the modified Treatment Principles, which omitted item 18 from the table in paragraph 7.1A.1 of the VEA Treatment Principles. This is a consequence of the repeal of Item 30 (discussed below) of the modified Treatment Principles.

This item repeals Item 29 of the modified Treatment Principles, which omitted all of paragraph 7.3A of the VEA Treatment Principles. That paragraph (7.3A – 7.3A.22 inclusive) relates to the Veterans’ Home Care Program. Now that treatment for eligible persons under

the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to extend this type treatment to *entitled persons* under this instrument.

Finally, this item repeals Item 30 of the modified Treatment Principles, which omitted paragraph 7.7A of the VEA Treatment Principles. That paragraph relates to Outreach Program Counselling. Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to extend this type treatment to *entitled persons* under this instrument.

Item 17 amends Item 32 of the modified Treatment Principles by repealing and substituting the Item. Item 32 of the modified Treatment Principles had omitted the Note to paragraph 9.1.1 of the VEA Treatment Principles.

Paragraph 9.1.1 of the VEA Treatment Principles provides that the Repatriation Commission will accept financial responsibility for the provision of treatment to entitled persons who have been admitted to a hospital or an institution. The Note to paragraph 9.1.1 states that the Repatriation Commission “may raise a charge for treatment provided under paragraph 9.1.1 in accordance with section 93A of the Act”.

New Item 32 of the modified Treatment Principles replaces the words “eligible person” with “entitled person” in paragraph 9.1.3 of the VEA Treatment Principles. This will ensure that the Repatriation Commission will accept financial responsibility for the emergency admission of an eligible person for treatment to the nearest hospital where the Department of Veterans’ Affairs is notified on the first working day after the admission, or as soon after as is reasonably practicable, if the admission is to a private hospital requiring prior approval as set out under Part 3 of the VEA Treatment Principles.

Item 18 repeals Item 34 of the modified Treatment Principals, which currently replaces “*Veterans’ Entitlements Act 1986*” with “Act.” New Item 34 modifies paragraph 9.3.3 of the VEA Treatment Principles by substituting the reference to “the *Veterans’ Entitlements Act 1986*” with “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the references to “the *Veterans’ Entitlements Act 1986*” in paragraph 9.3.3 of the VEA Treatment Principles have become references to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 9.3.3 is a reference to the correct Act, it is now necessary to replace “the *Veterans’ Entitlements Act 1986*” with “the BNT Act.”

Item 19 repeals Item 35 of the modified Treatment Principles. Item 35 of the modified Treatment Principles substituted paragraph 10.1.1 (including the Notes) of the VEA Treatment Principles. Paragraph 10.1.1 of the VEA Treatment Principles concerns the provision of residential care to both “White” and “Gold Card” holders.

The omitted paragraph 10.1.1 of the modified Treatment Principles had referred to the provision of residential care to the holder of a “White Card”. As persons eligible for treatment under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* will hold a “Gold Card,” the modified paragraph is redundant.

Item 20 amends Item 36 of the modified Treatment Principles by modifying the Note after paragraph 10.1.3 of the VEA Treatment Principles by substituting references to “the Act” with “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the references to “the Act” in the Note after paragraph 10.1.3 of the VEA Treatment Principles have become references to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that references in the Note after paragraph 10.1.3 are references to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

Item 21 repeals Item 37 of the modified Treatment Principals, which currently replaces “*Veterans’ Entitlements Act 1986*” with “Act.” New Item 37 modifies paragraph 10.1.4 of the VEA Treatment Principles by substituting the reference to “the *Veterans’ Entitlements Act 1986*” with “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the references to “the *Veterans’ Entitlements Act 1986*” in paragraph 10.1.4 of the VEA Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 10.1.4 is a reference to the correct Act, it is now necessary to replace “the *Veterans’ Entitlements Act 1986*” with “the BNT Act.”

Item 22 repeals Item 40 of the modified Treatment Principles. Item 40 of the modified Treatment Principles omitted paragraph 10.5 of the VEA Treatment Principles. Paragraph 10.5 of the VEA Treatment Principles is no longer current and the omission is redundant.

Item 23 amends Item 43 of the modified Treatment Principles by modifying Note 1 after paragraph 10.6.8 of the VEA Treatment Principles by substituting the reference to “the Act” with “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in Note 1 after paragraph 10.6.8 of the VEA Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in Note 1 after paragraph 10.6.8 is a reference to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

Item 24 repeals Item 44 of the modified Treatment Principals, which currently replaces the

reference to the “*Veterans’ Entitlements Act 1986*” in paragraph 10.6.9 with a reference to the “*Act*.” Item 24 now modifies paragraph 10.6.9 of the VEA Treatment Principles by substituting the reference to “the *Veterans’ Entitlements Act 1986*” with “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the *Veterans’ Entitlements Act 1986*” in paragraph 10.6.9 of the VEA Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 10.6.9 is a reference to the correct Act, it is now necessary to replace “the *Veterans’ Entitlements Act 1986*” with “the BNT Act.”

Item 25 inserts new Item 47B into the modified Treatment Principles.

New Item 47B inserts a new paragraph 11.3.1A for the purposes of the VEA Treatment Principles.

New paragraph 11.3.1A is a saving provision which provides that paragraph 11.3.1 of the VEA Treatment Principles will only be applicable to an entitled person for the purposes of the modified Treatment Principles on or after 1 July 2017 in certain circumstances.

Paragraph 11.3.1 of the VEA Treatment Principles restricts the supply of some of the items listed under the Rehabilitation Appliances Program to veterans and others with a medically assessed need that is due to a war caused injury or diseases or determined condition.

Paragraph 11.3.1 is modified by items 47 and 47A of the modified Treatment Principles to allow entitled persons with malignant neoplasia to also access the restricted items.

New paragraph 11.3.1A of the modified Treatment Principles provides that from 1 July 2017 the only circumstances in which entitled persons under the modified Treatment Principles will be supplied with the restricted items is where the Repatriation Commission has in accordance with the provisions of paragraph 11.3.1:

- previously provided aids and appliances to the entitled person; or
- previously accepted responsibility for the provision of aids and appliances to the entitled person;

before 1 July 2017.

Item 26 repeals Item 48 from the modified Treatment Principles. Item 48 of the modified Treatment Principles substituted a modification of paragraphs 11.3.2 and 11.3.3 of the VEA Treatment Principles. The modification was to omit paragraph 11.3.3(d), which stated that an entitled person for assistive communication devices was either a Gold Card holder or a White Card holder whose communication needs are *war-caused* or arise from a *determined condition* (other than a *determined residential care condition*.)

With the expansion of treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* to treatment for all conditions and diseases it is appropriate to rely on paragraphs 11.3.2 and 11.3.3 of the VEA Treatment Principles, as the reference to “Gold Card” will cover eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Item 48 now modifies Note 1 and Note 2 after paragraph 11.3.3 of the VEA Treatment Principles. The modification to Note 1 is to replace the words, “Treatment Principle” with “paragraph.” The modification to Note 2 is to replace, “or dependant of a *veteran*, eligible under the *Act*,” with “eligible under the *BNT Act*.” Dependants of Gold Card holders under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* will not be eligible for treatment under that Act.

Item 27 repeals Item 53 of the modified Treatment Principles, which substituted a modification of paragraphs 11.5.1 and 11.5.2 of the VEA Treatment Principles. Those paragraphs relate to when a spectacle hearing aid will be provided. The modified Treatment Principles provided that spectacle hearing aids will only be provided in relation to the treatment of deafness associated with malignant neoplasia or a visual defect associated with malignant neoplasia and the need for a spectacle hearing aid arises from the person’s inability to accommodate spectacles and a separate hearing aid.

Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to extend spectacle hearing aids, where required and appropriate, for all conditions or diseases.

Item 53 would also modify paragraph 11.5.4 of the VEA Treatment Principles so that the reference to “eligible person” is changed to “entitled person.” This change in terminology is necessary because it is entitled persons under the modified Treatment Principles who are eligible for treatment. An entitled person is a person who is eligible for treatment under section 7 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Item 28 inserts new Item 54A into the modified Treatment Principles.

New Item 54A inserts a new paragraph 11.6.1A for the purposes of the VEA Treatment Principles.

New paragraph 11.6.1A is a saving provision which provides that paragraph 11.6.1 of the VEA Treatment Principles will only be applicable to an entitled person for the purposes of the modified Treatment Principles on or after 1 July 2017 in certain circumstances.

Paragraph 11.6.1 of the VEA Treatment Principles restricts the supply of a wig under the Rehabilitation Appliances Program to veterans and others with a medically assessed need that is due to a war caused injury or diseases or determined condition.

Paragraph 11.6.1 is modified by item 54 of the modified Treatment Principles to allow entitled persons with malignant neoplasia to also be supplied with a wig.

New paragraph 11.6.1A of the modified Treatment Principles provides that, from 1 July 2017, the only circumstances in which entitled persons under the modified Treatment Principles will be supplied with a wig is where the Repatriation Commission has before that day, in accordance with the provisions of paragraph 11.6.1, arranged for a wig to be provided to the entitled person.

Item 29 repeals Item 55 from the modified Treatment Principles. Item 55 of the modified Treatment Principles, which omitted the Note at paragraph 11.9.1B of the VEA Treatment Principles is repealed. This is because paragraph 11.9.1B of the VEA Treatment Principles no longer exists, so Item 55 of the modified Treatment Principles is redundant.

Item 29 also inserts new Item 55 of the modified Treatment Principles which amends paragraph 12.2.3 of the VEA Treatment Principles by substituting the references to “the Act” with references to the “the BNT Act.” This is necessary because the current modified Treatment Principles defines “Act” as the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*. Now that the definitions in paragraph 1.4.1 of the VEA Treatment Principles are being used (except where modified by this instrument), the reference to “the Act” in paragraph 12.2.3 of the VEA Treatment Principles has become a reference to the *Veterans’ Entitlements Act 1986* as that is the “Act” (as defined in paragraph 1.4.1). To ensure that the reference in paragraph 12.2.3 of the modified Treatment Principles is a reference to the correct Act, it is now necessary to replace “the Act” with “the BNT Act.”

Item 29 also repeals Item 56 from the modified treatment principles. Item 56 had repealed the Note to paragraph 12.3.1 of the VEA Treatment Principles which referred to the recovery under section 93 or 93A of the *Veterans Entitlements Act 1986* of treatment costs in certain circumstances.

New Item 56 of the modified Treatment Principles retains the Note to paragraph 12.3.1 of the VEA Treatment Principles and replaces the reference to “section 93 or 93A of the Act” with “section 48A of the BNT Act”.

Item 29 also adds new Item 56A to the modified Treatment Principles. Item 56A modifies paragraph 12.4.1 of the VEA Treatment Principles so that the reference to “eligible person” is changed to “entitled person.” This change in terminology is necessary because it is entitled persons under the modified Treatment Principles who are eligible for treatment. An entitled person is a person who is eligible for treatment under section 7 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Item 30 modifies the Note at the end of item 58 in the modified Treatment Principles. It updates the title of the legislation referred to in the Note from “*Legislative Instruments Act 2003*” to “*Legislation Act 2003*” which is now the correct title of that Act.

Item 31 repeals Item 59 of the modified Treatment Principles, which substituted a modification to the Schedule of incorporated documents. Several of the incorporated documents that appear in the VEA Treatment Principles schedule of incorporated documents, do not similarly appear in the schedule of incorporated documents in the modified Treatment Principles. Now that treatment for eligible persons under the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* has been expanded to treatment for all conditions and diseases, it is appropriate to rely on the schedule of incorporated documents in the VEA Treatment Principles.