



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

The Repatriation Commission prepares the following instrument.

Dated 8 June 2017

The Seal of the
Repatriation Commission
was affixed to this instrument
in the presence of:

Simon Lewis
President

Craig Orme
DSC AM CSC
Deputy President

Major General Mark Kelly
AO DSC
Commissioner

Approved on 23 June 2017

Dan Tehan
Minister for Veterans' Affairs

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1 Name

This instrument is the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Variations of Modifications of Treatment Principles) Instrument 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2017.	1 July 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 16(6) of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Variations of Modifications of Treatment Principles

Treatment Principles (Australian Participants in British Nuclear Tests) 2006

1 Item [2] (including the heading “Interpretation”)

Repeal the item, substitute:

1 Name

This instrument is the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013*.

2 Authority

This instrument is made under section 16 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

3 Schedule—Modifications of the Treatment Principles

The Treatment Principles made under section 90 of the *Veterans’ Entitlements Act 1986* are modified as set out in the Schedule to this instrument for the purposes of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

2 Item 1 of the Schedule

Repeal the item.

3 Item 2 of the Schedule

After “TESTS”, insert “AND BRITISH COMMONWEALTH OCCUPATION FORCE”.

4 Item 2 of the Schedule

Omit:

Treatment Principles (Australian Participants in British Nuclear Tests) 2006

substitute:

Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013

5 Item 3 of the Schedule

Repeal the item, substitute:

3. Paragraphs 1.1.1 and 1.1.2

Omit the paragraphs, substitute:

1.1.1 The *Treatment Principles* set out the circumstances in which, and the conditions subject to which, treatment of a particular kind, or included in a particular class of treatment, may be provided under the *BNT Act* for *entitled persons* and are to be read subject to the *BNT Act*.

1.1.2 The *Treatment Principles* state the rules under which the *Commission* may arrange, or accept financial responsibility for the cost of, treatment for *entitled persons*.

Note: Consistent with the *BNT Act*, treatment extends beyond medical treatment and also encompasses social and domestic assistance.

3A. Paragraph 1.2.1

Omit “The Repatriation Private Patient Principles (the RPPPs), determined by the *Commission* under section 90A of the Act”, substitute “The RPPPs”.

3B. Paragraph 1.3.1

Omit “under the *Act*”, substitute “under the *BNT Act*”.

3C. Paragraph 1.3.1 (note)

Omit “section 213 of the *Act*”, substitute “section 32 of the *BNT Act*”.

6 Item 4 of the Schedule

Repeal the item, substitute:

4. Paragraph 1.4.1

Omit the following definitions:

- (a) definition of “**ACPMH treatment**”;
- (b) definition of “**approved provider**” (second occurring);
- (c) definition of “**Australian Centre for Posttraumatic Mental Health**” and “**ACPMH**”.

4A. Paragraph 1.4.1 (definition of “Australian Government’s Better Access initiative”)

Omit the definition, substitute:

“**Australian Government’s Better Access initiative**” means the mental health initiative described in the document titled “Better Access to Psychiatrists, Psychologists and General Practitioners through the MBS (Better Access) initiative”, as *in force on the date in Schedule 1*.

4B. Paragraph 1.4.1 (definition of “Authorised Representative”)

Omit the definition.

4C. Paragraph 1.4.1

Insert:

“**BNT Act**” means the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

4D. Paragraph 1.4.1 (definitions of “community patient” and “community services”)

Omit the definitions.

4E. Paragraph 1.4.1 (definition of “contracted private hospital”)

Omit “eligible persons”, substitute “*entitled persons*”.

4F. Paragraph 1.4.1 (paragraph (b) of the definition of “daily care fee”)

Omit “(including a former *prisoner of war* or a person awarded the Victoria Cross)”.

4G. Paragraph 1.4.1 (definitions of “data repository” and “data repository controller”)

Omit the definitions.

4H. Paragraph 1.4.1

Omit the following definitions:

- (a) definition of “**DVA Telemonitoring Practice Incentive**”;
- (b) definition of “**eligible person**”;
- (c) definition of “**enrolment day**”.

4J. Paragraph 1.4.1 (definition of “entitled person”)

Omit the definition, substitute:

“**entitled person**” means a person who is eligible for treatment under section 7 of the *BNT Act*.

4K. Paragraph 1.4.1 (note after definition of “general practitioner”)

Omit the note.

4L. Paragraph 1.4.1 (definition of “Gold Card”)

Omit the definition, substitute:

“**Gold Card**” means an identification card, or written authorisation, provided to an *entitled person* in relation to treatment for all injuries or diseases.

4M. Paragraph 1.4.1 (definition of “home care”)

Omit the definition.

4N. Paragraph 1.4.1

Omit the following definitions:

- (a) definition of “**in-home telemonitoring equipment**”;
- (b) definition of “**In-Home Telemonitoring for Veterans Initiative**”;
- (c) definition of “**internet carriage service**”;

- (d) definition of **“ISP Provider”**;
- (e) definition of **“Level A attendance”**;
- (f) definition of **“National Broadband Network”**;
- (g) definition of **“NBN”**;
- (h) definition of **“NBN wave site”**;
- (i) definition of **“nominated residence”**;
- (j) definition of **“participating LMO”**.

4P. Paragraph 1.4.1 (definition of “Principles”)

Omit the definition, substitute:

“Principles” means the Treatment Principles made under section 90 of the *Act* as modified by the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013*.

4Q. Paragraph 1.4.1 (definition of “Repatriation Pharmaceuticals Benefits Scheme”)

Omit the definition, substitute:

“Repatriation Pharmaceutical Benefits Scheme” means the *Repatriation Pharmaceutical Benefits 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*.

4R. Paragraph 1.4.1 (note after definition of “Respite Care”)

Omit the note.

4S. Paragraph 1.4.1 (definition of “revoked Treatment Principles”)

Omit the definition, substitute:

“revoked Treatment Principles” means the legislative instrument known as the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* (No. R30 of 2006) made under section 16 of the *BNT Act*.

4T. Paragraph 1.4.1 (definition of “RPPPs”)

Omit the definition, substitute:

“RPPPs” means the Repatriation Private Patient Principles as modified by the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Variations of Modifications of Treatment Principles) Instrument 2017*.

4U. Paragraph 1.4.1

Omit the following definitions:

- (a) definition of **“telemonitoring care plan”**;
- (b) definition of **“telemonitoring equipment”**;
- (c) definition of **“telemonitoring initiative data”**;

- (d) definition of “**telemonitoring initiative participant**”;
- (e) definition of “**telemonitoring treatment**”;
- (f) definition of “**TRCP treatment**”;
- (g) definition of “**TRCP provider**”.

4V. Paragraph 1.4.1

Insert:

“**Treatment Principles**” means the Treatment Principles made under section 90 of the *Act* as modified by the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) (Modifications of the Treatment Principles) Instrument 2013*.

4W. Paragraph 1.4.1 (definition of “veteran”)

Omit the definition, substitute:

“**veteran**” means an *entitled person*.

4X. Paragraph 1.4.1 (paragraph (a) of the definition of “Veterans’ Home Care Program”)

Omit “made under section 90 of the *Act*”.

4Y. Paragraph 1.4.1 (definitions of “Victoria Cross” and “Vietnam veteran”)

Omit the definitions.

4Z. Paragraph 1.4.1 (definition of “VVCS criterion”)

Omit the definition, substitute:

“**VVCS criterion**” means a criterion:

- (a) that is set out under the heading “Am I eligible for VVCS?” of the *DVA document* titled “Factsheet VCS01 - Veterans and Veterans Families Counselling Service (VVCS)”, as *in force on the date in Schedule 1*; and
- (b) that relates to an *entitled person*.

7 Item 5 of the Schedule (paragraph 2.1.1(a)(i))

Omit “White Card”, substitute “*Gold Card*”.

8 Item 9 of the Schedule

Repeal the item.

9 Item 10 of the Schedule

Repeal the item, substitute:

10. Paragraph 2.5A.1

Omit “a person who is a *veteran or eligible ADF member*”, substitute “an *entitled person*”.

10A. Paragraph 2.5A.3

Omit “a *veteran or eligible ADF member*”, substitute “an *entitled person*”.

10B. Paragraph 2.5A.4 (definition of “veteran or eligible ADF member”)

Omit the definition.

10 Item 11 of the Schedule

Repeal the item.

11 Item 15 of the Schedule (paragraph 2.8.1)

Omit “the Act”, substitute “the *BNT Act*”.

12 Item 16 of the Schedule

Repeal the item, substitute:

16. Paragraph 3.2.2(a)

Omit “Principles or the Act”, substitute “*Principles* or the *BNT Act*”.

16A. Paragraph 3.4.1(a)

Omit “the Act”, substitute “the *BNT Act*”.

16B. Paragraphs 3.4.4(b), 3.4.5(b) and 3.5.2(a)

Omit “eligible person”, substitute “*entitled person*”.

13 Item 17 of the Schedule

Repeal the item, substitute:

17. Paragraph 4.8.1 (Note 1)

Omit “under the *Act*”.

14 Items 18, 19, 20 and 22 of the Schedule

Repeal the items.

15 Items 23 and 24 of the Schedule

Repeal the items, substitute:

23. Paragraph 6.1.1

Omit “(Part I of the Scheme prepared under section 91 of the Act)”.

24. Paragraph 6A.5.1(2)

Omit all the words after “the person is”, substitute “an *entitled person*; and”.

16 Items 26 to 30 of the Schedule

Repeal the items.

17 Item 32 of the Schedule

Repeal the item, substitute:

32. Paragraph 9.1.3

Omit “eligible person”, substitute “*entitled person*”.

18 Item 34 of the Schedule

Repeal the item, substitute:

34. Paragraph 9.3.3

Omit “the *Veterans’ Entitlements Act 1986*”, substitute “the *BNT Act*”.

19 Item 35 of the Schedule

Repeal the item.

20 Item 36 of the Schedule (Note relating to paragraph 10.1.3)

Omit “the *Act*” (wherever occurring), substitute “the *BNT Act*”.

21 Item 37 of the Schedule

Repeal the item, substitute:

37. Paragraph 10.1.4

Omit “the *Veterans’ Entitlements Act 1986*”, substitute “the *BNT Act*”.

22 Item 40 of the Schedule

Repeal the item.

23 Item 43 of the Schedule (Note (1) relating to paragraph 10.6.8)

Omit “the *Act*” (wherever occurring), substitute “the *BNT Act*”.

24 Item 44 of the Schedule

Repeal the item, substitute:

44. Paragraph 10.6.9

Omit “the *Veterans’ Entitlements Act 1986*”, substitute “the *BNT Act*”.

25 After item 47A of the Schedule

Insert:

47B. After paragraph 11.3.1 (after the note)

Insert:

11.3.1A Paragraph 11.3.1 does not apply to, or in relation to, an *entitled person* on or after 1 July 2017 unless before that day the *Commission*, in accordance with that paragraph:

- (a) provided aids or appliances mentioned in that paragraph to the *entitled person*; or

- (b) accepted responsibility for aids or appliances mentioned in that paragraph in relation to the *entitled person*.

26 Item 48 of the Schedule

Repeal the item, substitute:

48. Paragraph 11.3.3 (Note 1)

Omit “Treatment Principle”, substitute “paragraph”.

48A. Paragraph 11.3.3 (Note 2)

Omit “, or dependant of a *veteran*, eligible under the *Act*”, substitute “eligible under the *BNT Act*”.

27 Item 53 of the Schedule

Repeal the item, substitute:

53. Paragraph 11.5.4

Omit “eligible person”, substitute “*entitled person*”.

28 After item 54 of the Schedule

Insert:

54A. After paragraph 11.6.1

Insert:

11.6.1A Paragraph 11.6.1 does not apply to, or in relation to, an *entitled person* on or after 1 July 2017 unless before that day the *Commission*, in accordance with that paragraph, arranged for a wig to be supplied to the *entitled person*.

29 Items 55 and 56 of the Schedule

Repeal the items, substitute:

55. Paragraph 12.2.3

Omit “the Act”, substitute “the *BNT Act*”.

56. Paragraph 12.3.1 (Note)

Omit “93 or 93A of the Act”, substitute “48A of the *BNT Act*”.

56A. Paragraph 12.4.1

Omit “eligible person”, substitute “*entitled person*”.

30 Item 58 of the Schedule (note after paragraph 1.)

Omit “*Legislative Instruments*”, substitute “*Legislation*”.

31 Item 59 of the Schedule

Repeal the item.
