



Australian Government

Treatment Benefits (Special Access) (Modifications of the Treatment Principles) Instrument 2019

Instrument 2019 No. R17

The Repatriation Commission makes the following legislative instrument under section 18 of the *Treatment Benefits (Special Access) Act 2019*.

Dated this 13th of June 2019

The Seal of the
Repatriation Commission
was affixed hereto in the
presence of:)
) SEAL
)
)

.....Elizabeth Cosson.....
ELIZABETH COSSON
AM CSC
PRESIDENT

.....Craig Orme.....
CRAIG ORME
DSC AM CSC
DEPUTY PRESIDENT

.....M A Kelly.....
MAJOR GENERAL MARK KELLY
AO DSC
COMMISSIONER

.....D Spinks.....
DONALD SPINKS
AM
COMMISSIONER

I, Darren Chester, Minister for Veterans and Defence Personnel, approve this instrument under subsection 18(8) of the *Treatment Benefits (Special Access) Act 2019*.

Dated this 25th day of June 2019

Darren Chester

DARREN CHESTER

Minister for Veterans and Defence Personnel

1 Name

This instrument is the *Treatment Benefits (Special Access) (Modifications of the Treatment Principles) Instrument 2019*.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under section 18 of the *Treatment Benefits (Special Access) Act 2019*.

4 Schedule—Modifications of the Treatment Principles

The Treatment Principles are modified as set out in the Schedule to this instrument for the purposes of the *Treatment Benefits (Special Access) Act 2019*.

Schedule—Modifications of the Treatment Principles

Treatment Principles

1 Title

Substitute:

Australian Government

REPATRIATION COMMISSION

Treatment Benefits (Special Access) Act 2019

Section 18

Treatment Benefits (Special Access) (Modifications of the Treatment Principles) Instrument 2019

Instrument 2019 No. R17

2 Paragraphs 1.1.1 and 1.1.2

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 *Treatment Benefits Act* for *entitled persons* and are to be read subject to the *Treatment Benefits 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 *Treatment Benefits Act*, treatment extends beyond medical treatment and also encompasses social and domestic assistance.

3 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”.

4 Paragraph 1.3.1

Omit “under the *Act*”, substitute “under the *Treatment Benefits Act*”.

5 Paragraph 1.3.1 (Note)

Omit “section 213 of the Act”, substitute “section 42 of the *Treatment Benefits Act*”.

6 Paragraph 1.4 (Interpretation)

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**”;
- (d) definition of “**Authorised Representative**”;
- (e) definition of “**community patient**”;
- (f) definition of “**community services**”;
- (g) definition of “**consumable rehabilitation appliance**”.

7 Paragraph 1.4.1 (definition of “contracted private hospital”)

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

8 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)”.

9 Paragraph 1.4 (Interpretation)

Omit the following definitions:

- (a) definition of “**data repository**”;
- (b) definition of “**data repository controller**”;
- (c) definition of “**Department of Prime Minister and Cabinet**”;
- (d) definition of “**DVA Telemonitoring Practice Incentive**”;
- (e) definition of “**determined condition**”;
- (f) definition of “**determined residential care condition**”;
- (g) definition of “**eligible person**”;
- (h) definition of “**enrolment day**”.

10 Paragraph 1.4.1 (definition of “entitled person”)

Substitute:

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

11 Paragraph 1.4.1 (definitions of “entitled veteran”, “entitled widow” and “entitled widower”)

Omit the definitions.

12 Paragraph 1.4.1 (definition of “Gold Card”)

Substitute:

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

13 Paragraph 1.4.1

Omit the following definitions:

- (a) definition of “**home care**”;
- (b) definition of “**in-home telemonitoring equipment**”;
- (c) definition of “**In-Home Telemonitoring for Veterans Initiative**”;
- (d) definition of “**internet carriage service**”;
- (e) definition of “**ISP Provider**”;
- (f) definition of “**Level A attendance**”;
- (g) definition of “**limited VHC – type service**”;
- (h) definition of “**National Broadband Network**”;
- (i) definition of “**NBN**”;
- (j) definition of “**NBN wave site**”;
- (k) definition of “**nominated residence**”;
- (l) definition of “**outpatient service**”;
- (m) definition of “**participating LMO**”;
- (n) definition of “**prisoner of war**”.

14 Paragraph 1.4.1 (definition of “Principles”)

Substitute:

“**Principles**” means the Treatment Principles made under section 90 of the *Act* as modified by the *Treatment Benefits (Special Access) (Modifications of the Treatment Principles) Instrument 2019*.

15 Paragraph 1.4.1 (definition of “Repatriation Pharmaceutical Benefits Scheme”)

Substitute:

“**Repatriation Pharmaceutical Benefits Scheme**” means the *Repatriation Pharmaceutical Benefits Scheme* as modified by the *Treatment Benefits (Special Access) (Modifications of the Repatriation Pharmaceutical Benefits Scheme) Instrument 2019*.

16 Paragraph 1.4.1 (Note to the definition of “Respite Care”)

Omit the note.

17 Paragraph 1.4.1 (definitions of “revoked Treatment Principles” and “Rural Enhancement Scheme”)

Omit the definitions.

18 Paragraph 1.4.1 (definition of “RPPPs”)

Substitute:

“**RPPPs**” means the Repatriation Private Patient Principles as modified by the *Treatment Benefits (Special Access) (Modifications of the Repatriation Private Patient Principles) Instrument 2019*.

19 Paragraph 1.4.1

Omit the following definitions:

- (a) definition of “**short term restorative care**”;
- (b) definition of “**telemonitoring care plan**”;
- (c) definition of “**telemonitoring equipment**”;
- (d) definition of “**telemonitoring initiative data**”;
- (e) definition of “**telemonitoring initiative participant**”;
- (f) definition of “**telemonitoring treatment**”;
- (g) definition of “**TRCP treatment**”;
- (h) definition of “**TRCP provider**”.

20 Paragraph 1.4.1

Insert:

“**Treatment Benefits Act**” means the *Treatment Benefits (Special Access) Act 2019*.

21 Paragraph 1.4.1

Insert:

“**Treatment Principles**” means the Treatment Principles made under section 90 of the *Act* as modified by the *Treatment Benefits (Special Access) (Modifications of the Treatment Principles) Instrument 2019*.

22 Paragraph 1.4.1 (definition of “veteran”)

Substitute:

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

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

Omit “made under section 90 of the Act”.

24 Paragraph 1.4.1 (definitions of “Victoria Cross” and “Vietnam veteran”)

Omit the definitions.

25 Paragraph 1.4.1 (definition of “VVCS criterion”)

Omit “eligible for treatment under the *Act*”, substitute “an *entitled person*”.

26 Paragraph 1.4.1 (definitions of “war-caused” and “White Card”)

Omit the definitions.

27 Paragraph 2.1.1

Substitute:

2.1.1 Subject to these *Principles*, the *Commission* may provide or arrange for treatment in Australia of *entitled persons* who have been issued with:

- (a) a Gold Card; or
- (b) a written authorisation issued on behalf of the *Commission*.

28 Principles 2.2, 2.3, 2.4, 2.5, 2.5A, 2.7A and 2.7B

Omit the principles.

29 Paragraph 2.8.1

Substitute:

2.8.1 The *Commission* will not provide, arrange or accept financial responsibility for treatment for a person, as an *entitled person*, on or from the date of notification from the *Department* that the person is no longer eligible under section 12 of the *Treatment Benefits Act*.

30 Subparagraph 3.2.1(e) (Note)

Omit the note.

31 Subparagraph 3.2.2(a)

Omit “Act”, substitute “*Treatment Benefits Act*”.

32 Subparagraph 3.4.1(a)

Omit “Act”, substitute “*Treatment Benefits Act*”.

33 Paragraph 3.4.3

Omit “and, subject to principle 2.2, for emergency treatment overseas for a war-caused injury or disease”.

34 Paragraph 3.4.3 (Note)

Substitute:

Note: this Principle does not apply to residential care or residential care (respite). In such a case, the extent of Commission liability is determined under Part 10 of the Principles.

35 Subparagraphs 3.4.4(b), 3.4.5(b) and 3.5.2(a)

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

36 Paragraph 4.3.1

Substitute:

4.3.1 Subject to paragraph 3.5.1, and unless otherwise indicated in these Principles, the Commission will accept financial responsibility for treatment costs where a LMO or other GP or specialist provides or arranges for treatment of:

- (a) an entitled person who has been issued with a Gold Card; or
- (b) a person who has been issued with a written authorisation on behalf of the Commission.

Note: Paragraph 3.5.1 also deals with financial liability for medical practitioner fees.

37 Paragraph 4.8.1 (Note 1)

Substitute:

Note 1: a vaccination is not treatment of an injury or disease. It is preventive treatment. An *entitled person* is only eligible for treatment of an injury or disease.

38 Paragraph 5.2.5

Omit the paragraph.

39 Paragraph 5.3.1

Omit “, White Card”

40 Paragraph 5.3.2

Substitute

5.3.2 A person who holds a *Gold Card* will be provided with the following dental services:

- (a) the dental services listed in Schedules A, B and C of the *DVA document* entitled “Fee Schedule of Dental Services for Dentists and Dental Specialists”, referred to in Schedule 1 — on condition the services are provided in accordance with those Schedules;

Note: Schedule C imposes an annual monetary limit.

- (b) the dental services listed in the *DVA document* entitled “Fee Schedule of Dental Services for Dental Prosthetists”, referred to in Schedule 1 — on condition the services are provided in accordance with that Schedule.

41 Paragraphs 5.3.3, 5.3.4 and 5.4.2

Omit the paragraphs.

42 Principle 5.5

Omit the principle.

43 Paragraphs 5.7.3 and 5.7.4

Substitute:

5.7.3 The *Commission* will accept financial responsibility for Pharmaceutical Benefits, available under the PBS, that are required as part of dental treatment for entitled persons who hold a *Gold Card*, other than the amount that would have been payable by the person if the person were a “concessional beneficiary” under the *National Health Act 1953*.

5.7.4 The *Commission* will accept financial responsibility for Pharmaceutical Benefits that are not available under the PBS and are required as part of dental treatment for persons who hold a *Gold Card*, but such a prescription must be written on a private prescription.

44 Paragraph 6.1.1

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

45 Subparagraph 6.2.1(a)

Omit the subparagraph.

46 Subparagraph 6A.5.1(2)

Substitute:

(2) the person is an *entitled person*; and.

47 PART 6B

Omit the Part.

48 The heading “Transitional” before paragraph 7.3A.14

Omit the heading.

49 Paragraphs 7.3A.14 to 7.3A.22

Omit the paragraphs.

50 Paragraph 9.1.1

Omit “as well as urgent treatment for Vietnam veterans, not otherwise entitled, and their dependants as indicated in principle 2.5,”.

51 Paragraph 9.1.1 (Note)

Omit “93 of the Act”, substitute “59 of the *Treatment Benefits Act*”.

52 Paragraph 9.1.3

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

53 Paragraph 9.3.2

Substitute:

9.3.2 If an entitled person:

- (a) is eligible for a residential care subsidy under the *Aged Care Act 1997*; and
- (b) is receiving nursing-home-type care as defined in paragraph 9.3.1;

the *Commission* will accept financial responsibility for the standard hospital fee for nursing-home-type patients under the *National Health Act 1973*, or other agreed fee, less the *daily care fee*.

54 Paragraph 9.3.3

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

55 Paragraph 10.1.1

Substitute:

10.1.1 Residential care may be provided in accordance with this Part to a person who has a current valid Gold Card.

Note: ‘residential care’ is defined in paragraph 1.4.1.

56 Paragraph 10.1.3 (Note)

Substitute:

Note: The effect of paragraph 10.1.3 is to provide for payment to be made under the *Treatment Benefits Act* instead of the *Aged Care Act 1997*. Section 96-10 of the *Aged Care Act 1997* provides that subsidies payable under Chapter 3 of the *Aged Care Act 1997* in respect of treatment under, among other Acts, the *Treatment Benefits Act*, are not payable as an automatic appropriation out of the Consolidated Revenue Fund under the *Aged Care Act 1997* but are payable out of that Fund in accordance with the relevant appropriation provisions relating to the arrangement of treatment by the Repatriation Commission under the *Treatment Benefits Act*.

57 Paragraph 10.1.4

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

58 Principles 10.2, 10.3 and 10.4

Omit the principles.

59 Paragraph 10.6.2 (Note (3))

Omit the note.

60 Paragraph 10.6.2 (Table and definitions)

Substitute:

LIMITS OF FINANCIAL RESPONSIBILITY ACCEPTED BY THE REPATRIATION COMMISSION FOR RESIDENTIAL CARE (RESPITE)

<i>category of patient</i>	<i>type of care; max.period of care permitted; type of care costs accepted</i>	<i>type of care; max.period of care permitted; type of care costs accepted</i>
	<i>residential care (28 day respite)</i> up to 28 days (inclusive) in a Financial year	<i>residential care (respite) other than residential care (28 day respite)</i> upon an entitled person exhausting 28 days of <i>residential care (28 day respite)</i> in a Financial year — between and including 29 to 63 days* in that Financial year
<i>entitled person</i>	RCS + DCF	RCS

For the purposes of this table:

‘**DCF**’ means the Commission will accept financial responsibility for the *daily care fee*.

‘**RCS**’ means the Commission will accept financial responsibility for the residential care subsidy.

‘**RCS + DCF**’ means the Commission will accept financial responsibility for the residential care subsidy and the *daily care fee*.

* or for such further period permitted under the *Subsidy Principles 2014*.

61 Paragraph 10.6.8 Note (1)

Substitute:

Note (1): the effect of paragraph 10.6.8 is to provide for payment to be made under the Treatment Benefits Act instead of the *Aged Care Act 1997*. Section 96-10 of the *Aged Care Act 1997* provides that subsidies payable under Chapter 3 of the *Aged Care Act 1997* in respect of treatment under, among other Acts, the *Treatment Benefits Act*, are not payable as an automatic appropriation out of the Consolidated Revenue Fund under the *Aged Care Act 1997* but are payable out of that Fund in accordance with the relevant appropriation provisions relating to the arrangement of treatment by the Repatriation Commission under the *Treatment Benefits Act*.

62 Paragraph 10.6.9

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

63 Parts D, E and F of Part 10

Omit Parts D, E and F.

64 Paragraph 11.3.1

Omit the paragraph.

65 Subparagraph 11.3.3(d)

Substitute:

(d) the *entitled person* is a *Gold Card* holder; and

66 Paragraph 11.3.3 (Note 2)

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

67 Paragraph 11.3.3 (Note 3)

Omit the note.

68 Paragraph 11.3.8

Omit the paragraph.

69 Paragraph 11.5.1

Substitute

11.5.1 The Commission will approve the supply of a spectacle hearing aid to an *entitled person* who is a *Gold Card* holder if it is the only type of hearing aid that is appropriate.

70 Paragraph 11.5.2

Omit the paragraph.

71 Paragraph 11.5.4

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

72 Paragraph 11.6.1

Substitute

11.6.1 Subject to this Part, the *Commission* may arrange for a wig to be supplied to an entitled person who requires a wig as part of medical treatment for disfigurement.

73 Paragraph 11.7.4

Substitute

11.7.4 The Commission will not be financially responsible for repair or replacement of a rehabilitation appliance for any injury or disease while an entitled person is travelling overseas.

74 Paragraph 12.2.3

Omit “the Act”, substitute “the *Treatment Benefits Act*”.

75 Paragraph 12.3.1 (the Note)

Omit “93 or 93A of the Act”, substitute “59 of the *Treatment Benefits Act*”.

76 Paragraph 12.4.1

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

77 Principle 12.5

Omit the principle.