



Australian Government

Treatment Benefits (Special Access) Rules 2019

Instrument 2019 No. M20

I, Darren Chester, Minister for Veterans and Defence Personnel, make the following instrument under section 63 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) Rules 2019*.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under section 63 of the *Treatment Benefits (Special Access) Act 2019*.

4 Definitions

In this instrument:

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

attendant means a person who is authorised by the Commission under subsection 22(2) of the *Act* to accompany an eligible person as his or her attendant.

commercial accommodation means accommodation provided by a commercial establishment, such as a hotel or motel.

private accommodation means accommodation that is not commercial accommodation or subsidised accommodation.

residence, for a person at a time, means the permanent or temporary place of residence of that person at that time.

subsidised accommodation means accommodation provided on a cost-recovery basis by an organisation that receives a subsidy for providing the accommodation, such as a hostel.

travel, for an eligible person, means travel, referred to in section 22 of the *Act*, from his or her residence to his or her destination and return.

Note: A number of expressions used in this instrument are defined in the *Act*, including the following:

- (a) Commission;
- (b) eligible person;
- (c) treatment.

5 Travelling expenses

(1) Subject to this section, travelling expenses comprise the amount required to reimburse in whole or in part expenditure on:

- (a) transport; or
- (b) accommodation; or
- (c) meals;

necessarily incurred by or on behalf of an eligible person in connection with travel referred to in section 22 of the *Act*.

- (2) Subject to subsections (3) and (4), the amount of travelling expenses payable to an eligible person in relation to transport for travel will not exceed an amount calculated by the Commission as the cost of transport by the most appropriate form of transport over the relevant distance.

Note: For the calculation of the cost of transport, see section 8.

- (3) If the cost incurred by an eligible person in relation to transport for travel referred to in subsection (2) is less than the amount calculated by the Commission under that subsection, the cost will be the amount of travelling expenses incurred by the person for transport.
- (4) If an eligible person incurs parking fees at or near one or more places to which the person has travelled for the purpose of obtaining treatment, the travelling expenses payable to the person are the costs necessarily incurred.

6 Forms of transport

For subsection 5(2), the most appropriate form of transport is the form of transport determined by the Commission to be the most appropriate for that travel with reference to:

- (a) the forms of transport that were reasonably available to the person for that travel; and
- (b) the cost of each of those forms of transport including, where a form of transport was reasonably available in more than one class, differences in cost between those classes; and
- (c) the desirability of using the cheapest form of suitable transport for that travel; and
- (d) the degree of any mental or physical disablement of the person; and
- (e) the distance travelled; and
- (f) whether the route taken in that travel was the most direct, practical route.

7 Relevant distance

For subsection 5(2), the relevant distance for travel by an eligible person under section 22 of the *Act* is:

- (a) if the distance from the residence of the eligible person to the treatment location is more than 50 km, the greater of:
 - (i) the distance determined by the Commission to be the distance between the eligible person's residence and the closest practical treatment location; and
 - (ii) 50 km; or
- (b) if the distance from the residence of the eligible person to the treatment location is 50 km or less – that distance.

8 Cost of transport

The cost of transport for travel between 2 places over the most direct route between the places is taken to be the following:

- (a) for travel by private motor vehicle – 36 cents per kilometre;
- (b) if paragraph (a) applies – the costs necessarily incurred by an eligible person for tolls paid in relation to travel by private motor vehicle;
- (c) for travel by any other means – the costs necessarily incurred by an eligible person.

Note: Travelling expenses incurred for travel outside Australia are not payable – see subsection 22(4) of the *Act*.

Example: An eligible person and attendant drive by private motor vehicle to an appointment 100 km from home, and return on the same day.

The travelling expenses are:

Person	Expense	Amount	Section
Eligible person:	meals	\$14.80	Paragraph 9 (3) (a)
Eligible person:	transport	\$72.00 (200 km @ 36c/km plus the cost of tolls and parking fees	Subsection 5 (4) and Paragraphs 8 (a) and (b)
Attendant:	meals	\$14.80	Paragraph 10 (2) (b)

The total amount for travelling expenses is \$101.60 plus the cost of tolls and parking fees.

9 Accommodation and meals

- (1) Subject to subsections (2), (3) and 10(3), the amount of travelling expenses payable to an eligible person for each night's accommodation and meals during travel is the amount specified for whichever of the following kinds of accommodation was used on each night:
 - (a) for commercial accommodation that is not in a capital city – \$148.60 each night;
 - (b) for commercial accommodation that is in a capital city – \$176.50 each night;
 - (c) for subsidised accommodation – \$92.80 each night;
 - (d) for private accommodation – \$46.40 each night.

- (2) If an eligible person and an attendant share commercial accommodation for a night, the amount of travelling expenses payable to the eligible person for the night's accommodation and meals for both the person and the attendant is \$241.70.
- (3) The amount of travelling expenses payable to an eligible person for meals during travel on a day on which overnight accommodation is not required is:
- (a) if the distance from the residence of the eligible person to the person's destination exceeds 50 km but does not exceed 200 km – \$14.80 each day; or
 - (b) if the distance from the residence of the eligible person to the person's destination exceeds 200 km – \$30.00 per day.

Example: An eligible person and attendant drive by private motor vehicle to an appointment in a capital city 300 km from home, stay overnight in non-shared commercial accommodation, and return the next day.

The travelling expenses are:

Person	Expense	Amount	Section
Eligible person:	accommodation and meals (1st day)	\$176.50	Paragraph 9 (1) (b)
Eligible person:	meals (2nd day)	\$30.00	Paragraph 9 (3) (b)
Eligible person:	transport	\$216.00 (600 km @ 36c/km) plus the cost of tolls and parking fees	Subsection 5 (4) and paragraphs 8 (a) and (b)
Attendant:	accommodation and meals (1st day)	\$176.50	Paragraph 10 (2) (b) and subsection 10 (4)
Attendant:	meals (2nd day)	\$30.00	Paragraph 10 (2) (b)

The total amount for travelling expenses is \$629.00 plus the cost of tolls and parking fees.

10 Attendant entitlements

- (1) If an attendant accompanies an eligible person to a hospital or other institution to which the eligible person is admitted, the attendant is entitled to travelling expenses in accordance with subsection (2), in addition to the expenses payable for the journeys to and from the hospital or other institution with the eligible person:

- (a) to return to his or her residence at the time of the admission; and
- (b) to return to the hospital or other institution when the eligible person is discharged.

(2) The travelling expenses payable to an attendant under subsection (1):

- (a) are based on the same mode of transport as was used to accompany the eligible person; and
- (b) include any applicable amounts for accommodation and meals.

(3) If an attendant:

- (a) accompanies an eligible person to a hospital or other institution to which the eligible person is admitted; and
- (b) stays in commercial accommodation, subsidised accommodation or private accommodation while the eligible person is in the hospital or other institution;

the attendant is entitled to travelling expenses in accordance with subsection (4).

(4) Under subsection (3) the attendant is entitled to payment of travelling expenses, in addition to the expenses payable for the journeys to and from the hospital or other institution with the eligible person, equal to the lesser of:

- (a) the travelling expenses that would have been payable under subsection (1), excluding any amounts for accommodation and meals, if the attendant had returned home and returned to the hospital or other institution using a private motor vehicle; and
- (b) the travelling expenses payable under subsection 9(1) for the period from the admission of the eligible person until his or her discharge.

Example: An eligible person and attendant drive by private motor vehicle to an appointment in a capital city 300 km from home, and stay overnight in non-shared commercial accommodation. The eligible person is admitted to a hospital the next morning. The attendant returns home and comes back to collect the eligible person, staying in commercial accommodation the night before the eligible person is discharged.

The amount for travelling expenses is \$599.00 (\$629.00, see the example in section 9) less \$30.00 for the eligible person's meals on the 2nd day.

Additional travelling expenses connected with the attendant coming back to collect the eligible person from hospital and returning them home are:

Person	Expense	Amount	Section
Eligible Person:	meals on return journey	\$30.00	Paragraph 9 (3) (b)
Attendant:	transport	\$216.00 (600 km @ 36c/km) plus the cost of tolls and parking fees	Subsection 5 (4), paragraphs 8 (a) and (b) and subsection 10 (1)
Attendant:	meals	\$30.00	Paragraph 10 (2) (b)
Attendant:	accommodation and meals	\$176.50	Paragraph 10 (2) (b) and subsection 10 (4)

The additional amount for travelling expenses is \$452.50

The total amount for travelling expenses is \$1051.50 (\$599 + \$452.50) plus the cost of tolls and parking fees.

11 Travelling expenses to more than one location within the same city or town

If an eligible person travels to more than one location in the same city or town for the purpose of obtaining treatment, the amount of travelling expenses that the person is entitled to be paid is the greatest amount payable under section 22 of the *Act*:

- (a) subject to section 7 of this instrument:
 - (i) for travel from his or her residence, whether or not in that city or town, to the location where treatment was first obtained; and
 - (ii) for travel from the location where treatment was last obtained to his or her residence; and
- (b) for travel between each location where treatment was obtained.

Example: A person travels 90 km from their residence in a country town to a medical practice in a capital city for treatment. They then travel 10 km in that capital city to another medical practice for a medical examination. The person then returns home later that day travelling another 100km. They claim travelling expenses for 200km in total (90+10+100km).

Upon receipt of the person's claim for travelling expenses, the Commission determines that the distance between their residence and the closest practical treatment location (see section 7 of this instrument) is 60km. The Commission will seek additional information from the person about why they travelled to a treatment location that was not the closest practical treatment location.

12 Annual increase in rates

A rate prescribed by section 8 or subsection 9(1), (2) or (3) is increased, as applicable, in accordance with section 13, on each anniversary of 1 July 2019.

13 Calculation of increase

(1) In this section:

CPI number means the All Groups Consumer Price Index number (that is, the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

earlier CPI number, for a financial year, means the CPI number for the last March quarter before the beginning of the financial year.

latest CPI number, for a financial year, means the CPI number for the last March quarter before the end of the financial year.

rate means a rate prescribed by section 8 or subsection 9(1), (2) or (3).

relevant financial year means a financial year beginning on or after 1 July 2019.

relevant rate, for a financial year, means the rate applying in the financial year.

(2) If, for a relevant financial year, the latest CPI number is greater than the earlier CPI number, a rate is taken to increase, on 1 July of the next financial year, in accordance with the following formula:

$$\frac{\text{Relevant rate} \times \text{Latest CPI number}}{\text{Earlier CPI number}}$$

(3) If, apart from this subsection, a rate prescribed by section 8 and increased under subsection (2) is not a multiple of 0.1 cents, the rate is to be rounded to the nearest multiple of 0.1 cents and, if the amount to be rounded is 0.05 cents, rounded up.

(4) If, apart from this subsection, a rate prescribed by subsection 9(1), (2) or (3) and increased under subsection (2) is not a multiple of 10 cents, the rate is to be rounded to the nearest multiple of 10 cents and, if the amount to be rounded is 5 cents, rounded up.

(5) If, at any time, whether before or after the commencement of this section, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for the quarter, the publication of the later CPI number is to be disregarded for this section.

- (6) However, if, at any time, whether before or after the commencement of this section, the Australian Statistician changes the reference base for the Consumer Price Index, then, in applying this section after the change is made, regard is to be had only to numbers published in terms of the new reference base.