##### EXPLANATORY STATEMENT

# **Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021** (Instrument No. R7/MRCC7 of 2021)

**EMPOWERING PROVISIONS**

For the amendments to the *Treatment Principles* (Instrument 2013 No. R52) (the VEA Treatment Principles) — subsection 90(5) of the *Veterans’ Entitlements Act 1986* (the VEA)*.*

For the amendments to the *MRCA Treatment Principles* (Instrument 2013 No. MRCC53)(the MRCA Treatment Principles) — subsection 286(5) of the *Military Rehabilitation and Compensation Act 2004* (the MRCA).

**PURPOSE**

The attached instrument, the *Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021***(**Instrument 2021 No. R7/MRCC7) amends the VEA Treatment Principles and the MRCA Treatment Principles **–** collectively known as the “Treatment Principles” by revoking the instrument, the *Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020* (the 2020 Determination).

The revocation will remove the amendments to the Treatment Principles made by the 2020 Determination to insert new Principle 7.7B which had provided for the establishment of the Rehabilitation in the Home program.

As the implementation of the Rehabilitation in the Home program has been delayed for the purposes of redesigning the proposal it will be necessary for the amendments to the Treatment Principles to be revoked.

The revocation will also remove some minor amendments to the Treatment Principles to replace references to the “Department of Human Services” with a more generic term, the “Human Services Department”. Those amendments will be remade at the next opportunity to amend the Treatment Principles.

**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.

As the implementation of the Rehabilitation in the Home program had been delayed no contracts had been entered into for the purposes of providing the program.

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

**RETROSPECTIVITY**

None.

**DOCUMENTS INCORPORATED BY REFERENCE**

None.

**REGULATORY IMPACT**

For the original proposal: OBPR Reference Number: 25985

The revocation of the instrument that amended the Treatment Principles to provide for the implementation of the Rehabilitation in the Home program will have no regulatory impact as no contracts for the provision of the program have been entered into.

As such, the revocation does not have any regulatory impact on businesses, community organisations or individuals.

**FURTHER EXPLANATION OF PROVISIONS**

See Attachment A.

Attachment A

**FURTHER EXPLANATION OF PROVISIONS**

**Section 1**

This section sets out the name of the instrument **-** *Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021.*

**Section 2**

This section provides that the instrument commences the day after it is registered.

**Statement of Compatibility with Human Rights**

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

**Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021**

The legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011.*

*Overview of the Legislative Instrument*

The purpose of the instrument is to amend the VEA Treatment Principles and the MRCA Treatment Principles **–** collectively known as the “Treatment Principles” by revoking the instrument, the *Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020*.

The revocation removes the amendments to the Treatment Principles made by the *Veterans’ Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020* that inserted new Principle 7.7B which provided for the establishment of the “Rehabilitation in the Home program”.

With the implementation of the Rehabilitation in the Home program being delayed for the purposes of redesigning the proposal it will be necessary for the amendments to the Treatment Principles to be revoked.

*Human rights implications*

This legislative instrument does not engage any of the applicable rights or freedoms.

*Conclusion*

The legislative instrument is compatible with human rights as it does not raise any human rights issues.

Natasha Cole

Rule-Maker

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