



Veterans' Affairs (Treatment Principles— Extending Access to Allied Health and Rehabilitation Appliances for Residential Care Recipients) Amendment Determination 2022

Instrument 2022 No.R36/MRCC36

I, Vicki Rundle, as delegate of the Minister for Veterans' Affairs, approve:

- (a) for the purposes of subsection 286(6) of the *Military Rehabilitation and Compensation Act 2004*—the amendments by the Military Rehabilitation and Compensation Commission of the *MRCA Treatment Principles* in the following instrument; and
- (b) for the purposes of subsection 90(6) of the *Veterans' Entitlements Act 1986*—the amendments by the Repatriation Commission of the *Treatment Principles* in the following instrument.

Dated 29 September 2022

Vicki Rundle
Deputy Secretary, Veteran and Family Services Group
Department of Veterans' Affairs

The Military Rehabilitation and Compensation Commission, under subsection 286(5) of the *Military Rehabilitation and Compensation Act 2004*, makes the amendments of the *MRCA Treatment Principles* in the following instrument.

Dated 29 September 2022

The Seal of the
Military Rehabilitation
and Compensation Commission
was affixed to this instrument
in the presence of:

Elizabeth Cosson
AM CSC
Chair

Kate Pope
PSM
Member

Donald Spinks
AM
Member

Gwen Cherne
Member

Rear Admiral Sarah Sharkey
AM CSC RAN
Member

Wade Stothart
DSC AM CSC
Member

The Repatriation Commission, under subsection 90(5) of the *Veterans' Entitlements Act 1986*, makes the amendments of the *Treatment Principles* in the following instrument.

Dated 29 September 2022

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

Elizabeth Cosson
AM CSC
President

Kate Pope
PSM
Deputy President

Donald Spinks
AM
Commissioner

Gwen Cherne
Commissioner

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1 Name

This instrument is the *Veterans' Affairs (Treatment Principles—Extending Access to Allied Health and Rehabilitation Appliances for Residential Care Recipients) Amendment Determination 2022*.

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 October 2022.	1 October 2022

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 the following:

- (a) section 286 of the *Military Rehabilitation and Compensation Act 2004*;
- (b) section 90 of the *Veterans' Entitlements Act 1986*.

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—Amendments

Part 1—Amendment of the MRCA Treatment Principles made under section 286 of the Military Rehabilitation and Compensation Act 2004

MRCA Treatment Principles

1 Paragraph 1.4.1 (definition of “high level of residential care (respite)”)

Repeal the definition.

2 Paragraph 1.4.1 (definition of “residential care (consisting of at least one high or two medium domain categories)”)

Repeal the definition.

3 Subparagraph 2.2.4(a)(ii)

Repeal the subparagraph, substitute:

- (ii) an amount equal to the amount of *residential care subsidy* that would be payable if the member or former member was in Australia for the same period, plus any *daily care fee* that the *Commission* would have accepted responsibility for if the member or former member was in Australia;

4 Subparagraph 2.2.4(b)(ii)

Repeal the subparagraph, substitute:

- (ii) an amount equal to the amount of *residential care subsidy* that would be payable if the member or former member was in Australia for the same period (not exceeding 63 days in a financial year), plus any *daily care fee* that the *Commission* would have accepted responsibility for if the member or former member was in Australia.

5 Paragraph 7.1.3

Repeal the paragraph (including the notes), substitute:

7.1.3 The *Commission* will not accept financial responsibility for a service listed in paragraph 7.1.2 for an *entitled person* receiving *residential care* if the *Commission* is satisfied that it is more appropriate that the service is provided by the owner or operator of the *residential care facility* because, due to assistance (financial or otherwise) received by the owner or operator of the *residential care facility* under Commonwealth, State or Territory legislation, it is fair for the owner or operator of the *residential care facility* to bear the cost of supplying the service.

Note: For example, if the *Commission* is taken to have accepted financial responsibility for amounts in respect of the *entitled person's residential care* under Part 10 on the basis that those amounts are intended to cover services listed in paragraph 7.1.2, the *Commission* will not also accept financial responsibility for those services under paragraph 7.1.2.

6 Principle 7.1C

Repeal the Principle.

7 Paragraph 7.5.3

Repeal the paragraph (including the note), substitute:

7.5.3 *Prior approval* is required for physiotherapy treatment where those services are to be provided in a public hospital.

8 Paragraph 7.6.2

Omit “Subject to paragraph 7.1C.1, *prior*”, substitute “*Prior*”.

9 Paragraph 7.6.2(a)

Repeal the paragraph.

10 Paragraph 7.6.2 (note)

Repeal the note.

11 Paragraph 7.6A.2

Repeal the paragraph (including the note), substitute:

7.6A.2 *Prior approval* is required for *diabetes educator services* where those services are to be provided to an *entitled person* in a public hospital.

12 Paragraph 10.2.1(b)

Omit “*residential care (consisting of at least one high or two medium domain categories)*”, substitute “*residential care*”.

13 Subparagraph 11.3.6(a)(ii) (note)

Omit

“http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx”, substitute

“<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>”.

14 Subparagraph 11.3.6(a)(iv) (note (2))

Omit

“http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx”, substitute

“<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>”.

15 Paragraph 11.3.6(b) (note (4))

Omit

“http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx”, substitute

“<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>”.

Schedule 1 Amendments

Part 1 Amendment of the MRCA Treatment Principles made under section 286 of the Military Rehabilitation and Compensation Act 2004

16 Subparagraph 11.3.6(c)(iii) (second occurring)

Omit “(iii) it is otherwise”, substitute “(iv) it is otherwise”.

17 Paragraph 11.3.6(c) (note)

Omit

“http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx”,
substitute

“<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>”.

Part 2—Amendment of the Treatment Principles made under section 90 of the Veterans' Entitlements Act 1986

Treatment Principles

18 Paragraph 1.4.1 (definition of “high level of residential care (respite)”)

Repeal the definition.

19 Paragraph 1.4.1 (definition of “residential care (consisting of at least one high or two medium domain categories)”)

Repeal the definition.

20 Subparagraph 2.2.4(a)(ii)

Repeal the subparagraph, substitute:

- (ii) an amount equal to the amount of *residential care subsidy* that would be payable if the *veteran* was in Australia for the same period, plus any *daily care fee* that the *Commission* would have accepted responsibility for if the *veteran* was in Australia;

21 Subparagraph 2.2.4(b)(ii)

Repeal the subparagraph, substitute:

- (ii) an amount equal to the amount of *residential care subsidy* that would be payable if the *veteran* was in Australia for the same period (not exceeding 63 days in a financial year), plus any *daily care fee* that the *Commission* would have accepted responsibility for if the *veteran* was in Australia.

22 Paragraph 7.1.3

Repeal the paragraph (including the notes), substitute:

7.1.3 The *Commission* will not accept financial responsibility for a service listed in paragraph 7.1.2 for an *entitled person* receiving *residential care* if the *Commission* is satisfied that it is more appropriate that the service is provided by the owner or operator of the *residential care facility* because, due to assistance (financial or otherwise) received by the owner or operator of the *residential care facility* under Commonwealth, State or Territory legislation, it is fair for the owner or operator of the *residential care facility* to bear the cost of supplying the service.

Note: For example, if the *Commission* is taken to have accepted financial responsibility for amounts in respect of the *entitled person's residential care* under Part 10 on the basis that those amounts are intended to cover services listed in paragraph 7.1.2, the *Commission* will not also accept financial responsibility for those services under paragraph 7.1.2.

23 Principle 7.1C

Repeal the Principle.

24 Paragraph 7.5.3

Repeal the paragraph (including the note), substitute:

7.5.3 *Prior approval* is required for physiotherapy treatment where those services are to be provided in a public hospital.

25 Paragraph 7.6.2

Omit "Subject to paragraph 7.1C.1, *prior*", substitute "*Prior*".

26 Paragraph 7.6.2(a)

Repeal the paragraph.

27 Paragraph 7.6.2 (note)

Repeal the note.

28 Paragraph 7.6A.2

Repeal the paragraph (including the note), substitute:

7.6A.2 *Prior approval* is required for *diabetes educator services* where those services are to be provided to an *entitled person* in a public hospital.

29 Paragraph 10.3.1(b)

Omit "*residential care (consisting of at least one high or two medium domain categories)*", substitute "*residential care*".

30 Paragraph 11.1.1 (note (3)) (second occurring)

Omit "Note (3)", substitute "Note (4)".

31 Subparagraph 11.3.6(a)(ii) (note)

Omit

"http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx", substitute

"<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>".

32 Subparagraph 11.3.6(a)(iv) (note (2))

Omit

"http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx", substitute

"<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>".

33 Paragraph 11.3.6(b) (note (4))

Omit

"http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx", substitute

"<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>".

34 Subparagraph 11.3.6(c)(iii) (second occurring)

Omit “(iii) it is otherwise”, substitute “(iv) it is otherwise”.

35 Paragraph 11.3.6(c) (note)

Omit

“http://www.dva.gov.au/service_providers/rap/Pages/Schedule_Guidelines.aspx”,
substitute

“<https://www.dva.gov.au/providers/rehabilitation-appliances-program-rap/rap-schedule>”.