EXPLANATORY STATEMENT


EMPOWERING PROVISION

Paragraph 286(1)(a) of the Military Rehabilitation and Compensation Act 2004 (the Act).

PURPOSE

The purpose of the attached Instrument is to amend the MRCA Treatment Principles to increase the additional payment (MRCA Access Payment) Local Medical Officers (LMO) may receive for providing certain medical services to members, or former members, of the Defence Force, or to their dependants, who are eligible for treatment under the Act (entitled persons).

The MRCA Treatment Principles are made under paragraph 286(1)(a) of the Act and set out the circumstances in which the Military Rehabilitation and Compensation Commission may accept financial liability for treatment provided to entitled persons.

An LMO may be paid two distinct payments for treating an entitled person. The main payment is worked out by reference to the Medicare Benefits Schedule and the subsidiary payment (MRCA Access Payment) is set in the MRCA Treatment Principles.

Before the attached Instrument, the MRCA Access Payment was:

- for a medical service other than a Level A attendance (defined in the Medicare Benefits Schedule) — $4.00.
- for a Level A attendance — $5.50.

Pursuant to the attached Instrument the MRCA Access Payment is now:

- for a medical service other than a Level A attendance (defined in the Medicare Benefits Schedule) — $4.20.
- for a Level A attendance — $5.75.
RETROSPECTIVITY

Yes. The attached Instrument will be taken to have commenced on 1 November 2006 ie it is retrospective. Subsection 12(2) Legislative Instruments Act 2003 provides that a retrospective instrument that disadvantages a person, or imposes a liability on a person, is of no effect. The attached instrument does not disadvantage any person or impose a liability on any person. It is beneficial in nature (increases fees for Local Medical Officers).

CONSULTATION

The Rule-Maker (Military Rehabilitation and Compensation Commission) decided that consultation with clients or service providers in respect of the attached Instrument was not necessary because the Instrument was beneficial and, in any event, needed to be made relatively quickly so as to be consistent with modified Treatment Principles made under the new Australian Participants in British Nuclear Tests (Treatment) Act 2006.

The Treatment Principles made under this new Act contained increased “Access Payments” and it would have been anomalous and unfair if lesser access payments for the same services were paid under similar Instruments.