Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Retirement Villages and Rehabilitation Appliance Schedule) Instrument 2011

Instrument No. R31/2011

I, Warren Snowdon, Minister for Veterans’ Affairs, pursuant to subsection 16(7) of the Australian Participants in British Nuclear Tests (Treatment) Act 2006, approve this instrument made by the Repatriation Commission.

Dated this 22nd day of August 2011
Warren Snowdon

The Repatriation Commission, pursuant to subsection 16(6) of the Australian Participants in British Nuclear Tests (Treatment) Act 2006, varies the Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Instrument No.R30 of 2006), in accordance with the Schedule.

Dated this 28th day of July 2011
Ian Campbell Shane Carmody Major General Mark Kelly AO DSC

IAN CAMPBELL SHANE CARMODY MAJOR GENERAL MARK KELLY AO DSC
PRESIDENT DEPUTY PRESIDENT COMMISSIONER
[1] **Name of Instrument**

This instrument is the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Retirement Villages and Rehabilitation Appliance Schedule) Instrument 2011*

[2] **Commencement**

(a) Subject to (b) this instrument commences on the day after the day it is registered on the Federal Register of Legislative Instruments.

(b) Section 5 is taken to have commenced for Part B of Schedule 1 on 1 July 2011.
Schedule

1. Paragraph 1.4.1

*insert:*

“*institution*”, in Part 11, includes:

(a) a *retirement village*;
(b) a cluster of self-care units.

“*RAP National Schedule of Equipment*” means the document of that name approved by the *Commission* or a member of the *Commission* or by the Secretary to the *Department*, and *in force on the date in Schedule 1*, that lists the surgical aids and appliances for self-help and rehabilitation available to an *entitled person* under the *Department’s* Rehabilitation Appliances Program.

"*Rehabilitation Appliances Program (RAP) National Guidelines*" means the document of that name approved by the *Commission* or a member of the *Commission* or by the Secretary to the *Department*, and *in force on the date in Schedule 1*, that assists *Commission* delegates when determining approval for surgical aids and appliances for self-help and rehabilitation (items) available under the *Department’s* Rehabilitation Appliances Program and which informs prescribers and suppliers of the processes necessary for an item to be provided to an *entitled person*.

“*retirement village*” has the same meaning it has in the *Veterans’ Entitlements Act 1986* and as applied by the *Treatment Principles*.

Note: retirement village is defined in section 5M of the *Veterans’ Entitlements Act 1986* (VEA) and is also applied by the *Treatment Principles*. The intention is that the *Commission* is to have the same power as the *Repatriation Commission* to determine premises have the same function as a retirement village for the purposes of Part 11 of the *Principles*.

1A  Paragraph 11.1.1

*add:*

Note: the *RAP National Schedule of Equipment* and the *Rehabilitation Appliances Program (RAP) National Guidelines* are DVA documents that provide guidance to the *Commission* and to prescribers and suppliers in relation to the provision of surgical aids and appliances for self-help and rehabilitation to *entitled persons*.

2. Paragraphs 11.3.6, 11.3.6A and 11.3.6B
Subject to 11.3.6A and 11.3.7, the Commission will not approve the supply of a rehabilitation appliance to an entitled person who is in an institution or who has entered a Commonwealth, State or Territory program if the Commission is satisfied that:

(a) for an institution, the appliance should be supplied by the owner or operator of the institution because:

(i) any Commonwealth, State or Territory legislation under which the institution (or owner or operator) is registered, licensed or otherwise authorised enables the appliance to be supplied; or

(ii) due to charges made by or subsidies received by the owner or operator of the institution under Commonwealth, State or Territory legislation, it is fair for the owner or operator of the institution to bear the cost of supplying the appliance; or

(iii) installing the appliance would involve an alteration to the structure of part of the institution; or

(iv) it is otherwise appropriate for the appliance to be supplied by the owner or operator.

Note: the DVA document known as “RAP Business Rules” provides a guide to decision making in respect of the supply of appliances and is contained in the RAP Schedule of Equipment at:


Note (1): “institution” includes a retirement village, premises the Commission considers have similar functions to a retirement village and premises known as a self-care unit.

Note (2): the DVA document known as “RAP Business Rules” provides a guide to decision making in respect of the supply of appliances and is contained in the RAP Schedule of Equipment at:

(b) for an institution, where the appliance is a hand rail, ramp, non-slip surface or similar appliance, the appliance should be supplied by the entitled person or the owner or operator of the institution because the entitled person should have known, by reason of the person’s state of health or frailty at the time the person arranged to enter the institution, that such an appliance would have been likely to have been needed by the person upon being admitted to the institution or a short time thereafter.

Note (1): “institution” includes a retirement village, premises the Commission considers have similar functions to a retirement village and premises known as a self-care unit.

Note (2): The policy is that entitled persons entering institutions should ensure the institution caters to their needs before they take up residence.

Note (3): A guide to a “short time” is a period within 6 months after entering the institution.

Note (4): the DVA document known as “RAP Business Rules” provides a guide to decision making in respect of the supply of appliances and is contained in the RAP Schedule of Equipment at:


(c) for a program, it is more appropriate that the appliance is provided under the program because:

(i) the Commonwealth financially contributed to the program, if the case; or
(ii) the program’s budget appears sufficient to reasonably absorb the cost of the appliance; or
(iii) the Department is under a short-term financial constraint; or
(iii) it is otherwise appropriate for the appliance to be supplied under the program.

Note: the DVA document known as “RAP Business Rules” provides a guide to decision making in respect of the supply of appliances and is contained in the RAP Schedule of Equipment at:


11.3.6A The Commission will approve the supply of a rehabilitation appliance to an entitled person in an institution or participating in a Commonwealth, State or Territory program, if:
(a) the Commission approved the appliance for the person before the person entered the institution or the program and that approval has not been revoked; and

(b) for a person in an institution, any alteration to the structure of part of the institution necessary to install or attach the appliance satisfies the requirements in (a) and (b) of 11.3.7; and

Note: (a) and (b) deal with compliance with relevant laws and approval by owner of property to installation/attachment together with an undertaking by the owner not to seek compensation if the appliance is removed.

(c) the rehabilitation appliance is not a consumable rehabilitation appliance.

Note (1): “institution” includes a retirement village, premises the Commission considers have similar functions to a retirement village and premises known as a self-care unit.

Note (2): 11.3.6A is relevant in relation to the maintenance or repair of the appliance. Generally, only an approved appliance may be maintained or repaired at Commission expense.

3. Paragraph 11.9.5

omit, substitute:

11.9.5 The Commission will not accept financial responsibility, either partly or wholly, for the purchase, supply, or installation of an aid or appliance for accident prevention and personal safety in respect of an entitled person who is in an institution or who has entered a Commonwealth, State or Territory program if, had the appliance been a rehabilitation appliance considered for supply under 11.3.6, the Commission would not, under 11.3.6, have approved its supply in respect of the person.

Note (1): “institution” includes a retirement village, premises the Commission considers have similar functions to a retirement village and premises known as a self-care unit.

Note (2): the intention is that only the “rehabilitation appliance provisions” in respect of institutions/programs apply to “accident prevention and personal safety appliances” in institutions or under programs, not that any other rehabilitation appliance provision applies to accident prevention and personal safety appliances in institutions or under programs.

4. Paragraph 11.9.6
5. Schedule 1 (Dates for Incorporated Documents)

*omit, substitute:*

**SCHEDULE 1 DATES FOR INCORPORATED DOCUMENTS**

**Part A**

The date for:

1. Notes for Local Medical Officers (paragraph 1.4.1);
2. Department of Veterans’ Affairs Fee Schedules for Medical Services (paragraph 3.5.1);
3. Notes for Providers of Optometric Services/Dispensers of Optical Appliances (paragraphs 1.4.1 and 7.1A.1);
4. Optometrist Fees for Consultation (paragraph 3.5.1);
5. DVA Schedule of Fees Orthoptists (paragraph 3.5.1);
6. Pricing Schedule for visual aids (paragraph 3.5.1);
7. The fourth edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (commonly known as DSM-IV) (paragraph 2.4.2A);
8. Notes for Local Dental Officers (paragraphs 1.4.1 and 5.1.1);
9. Fee Schedule of Dental Services for Dentists and Dental Specialists (paragraph 3.5.1);
10. Fee Schedule of Dental Services for Dental Prosthetists (paragraph 3.5.1);
11. Notes for Chiropractors (paragraphs 1.4.1 and 7.1A.1);
12. Chiropractors Schedule of Fees (paragraph 3.5.1);
13. Notes for Diabetes Educators (paragraphs 1.4.1 and 7.1A.1);
14. Diabetes Educators Schedule of Fees (paragraph 3.5.1);
15. Notes for Dietitians (paragraphs 1.4.1 and 7.1A.1);
16. Dietitians Schedule of Fees (paragraph 3.5.1);
17. Notes for Exercise Physiologists (paragraphs 1.4.1 and 7.1A.1);
18. Exercise Physiologists Schedule of Fees (paragraph 3.5.1);
19. Notes for Occupational Therapists (paragraphs 1.4.1 and 7.1A.1);
20. Occupational Therapists Schedule of Fees (paragraph 3.5.1);
21. Notes for Osteopaths (paragraphs 1.4.1 and 7.1A.1);
22. Osteopaths Schedule of Fees (paragraph 3.5.1);
23. Notes for Physiotherapists (paragraphs 1.4.1 and 7.1A.1);
24. Physiotherapists Schedule of Fees (paragraph 3.5.1);
25. Notes for Psychologists (paragraphs 1.4.1 and 7.1A.1);
26. Psychologists Schedule of Fees (paragraph 3.5.1);
27. Notes for Podiatrists (paragraphs 1.4.1 and 7.1A.1);
28. Podiatrists Schedule of Fees (paragraph 3.5.1);
29. Social Workers Schedule of Fees (paragraph 3.5.1);
30. Clinical Counsellors Schedule of Fees (paragraph 3.5.1);
31. Notes for Speech Pathologists (paragraphs 1.4.1 and 7.1A.1);
32. Speech Pathologists Schedule of Fees (paragraph 3.5.1);
33. Australian Government Department of Veterans’ Affairs Classification System and Schedule of Item Numbers and Fees — Community Nursing Services;

34. Notes for Coordinated Veterans' Care Program Providers;

35. Rehabilitation Appliances Program (RAP) National Guidelines (paragraph 11.2A.1);

is 1 August 2011.

Part B

The date for:

1. RAP National Schedule of Equipment (paragraph 11.2A.1);

is 1 July 2011.