EXPLANATORY STATEMENT

Veterans’ Entitlements (Veteran Suicide Prevention Pilot) Determination 2018 (Instrument 2018 No.R70)

EMPOWERING PROVISION

Subsection 88B(2) of the Veterans’ Entitlements Act 1986 (the Act).

PURPOSE

The attached instrument (Instrument 2018 No.R70) determines a class of persons who will be eligible to receive treatment under the program established by the Commonwealth and known as the Veteran Suicide Prevention Pilot (also known as the Mental Health Clinical Management Pilot).

The aim of the new Veteran Suicide Prevention Pilot (the Pilot) is to provide mental health support for veterans who have been hospitalised for attempted suicide, suicide ideation, or a mental health condition and clinically assessed as being at an increased risk of suicide. Intensive and assertive management services to support a veteran’s mental health outcomes will be provided under the Pilot. Support will include access to other relevant government and non-government treatment and services that will help improve mental health and provide social support to reduce the risk of suicide and enhance quality of life. The 2017-18 Budget provided $6.2 million over the forward estimates to assess the benefits of providing such intensive support.

The initial roll out for the Pilot will be in the Brisbane metropolitan area and will engage with both public and private hospitals (relevant hospitals). The 9 relevant hospitals have been identified through analysis of Australian Institute of Health and Welfare location analysis of suicide deaths in the ex-service community, and Department of Veterans’ Affairs (DVA) client data on self-harm episode admissions. This analysis indicates the Brisbane metropolitan region has a level of suicidality in the ex-serving community to support the implementation of the services offered by the Pilot.

The Veterans’ Affairs Legislation Amendment (Veteran-centric Reforms No.2) Act 2018 inserts new section 88B into the Veterans’ Entitlements Act 1986 to establish the legislative framework for the Pilot. New subsection 88B(1) provides that a person is eligible to be provided with treatment under Part V of the Veterans’ Entitlements Act 1986, being treatment that is the provision of services under the Pilot, if the person is included in a class of persons determined under subsection 88B(2). The purpose of subsection 88B(2) is to enable the Repatriation Commission (the Commission), by legislative instrument, to determine a class of persons who will be entitled to treatment under the Pilot.

The attached instrument determines, as the class of persons who will be eligible for treatment under the Pilot, persons who have ceased to be members of the Permanent Forces and who have been hospitalised at a relevant hospital for attempted suicide, suicide ideation, or for a mental health condition and clinically assessed as being at an increased risk of suicide.
Further, they must also be eligible for treatment for a mental health condition on a non-liability health care basis, whether or not they are eligible for other DVA treatment, and be Australian residents living in Australia.

Since 1 July 2017, all past and current members of the Australian Defence Force (ADF) with at least one day of continuous full-time service have been eligible for treatment for the full range of mental health conditions recognised by appropriate health professionals on a non-liability health care basis. The non-liability health care basis means that the treatment need not be linked to a mental health condition arising from ADF service. All Gold Card holders and White Card holders, including those on transition from the ADF to civilian life, will satisfy this requirement.

Under the Pilot, the DVA has contracted beyondblue to adapt their existing suicide prevention service ‘The Way Back Support Service’ to include intake of veterans and ex-serving ADF personnel. Opportunities to integrate with established sites of The Way Back Support Service in other geographic locations will be considered once the approach to supporting veterans is clearly defined and operational in Brisbane. The Way Back Support Service will also link participants to existing DVA and ex-service organisation supports. This could include DVA case management support, the Veterans and Veterans Family Counselling Service, advocacy services and social support activities. It is anticipated up to 100 veterans may participate in the Pilot over two years. Service delivery under the Pilot is anticipated to commence mid-year and conclude by mid-2020.

CONSULTATION

Section 17 of the Legislation Act 2003 requires the rule-maker to be satisfied that any consultation that is considered appropriate and reasonably practicable to undertake, has been undertaken.

Consultation has been undertaken with national and state based stakeholders such as Queensland Health, beyondblue, Pheonix Australia, Ex-Service Organisations, medical and health provider organisations and the Department of Defence.

The measure implemented by this instrument is entirely beneficial in nature in terms of its impact on persons who have ceased to be members of the Permanent Forces, including Reservists.

In these circumstances it is considered that the requirements of section 17 of the Legislation Act 2003 have been met.

RETROSPECTIVITY

None.

DOCUMENTS INCORPORATED BY REFERENCE

None.
REGULATORY IMPACT

Nil.

HUMAN RIGHTS STATEMENT


The attached legislative instrument engages and promotes the Right to Health.

The Right to Health is contained in article 12(1) of the International Covenant on Economic Social and Cultural Rights. The Right to Health is the right to the enjoyment of the highest attainable standard of physical and mental health. The UN Committee on Economic Social and Cultural Rights has stated that health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity.

Overview

The attached instrument establishes a class of persons who will be eligible to participate in the Veteran Suicide Prevention Pilot which will provide coordinated support to ensure veterans access treatment and social support to help reduce the risk of suicide and enhance the quality of life for participating veterans.

Conclusion

The attached instrument promotes the Right to Health by providing additional support to veterans at risk of suicide to improve their mental health and reduce their risk of suicide. Accordingly, the attached instrument is considered to be human rights compatible.

Repatriation Commission
Rule-Maker

FURTHER EXPLANATION OF PROVISIONS  See: Attachment A
FURTHER EXPLANATION OF PROVISIONS

Section 1
This section provides that the name of the instrument is the Veterans’ Entitlements (Veteran Suicide Prevention Pilot) Determination 2018.

Section 2
Section 2 provides that the instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3
This section sets out the primary legislation that authorises the making of the instrument, namely subsection 88B(2) of the Veterans’ Entitlements Act 1986.

Schedule 2 of the Veterans’ Affairs Legislation Amendment (Veteran-centric Reforms No.2) Act 2018 inserts new section 88B into the Veterans’ Entitlements Act 1986. Schedule 2 commences on the later of 1 July 2018 or the seventh day after the Act receives the Royal Assent. At the time of the Commission making the instrument, the Veterans’ Affairs Legislation Amendment (Veteran-centric Reforms No.2) Act 2018 had received the Royal Assent, but section 88B had not commenced. Accordingly, the instrument is made in reliance on section 4 of the Acts Interpretation Act 1901 which provides for the exercise of the instrument-making power as if the relevant commencement of the empowering provision had occurred.

Section 4
This section is the purpose provision. It provides that the purpose of the instrument is to determine a class of persons who will be eligible for treatment under the Veteran Suicide Prevention Pilot.

The note to the section explains that details of the Veteran Suicide Prevention Pilot can be found at a publicly accessible website and provides details of that website.

Section 5
This is the interpretation section. It defines terms used in the instrument.

Section 6
Section 6 of the instrument determines the following class of persons as being eligible to receive treatment under the Veteran Suicide Prevention Pilot:

- A person who:
  - has ceased to be a member of the Permanent Forces; and
  - has been hospitalised at a relevant hospital for attempted suicide, suicide ideation or a mental health condition and clinically assessed as being at an increased risk of suicide; and
is eligible for treatment for a mental health condition on a non-liability health care basis, whether or not the person is eligible for other treatment under a veterans’ affairs law; and

is an Australian resident living in Australia.

The class is designed to cover those persons who are separated from the Permanent Forces but who may still be a member of the Reserves. It does not cover current serving permanent members of the ADF nor persons who have never served in the ADF.

The term ‘relevant hospital’ is defined to include 9 public and private hospitals in the Brisbane metropolitan region where the Pilot is available. The terms ‘mental health condition’ and ‘non-liability health care’ are not defined, but are to be given their ordinary meaning.