

INSTRUMENT No.3 OF 1998

VETERANS' ENTITLEMENTS ACT 1986

EXPLANATORY NOTE FOR TABLING

1. The Minister has approved the attached instrument pursuant to subsection 29(3) of the *Veterans' Entitlements Act 1986*.

2. The instrument:

(a) varies the instrument of revocation of the Guide to the Assessment of Rates of Veterans' Pensions by providing that the new Guide as varied will apply to certain decisions and not merely the unvaried version of the Guide; and

(b) varies the Guide to the Assessment of Rates of Veterans' Pensions by rectifying a number of errors to ensure that:

- certain determinations of lung function are made without the administration of a bronchodilator in order to ascertain the greatest degree of health and consequently the lowest degree of impairment.
- instructions in relation to ratings in respect of cardiorespiratory impairment are appropriate.
- the condition of 'fractured neck of humerus' is properly so described and not described as 'fractured neck of radius'.
- the requirement that a non-accepted psychiatric condition be assessed under Chapter 19 of the Guide is removed thereby enabling such a condition to be more appropriately assessed under Chapter 4 of the Guide.
- the final impairment rating for accepted psychiatric condition(s) is not incorrectly calculated by basing it on the premise that the subject must have no non-accepted psychiatric conditions.
- instructions that were inadvertently omitted from Table 5.5 are reinstated.
- bilateral conductive deafness with left sensorineural deafness is recognised as a hearing loss.
- a redundant reference to Table 7.1.9 is omitted in a Worksheet.

- Hearing Impairment Worksheet (2) is not incorrectly used to assess hearing loss types 4,5,6 when ‘bone conduction figures’ are not used and does not incorrectly require an explanation why bone conduction figures were not used for assessing hearing loss types 4,5,6.
- accepted hearing impairment is calculated by (correctly) using the relevant formula and not (incorrectly) using an irrelevant table.
- the method of determining the impairment rating attributable solely to the accepted condition is correct.
- an incorrect reference to Table 1.9 in Chapter 20 is replaced with a correct reference to Table 1.10.
- certain tables are correctly identified ie the tables that give the apportionment for impairment ratings that are multiples of 5 are identified as Tables 20.1 and 20.2, not as Tables 19.1 and 19.2.
- the method for ascertaining the two relevant values when an impairment rating has to be apportioned between two conditions is correct. This is achieved by replacing Scale 20.1 with a revised scale and attending to a typographical error (replacing ‘16’ with ‘15’).
- the calculation of lifestyle rating is (correctly) determined by reference to the ‘lifestyle rating’ from each of Tables 22.1, 22.2, 22.3, 22.4, and 22.5 and not (incorrectly) determined by reference to a non-existent ‘impairment rating’ from each of those tables.