



Veterans' Entitlements Amendment Regulations 2007 (No. 1)¹

Select Legislative Instrument 2007 No. 126

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Veterans' Entitlements Act 1986*.

Dated 23 May 2007

P. M. JEFFERY
Governor-General

By His Excellency's Command

BRUCE BILLSON
Minister for Veterans' Affairs

1 Name of Regulations

These Regulations are the *Veterans' Entitlements Amendment Regulations 2007 (No. 1)*.

2 Commencement

These Regulations are taken to have commenced on 23 March 2007.

3 Amendment of *Veterans' Entitlements Regulations 1986*

Schedule 1 amends the *Veterans' Entitlements Regulations 1986*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 9

substitute

9 Travelling expenses under section 110, 132, 170B or 196ZO of the Act

Definitions

(1) In this regulation:

attendant means:

- (a) a person who is authorised by the Commission under section 110 of the Act to accompany a veteran or a dependant of a deceased veteran as his or her attendant; or
- (b) a person who accompanies a person mentioned in subsection 132 (1), (3), (5) or (7) of the Act; or

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- (c) if the Commission is of the view that it is reasonable for an applicant under section 170B or 196ZO of the Act to be accompanied by an attendant — a person who accompanies the applicant.

commercial accommodation means accommodation provided by a commercial establishment such as a hotel or motel.

entitled person means a person who is entitled to be paid travelling expenses under section 110, 132, 170B or 196ZO of the Act.

private accommodation means accommodation that is not commercial accommodation or subsidised accommodation.

residence, for a person at a time, means the permanent or temporary place of residence of that person at that time.

subsidised accommodation means accommodation provided on a cost-recovery basis by an organisation that receives a subsidy for providing the accommodation, such as a hostel.

travel, for an entitled person, means travel referred to in section 110, 132, 170B or 196ZO of the Act from his or her residence to his or her destination and return.

Composition of travel expenses

- (2) Subject to this regulation, and to regulations 9AD and 9AE, travelling expenses comprise the amount required to reimburse in whole or part expenditure on:
- (a) transport; or
 - (b) accommodation; or
 - (c) meals;
- necessarily incurred by or on behalf of an entitled person in connection with travel mentioned in section 110, 132, 170B or 196ZO of the Act.
- (3) Subject to subregulations (4) and (4A), and regulation 9AD, the amount of travelling expenses payable to an entitled person in relation to transport for travel will not exceed an amount calculated by the Commission as the cost of travel by the most appropriate form of transport over the relevant distance.

Note For the calculation of the cost of transport, see subregulation (11).

- (4) Subject to regulation 9AD, if the cost incurred by an entitled person in relation to transport for travel mentioned in subregulation (3) is less than the amount calculated by the Commission under that subregulation, the cost will be the amount of travelling expenses payable to that person for transport.
- (4A) If an entitled person incurs parking fees at or near 1 or more places to which the person has travelled for a purpose mentioned in section 110, 132, 170B or 196ZO of the Act, the travelling expenses payable to the person are the costs necessarily incurred.

Forms of transport

- (5) For subregulation (3), the most appropriate form of transport is the form determined by the Commission with reference to:
- (a) the forms of transport that were reasonably available to the person for the purpose of that travel; and
 - (b) the cost of each of those forms of transport, including, if a form of transport was reasonably available in more than 1 class, differences in cost between those classes; and
 - (c) the desirability of using the cheapest form of suitable transport for that travel; and
 - (d) the degree of any mental or physical disablement of the person; and
 - (e) the distance travelled; and
 - (f) whether the route taken in that travel was the most direct, practical route;
- as the most appropriate form of transport for that travel.

Relevant distance

- (6) For subregulation (3), the relevant distance for travel by an entitled person under section 110 of the Act is:
- (a) if the distance from the residence of the entitled person to the treatment location is more than 50 km and the entitled person's application is endorsed for treatment — that distance; or

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- (b) if the distance from the residence of the entitled person to the treatment location is more than 50 km and the entitled person's application is not endorsed for treatment, the greater of:
- (i) the distance determined by the Commission to be the distance between the entitled person's residence and the closest practical treatment location; and
 - (ii) 50 km; or
- (c) if the distance from the residence of the entitled person to the treatment location is 50 km or less — that distance.
- (7) In subregulation (6), *endorsed for treatment*, for an application, means:
- (a) written confirmation has been made by the entitled person's treating practitioner on the application to the effect that:
 - (i) the treatment met the health care needs of the entitled person; and
 - (ii) the treatment location was as close as practical to the entitled person's residence; and
 - (b) the Commission has confirmed that the treatment location was as close as practical to the entitled person's residence.
- (9) For subregulation (3), the relevant distance for travel under section 132 of the Act is the distance that in all the circumstances is reasonable.
- (10) For subregulation (3), the relevant distance for travel under section 170B or 196ZO of the Act is the distance by the most direct practicable route from the entitled person's residence to the place attended by that person to obtain relevant documentary medical evidence.

Cost of transport

- (11) For this regulation, the cost of transport for travel between 2 places over the most direct route between the places is taken to be the following:
- (a) for travel by private motor vehicle — 26.7 cents per kilometre;

- (b) if paragraph (a) applies — the costs necessarily incurred by an entitled person for tolls paid in relation to travel by private motor vehicle;
- (c) for travel by any other means — the costs necessarily incurred by an entitled person.

Note Travelling expenses may be payable for travel outside Australia — see paragraph 132 (1) (d) of the Act. Travelling expenses outside Australia are not otherwise payable — see subsections 110 (3), 170B (3) and 196ZO (3) of the Act.

Accommodation and meals

- (12) Subject to subregulations (13), (14), (15) and (18), the amount of travelling expenses payable to an entitled person for each night's accommodation and meals during travel is the following amount for whichever of the following kinds of accommodation was used on each night:
 - (a) for commercial accommodation that is not in a capital city — \$110.10 each night;
 - (b) for commercial accommodation that is in a capital city — \$130.80 each night;
 - (c) for subsidised accommodation — \$68.80 each night;
 - (d) for private accommodation — \$34.40 each night.
- (13) If an entitled person, not being an attendant, and an attendant share commercial accommodation for a night, the amount of travelling expenses payable to the entitled person for the night's accommodation and meals for both the person and the attendant is \$178.90.
- (14) A person is not entitled to payment of an amount mentioned in paragraph (12) (a), (b) or (c) or subregulation (13) unless he or she first produces proof of expenditure for the relevant accommodation.
- (15) The amount of travelling expenses payable to an entitled person for meals during travel on a day on which overnight accommodation is not required is:
 - (a) if the distance from the residence of the entitled person to the person's destination exceeds 50 km but does not exceed 200 km — \$10.90 each day; or

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- (b) if the distance from the residence of the entitled person to the person's destination exceeds 200 km — \$22.10 each day.

Attendant entitlements

- (16) If an attendant accompanies a veteran or a dependant of a deceased veteran to a hospital or other institution to which the veteran or dependant is admitted, the attendant is entitled to payment of travelling expenses in accordance with subregulation (17), in addition to the expenses payable for the journeys to and from the hospital or other institution with the veteran or dependant:
- (a) to return to his or her residence at the time of the admission; and
 - (b) to return to the hospital or other institution when the veteran or dependant is discharged.
- (17) The travelling expenses payable to an attendant under subregulation (16):
- (a) are based on the same mode of transport as was used to accompany the veteran or dependant; and
 - (b) include any applicable amounts for accommodation and meals.
- (18) If an attendant accompanies a veteran or a dependant of a deceased veteran to a hospital or other institution to which the veteran or dependant is admitted, and the attendant stays in commercial accommodation, subsidised accommodation or private accommodation while the veteran or dependant is in the hospital or other institution, the attendant is entitled to payment of travelling expenses, in addition to the expenses payable for the journeys to and from the hospital or other institution with the veteran or dependant, equal to the lesser of:
- (a) the travelling expenses that would have been payable under subregulation (16), excluding any amounts for accommodation and meals, if the attendant had returned home and returned to the hospital or other institution using a private motor vehicle; and

(b) the travelling expenses payable under subregulation (12) for the period from the admission of the veteran or dependant until his or her discharge.

Examples

1 A veteran and attendant drive by private motor vehicle to an appointment 100 km from home, and return on the same day. The travelling expenses are:

Veteran:	meals	\$10.90	paragraph 9 (15) (a)
	transport	\$53.40	subregulation 9 (4A) and paragraphs 9 (11) (a) and (b) — 200 km @ 26.7c/km plus the cost of tolls and parking fees
Attendant:	meals	\$10.90	paragraph 17 (b)
Total:		\$75.20	plus the cost of tolls and parking fees

2 A veteran and attendant drive by private motor vehicle to an appointment in a capital city 300 km from home, stay overnight in non-shared commercial accommodation, and return the next day. The travelling expenses are:

Veteran:	accommodation and meals (1st day)	\$130.80	paragraph 9 (12) (b)
	meals (2nd day)	\$22.10	paragraph 9 (15) (b)
	transport	\$160.20	subregulation 9 (4A) and paragraphs 9 (11) (a) and (b) — 600 km @ 26.7c/km plus the cost of tolls and parking fees
		plus the cost of tolls and parking fees	
Attendant:	accommodation and meals (1st day)	\$130.80	paragraph 17 (b)
	meals (2nd day)	\$22.10	paragraph 17 (b)
Total:		\$466.00	plus the cost of tolls and parking fees

3 A veteran and attendant drive by private motor vehicle to an appointment in a capital city 300 km from home, and stay overnight in non-shared commercial accommodation. The veteran is admitted to a hospital the next morning. The attendant returns home and comes back to collect the veteran, staying in commercial accommodation the night before the veteran is discharged. The travelling expenses are:

Amount set out in example 2	\$466.00	
Less (for the veteran's meals on 2nd day)	\$22.10	
Subtotal	\$443.90	
Plus		
Veteran: meals on return journey	\$22.10	paragraph 9 (15) (b)
Attendant: transport	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a) and (b) and subregulation 9 (16) — 600 km @ 26.7c/km plus the cost of tolls and parking fees
	meals	\$22.10 subregulation 9 (16)
	accommodation and meals	\$130.80 subregulation 9 (16)
Total:	\$779.10 plus the cost of tolls and parking fees	

4 The situation is the same as in example 3, except that the attendant stays in commercial accommodation while the veteran is in the hospital (2 nights). The travelling expenses are:

Amount set out in example 2	\$466.00	
Less (for the veteran's meals on 2nd day)	\$22.10	
Subtotal	\$443.90	
Plus		
Veteran: meals on return journey	\$22.10	paragraph 9 (15) (b)
Attendant: The lesser of:		
(a) transport home and back to the hospital; or	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a) and (b) and 9 (18) (a)

	(b) 2 nights commercial accommodation	\$261.60	paragraph 9 (18) (b)
Total:		\$626.20 or \$727.60 (for both totals: plus the cost of tolls and parking fees)	
5 The situation is the same as in example 3 except that the attendant stays in subsidised accommodation and stays in subsidised accommodation while the veteran is in the hospital (2 nights). The travelling expenses are:			
	Amount set out in example 2 (as if in subsidised accommodation)	\$342.00	paragraph 12 (c)
	Less (for the veteran's meals on 2nd day)	\$22.10	
	Subtotal	\$319.90	
	Plus		
Veteran:	meals on return journey	\$22.10	paragraph 9 (15) (b)
Attendant:	The lesser of:		
	(a) transport home and back to the hospital; or	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a) and (b) and 9 (18) (a)
	(b) 2 nights subsidised accommodation	\$137.60	paragraph 9 (18) (b)
Total:		\$502.20 or \$479.60 (for both totals: plus the cost of tolls and parking fees)	

6 The situation is the same as in example 3 except that the attendant stays in private accommodation and stays in private accommodation while the veteran is in the hospital (2 nights). The travelling expenses are:

Amount set out in example 2 (as if in private accommodation)	\$273.20	paragraph 12 (d)
Less (for the veteran's meals on 2nd day)	\$22.10	
Subtotal	\$251.10	
Plus		
Veteran: meals on return journey	\$22.10	paragraph 9 (15) (b)
Attendant: The lesser of:		
(a) transport home and back to the hospital; or	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a), 9 (11) (b) and 9 (18) (a)
(b) 2 nights private accommodation	\$68.80	paragraph 9 (18) (b)
Total:	\$433.40 or \$342.00	
	(for both totals: plus the cost of tolls and parking fees)	

[2] Regulation 9AA

omit

1 July 1997

insert

1 July 2006

[3] Subregulation 9AB (1), definition of *relevant financial year*

omit

1 July 1997

insert

1 July 2006

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.