



Australian Government

Veterans' Entitlements Act 1986

Veterans' Entitlements (Treatment Principles – Community Care at Home approved under the *Aged Care Act 1997* for Former Prisoners of War and Victoria Cross Recipients) Instrument 2009

Instrument No. R53/2009

I, Alan Griffin, Minister for Veterans' Affairs, pursuant to subsection 90(5) of the *Veterans' Entitlements Act 1986*, approve this instrument made by the Repatriation Commission.

Dated this 1st day of October 2009

Alan Griffin

.....

ALAN GRIFFIN

The Repatriation Commission, pursuant to subsection 90(4) of the *Veterans' Entitlements Act 1986*, varies the *Treatment Principles* (Instrument No.R8 of 2004) in accordance with the Schedule.

Dated this 28th day of September 2009

Ian Campbell

Shane Carmody

WD Rolfe

.....

IAN CAMPBELL	SHANE CARMODY	BRIGADIER W D ROLFE AO (Rtd)
PRESIDENT	DEPUTY PRESIDENT	COMMISSIONER

[1] Name of Instrument

This instrument is the *Veterans' Entitlements (Treatment Principles – Community Care at Home approved under the Aged Care Act 1997 for Former Prisoners of War and Victoria Cross Recipients) Instrument 2009*

[2] Commencement

This instrument is taken to have commenced on 21 August 2009.

Schedule

1. Paragraph 1.4.1

insert:

“Community Aged Care Package” means “community care” under section 45-3 of the *Aged Care Act 1997* in force from time to time (the Act) for which an approved provider under the Act is, on the day community care is provided by the provider to a former *prisoner of war* or an *entitled veteran* awarded the Victoria Cross, eligible for community care subsidy under the Act.

Note 1: the *Aged Care Act 1997* and the *Community Care Subsidy Principles 1997* can be found on COMLAW: <http://www.comlaw.gov.au>

Note 2: the *Community Care Subsidy Principles 1997* may specify care that is/is not community care under the *Aged Care Act 1997*.

“Extended Aged Care at Home Package” means “flexible care” as defined in section 49-3 of the *Aged Care Act 1997* in force from time to time (the Act):

- (a) for which an approved provider under the Act is, on the day flexible care is provided by the provider to a former *prisoner of war* or an *entitled veteran* awarded the Victoria Cross, eligible for flexible care subsidy under the Act; and
- (b) comprised of the flexible care described in the *Flexible Care Subsidy Principles 1997* as “extended aged care at home” or “extended aged care at home - dementia”.

Note 1: the *Aged Care Act 1997* and the *Flexible Care Subsidy Principles 1997* can be found on COMLAW: <http://www.comlaw.gov.au>

Note 2: the *Flexible Care Subsidy Principles 1997* may specify care for which flexible care subsidy under the Act may be payable.

2. Heading to PART 10 (Residential Care)

substitute:

PART 10 – RESIDENTIAL CARE AND CARE AT HOME PACKAGES

3. Part 10 Part C

after this Part, insert:

Part D - CARE AT HOME PACKAGES

10.9 The *Commission* may accept financial responsibility for a *Community Aged Care Package* or *Extended Aged Care at Home Package* for a former *prisoner of war*, or an *entitled veteran* awarded the Victoria Cross (VC veteran), who is receiving (or who has received) such a care package.

10.10 Financial responsibility is limited to responsibility for the amount (co-payment) the former *prisoner of war* or VC veteran paid, or is to pay, pursuant to an agreement with the provider of the care package — to the extent the co-payment does not exceed any limit under:

- (a) the *Aged Care Act 1997*;
- (b) instruments under the *Aged Care Act 1997*; or
- (c) any agreement between the provider of the care and the Secretary of the Department that administers the *Aged Care Act 1997*;

and financial responsibility does not include responsibility for the cost of the care package that would otherwise be subsidised under the *Aged Care Act 1997*.

10.11 In deciding whether to accept financial responsibility for a *Community Aged Care Package* or *Extended Aged Care at Home Package* provided to a former *prisoner of war* or VC veteran the *Commission* should take into account:

- (a) whether the care was provided in accordance with the relevant provisions of the *Aged Care Act 1997* and the relevant instruments thereunder;
- (b) whether the care complies with the requirements of any agreement between the provider of the care and the Secretary of the Department that administers the *Aged Care Act 1997*; and

- (c) whether the care essentially duplicates treatment the former *prisoner of war* or VC veteran is receiving under other provisions of the *Principles* (double-dipping).

10.12 Billing

10.12.1 The provider of a *Community Aged Care Package* or *Extended Aged Care at Home Package* should bill *Medicare Australia* rather than the former *prisoner of war* or VC veteran (client) but if the client is billed, the *Commission* may, subject to paragraph 10.10, accept financial liability for the amount.

4. Part 10 (as amended by this instrument)

Renumber provisions.