



Australian Government

Veterans' Entitlements Act 1986

Military Rehabilitation and Compensation Act 2004

Australian Participants in British Nuclear Tests (Treatment) Act 2006

**Veterans' Affairs (Treatment Principles – Private
Accommodation in Hospital Surcharge) Amendment
Instrument 2014**

Instrument 2014 No.R78/MRCC78

I, Michael Ronaldson, Minister for Veterans' Affairs, as required by the *Veterans' Entitlements Act 1986* (VEA), the *Military Rehabilitation and Compensation Act 2004* (MRCA) and the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (APBNT(T)A), approve:

- (a) under the VEA — the making by the Repatriation Commission of the legislative instrument in Schedule 1.
- (b) under the MRCA — the making by the Military Rehabilitation and Compensation Commission of the legislative instrument in Schedule 2.
- (c) under the APBNT(T)A — the making by the Repatriation Commission of the legislative instrument in Schedule 3.

Dated this 25th day of September 2014

Michael Ronaldson.....

MICHAEL RONALDSON

The Repatriation Commission (RC) makes the legislative instrument in Schedule 1 under the *Veterans' Entitlements Act 1986* (VEA) and makes the legislative instrument in Schedule 3 under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (APBNT(T)A).

The Military Rehabilitation and Compensation Commission (MRCC) makes the legislative instrument in Schedule 2 under the *Military Rehabilitation and Compensation Act 2004* (MRCA).

The Seals of the)
Repatriation Commission and)
Military Rehabilitation and Compensation Commission) SEAL
were affixed hereto in the)
presence of:)

SEAL

John Geary
JOHN GEARY
A/RC DEPUTY PRESIDENT/MRCC MEMBER

Rear Admiral Robyn Walker
REAR ADMIRAL ROBYN WALKER
AM RN
MRCC MEMBER

Name

[1] This instrument is the *Veterans' Affairs (Treatment Principles – Private Accommodation in Hospital Surcharge) Instrument 2014*.

Commencement

[2] This instrument commences on the day after it is registered.

Transitional

[3] If, before the commencement of this instrument, an entitled person, or an insurer of the person, requested the Repatriation Commission or Military Rehabilitation and Compensation Commission to accept financial responsibility for part of the cost of the entitled person being accommodated in private accommodation in a hospital, and on the commencement of this instrument the request had not been determined, the request is to be determined, as the case requires, by reference to:

- (a) the *Treatment Principles* under the *Veterans' Entitlements Act 1986*; or
- (b) the *MRCA Treatment Principles* under the *Military Rehabilitation and Compensation Act 2004*; or
- (c) the *Treatment Principles* under the *Veterans' Entitlements Act 1986* (VEA Treatment Principles), in their application under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; and
- (d) the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006*, under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*;

as varied by this instrument.

Note: although the various sets of Treatment Principles could be relevant to a request, the request would be determined under one of the sets of Private Patient Principles e.g. *Repatriation Private Patient Principles*.

In this section:

- *entitled person* has the meaning it has in the *Treatment Principles*, the *MRCA Treatment Principles* or the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006*, as the case requires;
- *Military Rehabilitation and Compensation Commission* is the body established under section 361 of the *Military Rehabilitation and Compensation Act 2004*;
- *MRCA Treatment Principles* means the legislative instrument of that name made by the *Military Rehabilitation and Compensation Commission* under section 286(1)(a) of the *Military Rehabilitation and Compensation Act 2004*;
- *Treatment Principles* means the legislative instrument of that name made by the *Repatriation Commission* under section 90(1) of the *Veterans' Entitlements Act 1986*;

- *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* means the legislative instrument of that name made by the *Repatriation Commission* and comprised of modifications to the *Treatment Principles* under the *Veterans' Entitlements Act 1986*, under section 16 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*;
- *Repatriation Commission* is the body continued in existence by section 179 of the *Veterans' Entitlements Act 1986*.

Schedule 1

Veterans' Entitlements Act 1986

Section 90(4)

The *Treatment Principles* (Instrument 2013 No. R52) is varied in accordance with Part A.

Note 1: s.90(4) is the variation section for the purposes of this Schedule.

Note 2: s.90(5) requires the Minister administering the *Veterans' Entitlements Act 1986* to approve a variation made to the *Treatment Principles* by the Repatriation Commission.

Note 3: the reference to "Part A" in Part A does not form part of the instrument in Part A.

Part A

Variations to the Treatment Principles

1. Paragraph 1.4.1

insert:

“private health insurer” has the meaning it has in the *Private Health Insurance Act 2007*.

2. Paragraph 3.5.3

omit:

The Commission

substitute:

Subject to paragraph 3.5.3A, the *Commission*

3. Paragraph 3.5.3

after the paragraph, insert:

3.5.3A Paragraph 3.5.3(a) does not apply to treatment that is private accommodation provided to an *entitled person* as a private patient in a hospital where a *private health insurer* of the person agrees to pay the difference between the cost of shared accommodation for the person at the hospital and the cost of the private accommodation for the person — the *RPPPs* covers such treatment.

Note 1: “private patient” is defined in s.90A(8) of the *Act*.

Note 2: this provision ensures paragraph 3.5.3(a) does not prohibit the *Commission* from accepting responsibility for part of the cost of private accommodation in a hospital where a *private health insurer* pays for the remainder of the cost. The *Commission’s* responsibility in this area is regulated by the *RPPPs* i.e. cost-sharing between the *Commission* and the *entitled person* or a *private health insurer* is worked out under the *RPPPs*.

Schedule 2

Military Rehabilitation and Compensation Act 2004

Section 286(2)

The *MRCA Treatment Principles* (Instrument 2013 No. MRCC53) is varied in accordance with Part A.

Note 1: s.286(2) is the variation section for the purposes of this Schedule.

Note 2: s.286(3) requires the Minister administering the *Military Rehabilitation and Compensation Act 2004* (MRCA) to approve a variation made by the Military Rehabilitation and Compensation Commission to the *MRCA Treatment Principles*.

Note 3: the reference to “Part A” in Part A does not form part of the instrument in Part A.

Part A

Variations to the MCRA Treatment Principles

1. Paragraph 1.4.1

insert:

“private health insurer” has the meaning it has in the *Private Health Insurance Act 2007*.

2. Paragraph 3.5.3

omit:

The Commission

substitute:

Subject to paragraph 3.5.3A, the *Commission*

3. Paragraph 3.5.3

after the paragraph, insert:

3.5.3A Paragraph 3.5.3(a) does not apply to treatment that is private accommodation provided to an *entitled person* as a private patient in a hospital where a *private health insurer* of the person agrees to pay the difference between the cost of shared accommodation for the person at the hospital and the cost of the private accommodation for the person — the *MPPPs* covers such treatment.

Note 1: “private patient” is defined in s.286(7) of the *Act*.

Note 2: this provision ensures paragraph 3.5.3(a) does not prohibit the *Commission* from accepting responsibility for part of the cost of private accommodation in a hospital where a *private health insurer* pays for the remainder of the cost. The *Commission’s* responsibility in this area is regulated by the *MPPPs* i.e. cost-sharing between the *Commission* and the *entitled person* or a *private health insurer* is worked out under the *MPPPs*.

Schedule 3

Australian Participants in British Nuclear Tests (Treatment) Act 2006

Section 16(6)

The Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Instrument 2013 No. R54) is varied in accordance with Part A.

Note 1: s.16(2) enables the Repatriation Commission to modify the *Treatment Principles* made under the *Veterans' Entitlements Act 1986* in their application for the purposes of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

Note 2: s.16(6) enables the Repatriation Commission to vary or revoke modifications it has made to the *Treatment Principles*.

Note 3: s.16(7) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (APBNT(T)A) requires the Minister administering the APBNT(T)A to approve a modification, variation and revocation of a modification made by the Repatriation Commission

Note 4: the reference to "Part A" in Part A does not form part of the instrument in Part A.

Part A

Variations to the Treatment Principles (Australian Participants in British Nuclear Tests) 2006

Schedule item 4 – substituted paragraph 1.4.1

insert:

“private health insurer” has the meaning it has in the *Private Health Insurance Act 2007*.