

EXPLANATORY STATEMENT

Veterans' Affairs (Private Patient Principles Re-Making) Revocation Instrument 2015

EMPOWERING PROVISIONS

Subsection 90A(4) of the *Veterans' Entitlements Act 1986* (VEA);
Subsection 286(3) of the *Military Rehabilitation and Compensation Act 2004* (MRCA); and
Subsection 17(6) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (APBNT(T)A).

PURPOSE

The attached instrument is part of an exercise that resolves a drafting format issue associated with the three sets of "Private Patient Principles" administered by the Department of Veterans' Affairs (DVA) under the Acts mentioned above. No policy change is involved.

The attached instrument (2015 No.R35/MRCC35) revokes the *Veterans' Affairs (Private Patient Principles Re-Making) Instrument 2014* (Instrument 2014 No.R79/MRCC79).

The latter instrument re-made the three sets of Private Patient Principles for sunseting purposes. It was expected by DVA that, on making, the machinery parts of the instrument would separate from the main components of the instrument, being the three sets of Private Patient Principles, and the Private Patient Principles would emerge as stand-alone instruments. According to the Office of Parliamentary Counsel that did not happen with the result that the three sets of Private Patient Principles remained in one overarching instrument.

The Private Patient Principles were valid but were not easily identifiable which is not good legal policy. Accordingly the attached instrument revokes instrument 2014 No.R79/MRCC79 and in a separate exercise the three sets of Private Patient Principles have been made as stand-alone instruments.

CONSULTATION

No – because the attached instrument merely relates to a technical drafting issue.

RETROSPECTIVITY

None.

DOCUMENTS INCORPORATED-BY-REFERENCE

No.

HUMAN RIGHTS STATEMENT

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The attached legislative instrument does not engage any human right and therefore is compatible with human rights.

Michael Ronaldson
Minister for Veterans' Affairs
Rule-Maker

FURTHER EXPLANATION OF NEW PROVISIONS

See: [Attachment A](#)

Attachment A

Section 1

This section sets out the name of the instrument – the *Veterans' Affairs (Private Patient Principles Re-Making) Revocation Instrument 2015*.

Section 2

This section provides that the instrument commences when the *Repatriation Private Patient Principles* (Instrument 2015 No. R33) commences.

Section 3

This section is a transitional provision that ensures that processes that commenced under the former Private Patient Principles (former Principles) and which were not finalised when the former Principles were revoked, may be finalised under the re-made Private Patient Principles (re-made Principles) as if those processes had commenced under the re-made Principles.