



Repatriation Commission

Veterans' Affairs (Extended Eligibility for Treatment) Amendment Instrument 2018

Instrument 2018 No. R74

The Repatriation Commission, under subsection 88A(2) of the *Veterans' Entitlements Act 1986* (the Act), makes the following instrument.

Dated this 3rd day of December 2018

The Seal of the
Repatriation Commission
was affixed hereto in the
presence of:)
)
) SEAL
)

Elizabeth Cosson

C Orme

M A Kelly

.....
LIZ COSSON
AM CSC
CHAIR

.....
CRAIG ORME
DSC AM CSC
DEPTY PRESIDENT

.....
MAJOR GENERAL MARK KELLY
AO DSC
COMMISSIONER

1 Name

This instrument is the *Veterans' Affairs (Extended Eligibility for Treatment) Amendment Instrument 2018*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under subsection 88A(2) of the *Veterans' Entitlements Act 1986*.

4 Variation of Instrument

The *Veterans' Affairs (Extended Eligibility for Treatment) Instrument 2015* (F2015L01145) is varied as set out in the items in the Schedule to this instrument.

Schedule

Variations to the *Veterans' Affairs (Extended Eligibility for Treatment) Instrument 2015*

[1] Section 5 (Definitions)

Insert the following definitions:

mental health condition – see section 5A.

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

[2] New Section

After section 5, insert:

5A Meaning of mental health condition

(1) In this instrument:

mental health condition means a mental disorder that could be assessed and diagnosed by a *mental health professional* in accordance with recognised criteria for such assessment and diagnosis.

(2) In this section:

mental health professional means a person who is:

- (a) a medical practitioner (whether a general practitioner or a psychiatrist) who is registered with the Australian Health Practitioner Regulation Agency to practise as a medical practitioner; or
- (b) a psychologist who is registered with the Australian Health Practitioner Regulation Agency to practise as a psychologist and who holds a post-graduate qualification in clinical psychology.

Note: Medical reference resources used by Australian mental health professionals in the assessment and diagnosis of mental disorders include DSM-5 (fifth edition of the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders) and Chapter V of ICD-10-AM (the International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Australian Modification).

[3] Part A of Section 6 (Extended Eligibility for Residential Care (including Residential Care (Respite)), Respite Care and non-subsidised residential care (respite))

Repeal the Part, substitute:

Part A – Class of Person

A person eligible for treatment under the *VEA* or *MRCA* in respect of:

- (a) a *war-caused* injury or a *war-caused* disease; or
- (b) a *defence-caused* injury or a *defence-caused* disease; or
- (c) a *service injury or disease*; or

- (d) malignant neoplasia; or
- (e) pulmonary tuberculosis; or
- (f) a *mental health condition*.

[4] Note (2) in Part B of Section 6 (Extended Eligibility for Residential Care (including Residential Care (Respite)), Respite Care and non-subsidised residential care (respite))

Omit the Note.