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Repatriation Commission

**Veterans’ Affairs (Extended Eligibility for Treatment) Amendment Instrument 2018**

Instrument 2018 No. R74

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| 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 ) SEAL  presence of: )     |  |  |  | | --- | --- | --- | | Elizabeth Cosson | C Orme | M A Kelly |   ……………………………………………………………………………………………..   |  |  |  | | --- | --- | --- | | **LIZ COSSON** | **CRAIG ORME** | **MAJOR GENERAL MARK KELLY** | | **AM CSC** | **DSC AM CSC** | **AO DSC** | | **CHAIR** | **DEPTY PRESIDENT** | **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:

1. 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
2. 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:

1. a *war-caused* injury or a *war-caused* disease; or
2. a *defence-caused* injury or a *defence-caused* disease; or
3. a *service injury or disease*; or
4. malignant neoplasia; or
5. pulmonary tuberculosis; or
6. 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.