



Australian Government

**Veterans' Entitlements Act 1986**  
**Military Rehabilitation and Compensation Act 2004**

**Veterans' Affairs (Treatment Principles – Electric  
Mobility Aids and Other Measures) Amendment  
Instrument 2019**

Instrument No. R13/MRCC13 of 2019

I, Mark Cormack, Deputy Secretary, Policy & Programs, delegate of the Minister for Veterans' Affairs, approve:

- (a) under section 90 of the *Veterans' Entitlements Act 1986* (VEA) — the variations by the Repatriation Commission of the *Treatment Principles* in the following instrument; and
- (b) under section 286 of the *Military Rehabilitation and Compensation Act 2004* (MRCA) — the variations by the Military Rehabilitation and Compensation Commission of the *MRCA Treatment Principles* in the following instrument.

Dated this    11<sup>th</sup>            day of        April            2019

Mark Cormack

**MARK CORMACK**

The Repatriation Commission makes, under section 90 of the *Veterans' Entitlements Act 1986*, the variations to the Treatment Principles in the following instrument.

Dated this 11<sup>th</sup> day of April 2019

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

.....Elizabeth Cosson.....  
**ELIZABETH COSSON**  
**AM CSC**  
**PRESIDENT**

.....C Orme.....  
**CRAIG ORME**  
**DSC AM CSC**  
**DEPUTY PRESIDENT**

.....M A Kelly.....  
**MAJOR GENERAL MARK KELLY**  
**AO DSC**  
**COMMISSIONER**

.....D Spinks.....  
**DONALD SPINKS**  
**AM**  
**COMMISSIONER**

The Military Rehabilitation and Compensation Commission makes, under section 286 of the *Military Rehabilitation and Compensation Act 2004*, the variations to the *MRCA Treatment Principles* in the following instrument.

Dated this 11<sup>th</sup> day of April 2019

The Seal of the  
Military Rehabilitation and Compensation Commission )  
was affixed hereto in the ) SEAL  
presence of: )

.....Elizabeth Cosson .....C Orme .....M A Kelly.....

**ELIZABETH COSSON**  
**AM CSC**  
**CHAIR**

**CRAIG ORME**  
**DSC AM CSC**  
**MEMBER**

**MAJOR GENERAL MARK KELLY**  
**AO DSC**  
**MEMBER**

.....T Smart.....Lynette Maclean.....

**AIR VICE-MARSHAL**  
**TRACY SMART**  
**AM**  
**MEMBER**

**LYNETTE MACLEAN -**  
**ACTING MEMBER**

## **1 Name**

This instrument is the *Veterans' Affairs (Treatment Principles – Electric Mobility Aids and Other Measures) Amendment Instrument 2019*.

## **2 Commencement**

This instrument commences on 25 April 2019.

## **3 Authority**

This instrument is made under:

- (a) section 90 of the *Veterans' Entitlements Act 1986* in respect of the variations to the *Treatment Principles* in Schedule 1; and
- (b) section 286 of the *Military Rehabilitation and Compensation Act 2004* in respect of the variations to the *MRCA Treatment Principles* in Schedule 2.

## **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is varied as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1-Variations to the *Treatment Principles* (Instrument 2013 No. R52)**

### **[1] Paragraph 1.4 (Interpretation) Definition of “determined residential condition”**

*Omit:*

the Determination No.20/2000

*Substitute:*

section 6 of the *Veterans’ Affairs (Extended Eligibility for Treatment) Instrument 2015*

### **[2] Paragraph 1.4 (Interpretation) Note to the definition of “determined residential condition”**

*Omit:*

Determination No.20/2000

*Substitute:*

Section 6 of the *Veterans’ Affairs (Extended Eligibility for Treatment) Instrument 2015*

### **[3] Paragraph 1.4 (Interpretation) Definition of “Gold Card”**

*After “identification card”, insert:*

“(also known as the Veteran Card)”

### **[4] Paragraph 1.4 (Interpretation) Definition of “White Card”**

*After “identification card”, insert:*

“(also known as the Veteran Card)”

### **[5] Subparagraph 11.3.1(a)**

*Omit the subparagraph.*

## [6] Subparagraph 11.3.1(b)

*Omit the subparagraph, substitute:*

- (b) the supply of a guide dog, mobility dog or hearing dog;

## [7] Paragraph 11.3.3

*After the paragraph, insert:*

### ***Electric Mobility Aids***

**11.3.4.1** Subject to this Part, the *Commission* may provide or accept financial responsibility for the supply of an electric wheelchair, electric scooter or a *power-assist device* to:

- (a) an *entitled veteran* who has a medically assessed need for the item due to a war-caused injury or disease or a *determined condition* other than a *determined residential care condition*; or
- (b) an *entitled veteran* who has a medically assessed need for the item and is eligible to be provided with treatment under the Act, subject to these Principles, for all injuries or diseases; or
- (c) an *entitled veteran* who has a medically assessed need for the item due to malignant neoplasm, and in respect of whom the Commission has accepted financial responsibility under paragraph 2.4 for treatment of that condition.

**11.3.4.2** For paragraph 11.3.4.1:

***power-assist device*** means an electrically-powered device that can be mounted on to a manual wheelchair to provide additional mobility assistance and support independent operation.

### ***Assistance Dogs***

**11.3.5.1** Subject to this Part, the *Commission* may accept financial responsibility for the supply of a psychiatric assistance dog to a person if the *Commission* is satisfied:

- (a) the person is an *entitled veteran*; and
- (b) the person has an accepted condition of post-traumatic stress disorder or a diagnosis of post-traumatic stress disorder from a *psychiatrist*; and
- (c) the person is undergoing treatment by a *psychiatrist* or a *psychologist* for post-traumatic stress disorder and has been undergoing such treatment for at least 3 months; and
- (d) the person has been assessed as suitable for the supply of a psychiatric assistance dog by a *mental health professional* having regard to the factors in the *RAP Guidelines* for this assessment; and
- (e) the person is suitable for the supply of a psychiatric assistance dog having regard to the factors in the *RAP Guidelines* relating to living arrangements, current life circumstances, support networks, and ability to properly care for the dog.

**11.3.5.2** In making a decision about the supply of a guide dog, mobility dog or hearing dog for a veteran under paragraph 11.3.1, the *Commission* is to have regard to the factors in the *RAP Guidelines* relating to the supply of a guide dog, mobility dog or hearing dog, as the case requires.

**11.3.5.3** If the Commission has accepted financial responsibility for the supply of an *assistance dog* the *Commission* will also be responsible for the reasonable costs associated with keeping the dog while the dog remains in the care of the veteran.

**11.3.5.4** For paragraphs 11.3.5.1 to 11.3.5.4:

**AHPRA** means the Australian Health Practitioner Regulation Agency;

**assistance dog** means a guide dog, a mobility dog, a hearing dog or a psychiatric assistance dog;

**mental health professional** means:

- (a) a *psychiatrist*; or
- (b) a *psychologist*; or
- (c) a *mental health occupational therapist*; or
- (d) a *mental health social worker*;

**mental health occupational therapist** means a person who is registered with AHPRA to practise as an occupational therapist and eligible to provide focussed psychological strategies under Medicare;

**mental health social worker** means a social worker who is a member of the Australian Association of Social Workers and certified by that association as eligible to provide focussed psychological strategies under Medicare;

**psychiatrist** means a medical practitioner who is registered with AHPRA and holds specialist registration as a psychiatrist;

**psychologist** means a person who is registered with AHPRA to practise as a psychologist;

**RAP Guidelines** means the Rehabilitation Appliances Program (RAP) National Guidelines defined in paragraph 1.4.1 of these Principles.

## [8] Paragraph 11.3.5

*Omit the paragraph.*

## **Schedule 2-Variations to the *MRCA Treatment Principles* (Instrument 2013 No. MRCC53)**

### **[1] Paragraph 1.4 (Interpretation) Definition of “Gold Card”**

*After “identification card”, insert:*

“(also known as the Veteran Card)”

### **[2] Paragraph 1.4 (Interpretation) Definition of “White Card”**

*After “identification card”, insert:*

“(also known as the Veteran Card)”

### **[3] Subparagraph 11.3.1(a)**

*Omit the subparagraph.*

### **[4] Subparagraph 11.3.1(b)**

*Omit the subparagraph, substitute:*

(b) the supply of a guide dog, mobility dog or hearing dog;

### **[5] Paragraph 11.3.3**

*After the paragraph, insert:*

#### ***Electric Mobility Aids***

**11.3.4.1** Subject to this Part, the *Commission* may provide or accept financial responsibility for the supply of an electric wheelchair, an electric scooter or a *power-assist device* to:

- (a) an *entitled member* who has a medically assessed need for the item due to a *service injury* or a *service disease*; or
- (b) an *entitled member* who has a medically assessed need for the item and is eligible to be provided with treatment under the Act, subject to these Principles, for all injuries or diseases.

**11.3.4.2** For paragraph 11.3.4.1:

***power-assist device*** means an electrically-powered device that can be mounted on to a manual wheelchair to provide additional mobility assistance and support independent operation.

***Assistance Dogs***

**11.3.5.1** Subject to this Part, the *Commission* may accept financial responsibility for the supply of a psychiatric assistance dog to a person if the *Commission* is satisfied:

- (a) the person is an *entitled member*; and
- (b) the person has an accepted condition of post-traumatic stress disorder or a diagnosis of post-traumatic stress disorder from a *psychiatrist*; and
- (c) the person is undergoing treatment by a *psychiatrist* or a *psychologist* for post-traumatic stress disorder and has been undergoing such treatment for at least 3 months; and
- (d) the person has been assessed as suitable for the supply of a psychiatric assistance dog by a *mental health professional* having regard to the factors in the *RAP Guidelines* for this assessment; and
- (e) the person is suitable for the supply of a psychiatric assistance dog having regard to the factors in the *RAP Guidelines* relating to living arrangements, current life circumstances, support networks, and ability to properly care for the dog.

**11.3.5.2** In making a decision about the supply of a guide dog, mobility dog or hearing dog for an *entitled member* under paragraph 11.3.1, the *Commission* is to have regard to the factors in the *RAP Guidelines* relating to the supply of a guide dog, mobility dog or hearing dog, as the case requires.

**11.3.5.3** If the *Commission* has accepted financial responsibility for the supply of an *assistance dog* the *Commission* will also be responsible for the reasonable costs associated with keeping the dog while the dog remains in the care of the *entitled member*.

**11.3.5.4** For paragraphs 11.3.5.1 to 11.3.5.4:

***AHPRA*** means the Australian Health Practitioner Regulation Agency;

***assistance dog*** means a guide dog, a mobility dog, a hearing dog or a psychiatric assistance dog;

***mental health professional*** means:

- (a) a *psychiatrist*; or
- (b) a *psychologist*; or
- (c) a *mental health occupational therapist*; or
- (d) a *mental health social worker*;

***mental health occupational therapist*** means a person who is registered with AHPRA to practise as an occupational therapist and eligible to provide focussed psychological strategies under Medicare;

***mental health social worker*** means a social worker who is a member of the Australian Association of Social Workers and certified by that association as eligible to provide focussed psychological strategies under Medicare;



***psychiatrist*** means a medical practitioner who is registered with AHPRA and holds specialist registration as a psychiatrist;

***psychologist*** means a person who is registered with AHPRA to practise as a psychologist;

***RAP Guidelines*** means the Rehabilitation Appliances Program (RAP) National Guidelines defined in paragraph 1.4.1 of these Principles.