

# 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

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| I, Mark Cormack, Deputy Secretary, Policy & Programs, delegate of the Minister for Veterans’ Affairs, approve:   1. 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 11th day of April 2019  Mark Cormack MARK CORMACK |

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| 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 11th day of April 2019  The Seal of the )  Repatriation Commission ) SEAL  was affixed hereto in the )  presence of: )   |  |  |  | | --- | --- | --- | | ……Elizabeth Cosson…… |  | …………C Orme…………… | | **ELIZABETH COSSON** |  | **CRAIG ORME** | | **AM CSC** |  | **DSC AM CSC** | | **PRESIDENT** |  | **DEPUTY PRESIDENT** | |  |  |  | |  |  |  | |  |  |  | | …………M A Kelly……………… |  | ………D Spinks………… | | **MAJOR GENERAL MARK KELLY** |  | **DONALD SPINKS** | | **AO DSC** |  | **AM** | | **COMMISSIONER** |  | **COMMISSIONER** | |

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| The Military Rehabilitation and Compensation Commission makes, under section 286 of the *Military Rehabilitation and Compensation Act 2004,* thevariations to the *MRCA Treatment Principles* in the following instrument.  Dated this 11th day of April 2019  The Seal of the )  Military Rehabilitation and Compensation Commission ) SEAL  was affixed hereto in the )  presence of: )  …………Elizabeth Cosson ………………………..C Orme ……………………………….M A Kelly………….   |  |  |  | | --- | --- | --- | | **ELIZABETH COSSON** | **CRAIG ORME** | **Major General Mark Kelly** | | **AM CSC** | **DSC AM CSC** | **AO DSC** | | **CHAIR** | **MEMBER** | **MEMBER** |   ………………T Smart………………………………………………………………………………….Lynette Maclean………   |  |  |  |  | | --- | --- | --- | --- | | **AIR VICE-MARSHAL**  **TRACY SMART** |  | **LYNETTE MACLEAN -** | **LYNETTE MACLEAN** | | **AM** |  |  |  | | **MEMBER** |  | **ACTING MEMBER** | **MEMBER** |   MEMBER |

1. **Name**

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

1. **Commencement**

This instrument commences on 25 April 2019.

1. **Authority**

This instrument is made under:

1. section 90 of the *Veterans’ Entitlements Act 1986* in respect of the variations to the *Treatment Principles* in Schedule 1; and
2. section 286 of the *Military Rehabilitation and Compensation Act 2004* in respect of the variations to the *MRCA Treatment Principles* in Schedule 2.
3. **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:*

1. 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:

1. 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
2. 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
3. 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:

1. the person is an *entitled veteran*; and

1. the person has an accepted condition of post-traumatic stress disorder or a diagnosis of post-traumatic stress disorder from a *psychiatrist*; and
2. the person is undergoing treatment by a *psychiatrist* ora *psychologist* for post-traumatic stress disorder and has been undergoing such treatment for at least 3 months; and
3. 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
4. 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:

1. a *psychiatrist;* or
2. a *psychologist;* or
3. a *mental health occupational therapist*; or
4. 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 workerwho 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 theRehabilitation 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:*

1. 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:

1. an *entitled member* who has a medically assessed need for the item due to a *service injury* or a *service disease*; or
2. 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:

1. the person is an *entitled member*; and
2. the person has an accepted condition of post-traumatic stress disorder or a diagnosis of post-traumatic stress disorder from a *psychiatrist*; and
3. 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
4. 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
5. 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:

1. a *psychiatrist;* or
2. a *psychologist;* or
3. a *mental health occupational therapist*; or
4. 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 workerwho 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 theRehabilitation Appliances Program (RAP) National Guidelines defined in paragraph 1.4.1 of these Principles.