

EXPLANATORY STATEMENT

Veterans' Affairs (Treatment Principles – Removal of References to Rehabilitation in the Home) Amendment Determination 2021 (Instrument No. R8/MRCC8 of 2021)

EMPOWERING PROVISIONS

For the amendments to the *Treatment Principles* (Instrument 2013 No. R52) (the VEA Treatment Principles) — subsection 90(5) of the *Veterans' Entitlements Act 1986* (the VEA).

For the amendments to the *MRCA Treatment Principles* (Instrument 2013 No. MRCC53) (the MRCA Treatment Principles) — subsection 286(5) of the *Military Rehabilitation and Compensation Act 2004* (the MRCA).

PURPOSE

The attached instrument, the *Veterans' Affairs (Treatment Principles – Removal of References to Rehabilitation in the Home) Amendment Determination 2021* (Instrument 2021 No. R8/MRCC8) amends the VEA Treatment Principles and the MRCA Treatment Principles – collectively known as the “Treatment Principles”. Instrument 2021 No. R8/MRCC8 removes references to and provisions under which the Rehabilitation in the Home program was to be provided. The Rehabilitation in the Home program is established under Principle 7.7B and associated interpretation provisions under paragraph 1.4.1 of the Treatment Principles.

The Rehabilitation in the Home provisions were inserted by the *Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020* (Instrument 2020 No. R3/MRCC3) [F2020L01028] (the 2020 Determination).

The 2020 Determination was revoked on 13 February 2021 by the *Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021* (Instrument 2021 No. R7/MRCC7) [F2021L00116] (the Revocation Determination).

While the revocation had the effect of revoking the 2020 Determination, it did not effectively remove the amendments to the Treatment Principles that had been made by the 2020 Determination.

Instrument 2021 No. R8/MRCC8 and the Revocation Determination were required as the implementation of the Rehabilitation in the Home program has been delayed for the purposes of redesigning the proposal, particularly to identify discretionary decisions and to provide for merits review where appropriate.

CONSULTATION

Section 17 of the *Legislation Act 2003* requires a rule-maker to be satisfied, before making a legislative instrument that any consultation the rule-maker considered appropriate and reasonably practicable, has been undertaken.

As the implementation of the Rehabilitation in the Home program had been delayed no contracts had been entered into for the purposes of providing the program. No veterans currently receive the program.

In these circumstances, it is considered the requirements of section 17 of the *Legislation Act 2003* have been fulfilled.

RETROSPECTIVITY

None.

DOCUMENTS INCORPORATED BY REFERENCE

None.

REGULATORY IMPACT

For the original proposal: OBPR Reference Number: 25985

The proposed amendments to the Treatment Principles to remove references to the Rehabilitation in the Home program will have no regulatory impact as no contracts for the provision of the program have been entered into and no veterans receive the services.

On that basis, the determination does not have any regulatory impact on businesses, community organisations or individuals.

FURTHER EXPLANATION OF PROVISIONS

See Attachment A.

FURTHER EXPLANATION OF PROVISIONS

Section 1

This section sets out the name of the instrument - *Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021*.

Section 2

This section provides that the instrument commences on the day that it is registered.

Section 3

This section sets out the legislative authority for the making of the variations to the Treatment Principles.

Section 4

Section 4 provides that the variations to the Treatment Principles, as outlined in each of the Schedules to the instrument, have effect.

Schedule 1 – Variations to the *Treatment Principles* (R52/2013) under the *Veterans’ Entitlements Act 1986*

Item 1 omits the definitions for the following terms in paragraph 1.4.1.:

- “Rehabilitation in the Home”;
- “Rehabilitation in the Home Provider”; and
- “Rehabilitation in the Home care co-ordinator”.

The terms had been relevant for the purposes of Principle 7.7B (Rehabilitation in the Home) (omitted by **Item 2**).

Item 2 omits Principle 7.7B (Rehabilitation in the Home).

Schedule 2 – Variations to the Treatment Principles (No. MRCC53/2013) under the *Military Rehabilitation and Compensation Act 2004*

Item 1 omits the definitions for the following terms in paragraph 1.4.1.:

- “Rehabilitation in the Home”;
- “Rehabilitation in the Home Provider”; and
- “Rehabilitation in the Home care co-ordinator”.

The terms had been relevant for the purposes of Principle 7.7B (Rehabilitation in the Home) (omitted by **Item 2**).

Item 2 omits Principle 7.7B (Rehabilitation in the Home).

Statement of Compatibility with Human Rights

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

Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Revocation Determination 2021

The legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the instrument is to amend the VEA Treatment Principles and the MRCA Treatment Principles – collectively known as the “Treatment Principles”.

The amendments to the Treatment Principles will remove the provisions inserted by the *Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020* which provided for the implementation of the Rehabilitation in the Home program.

With the implementation of the Rehabilitation in the Home program being delayed for the purposes of redesigning the proposal it will be necessary for the amendments to the Treatment Principles to remove the references to the program and the provisions under which it was to be provided.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

The legislative instrument is compatible with human rights as it does not raise any human rights issues.

Natasha Cole
Rule-Maker
Acting Deputy Secretary, Veterans and Families Services
Department of Veterans' Affairs