



AUSTRALIAN  
SENATE

Senate Standing Committee for the  
Scrutiny of Delegated Legislation  
Parliament House, Canberra ACT 2600  
02 6277 3066 | [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)  
[www.aph.gov.au/senate\\_sdsc](http://www.aph.gov.au/senate_sdsc)

12 November 2020

The Hon Darren Chester MP  
Minister for Veterans' Affairs  
Parliament House  
CANBERRA ACT 2600

Via email: [Darren.Chester.MP@aph.gov.au](mailto:Darren.Chester.MP@aph.gov.au)

CC: [minister@dva.gov.au](mailto:minister@dva.gov.au); [legislation@dva.gov.au](mailto:legislation@dva.gov.au)

Dear Minister,

**Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020 [F2020L01028]**

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee) assesses all legislative instruments subject to disallowance, disapproval or affirmative resolution by the Senate against scrutiny principles outlined in Senate standing order 23. The committee has identified scrutiny concerns in relation to the above instrument, and the committee seeks your advice in relation to this matter.

***Availability of independent merits review***

Senate standing order 23(3)(i) requires the committee scrutinise each legislative instrument as to whether it unduly excludes, limits or fails to provide for independent review of decisions affecting rights, liberties, obligations or interests.

The instrument amends the Treatment Principles (Instrument 2013 No. R52) and the MRCA Treatment Principles (Instrument 2013 No. MRCC53) to provide that the Repatriation Commission and the Military Rehabilitation and Compensation Commission (the commissions) may decide to accept financial responsibility for a Rehabilitation in the Home program.

Where an instrument empowers a decision-maker to make discretionary decisions with the capacity to affect rights, liberties, obligations or interests, the committee ordinarily expects that those decisions should be subject to independent merits review.

Following informal correspondence with your department, the committee understands that decisions made by a delegate of the commissions to accept financial responsibility for a Rehabilitation in the Home program will involve at least some discretion, however they will not be subject to independent merits review. As these decisions may involve at least

an element of discretion, although limited, it appears that they are suitable for independent merits review.

**The committee therefore requests your advice as to what characteristics of the decisions made by the commissions to accept financial responsibility for a Rehabilitation in the Home program justify the exclusion of independent merits review, by reference to the established grounds set out in the Administrative Review Council's guidance document, *What decisions should be subject to merit review?*.**

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. If the committee has not concluded its consideration of an instrument before the expiry of the 15th sitting day after the instrument has been tabled in the Senate, the committee may give notice of a motion to disallow the instrument as a precautionary measure to allow additional time for the committee to consider information received.


Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **26 November 2020**.

Finally, please note that, in the interests of transparency, this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Thank you for your assistance with this matter.

Yours sincerely,

Senator  the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation





## The Hon Darren Chester MP

Minister for Veterans' Affairs  
Minister for Defence Personnel

MC20-004470

26 NOV 2020

Senator the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation  
Parliament House  
CANBERRA ACT 2600

Dear Senator

I am writing in response to your letter on behalf of the Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee), dated 12 November 2020, which requested advice relating to the *Veterans' Affairs (Treatment Principles — Rehabilitation in the Home and Other Amendments) Determination 2020* [F2020L01028] (the instrument).

The committee has referred to decisions made by a delegate of the Repatriation Commission or the Military Rehabilitation and Compensation Commission (the commissions) to accept financial responsibility for a Rehabilitation in the Home program and has determined that while such decisions will involve at least some discretion, they will not be subject to independent merits review.

The committee requests my advice as to the characteristics of the decisions made by the commissions to accept financial responsibility for a Rehabilitation in the Home program which justify the exclusion of independent merits review, particularly by reference to the grounds set out in the Administrative Review Council's (ARC) guidance document, *What decisions should be subject to merit review?*

As noted in the email to the committee of 15 October 2020, all decisions made pursuant to the Treatment Principles under the *Veterans' Entitlements Act 1986* (VEA) and *Military Rehabilitation and Compensation Act 2004* (MRCA) are not subject to independent merits review. Under the VEA, such decisions have never been so reviewable and under the MRCA, those decisions have been specifically excluded from the definition of 'original determination' and 'reviewable determination' under section 345.

As outlined in the Explanatory Memorandum (EM) for the MRCA, this is because treatment is provided by health care providers through the use of Repatriation Health Cards (the White and Gold Cards). The veteran will not incur any costs and the treatment to be provided will be specified.



It should be noted that since the commencement of the MRCA, the formal and informal contractual arrangements with health care providers referred to in the EM were replaced in 2007 for the purposes of the Treatment Principles by a statutory registration scheme. Under the scheme, the Department of Veterans' Affairs (DVA) recognises a health provider's current registration with Medicare as the basis for providing treatment under an arrangement with DVA. Formal contractual arrangements still apply for the purposes of treatment provided by public and private hospitals and for treatment of the type provided under Rehabilitation in the Home programs.

Nevertheless, the general principle remains the same – treatment is provided through the use of White and Gold cards having regard to health provider's recommendations in accordance with the Treatment Principles. Approval of such treatment does not usually involve a 'determination' in the traditional sense – once a veteran has a White or Gold card, the veteran is eligible for treatment covered by the Treatment Principles.

The instrument essentially adopts the same approach, expanding the Treatment Principles to include the provision of a Rehabilitation in the Home program in the circumstances where the provider of the program has assessed the veteran as being both a suitable candidate and having a clinical need for the treatment.

The delegate proceeds on the assumption that the Rehabilitation in the Home provider is qualified to make an accurate assessment of the veteran's rehabilitation needs and will follow the recommendations of that provider. Of course, the delegate will need to ensure that the person meets other non-medical criteria (for example, that the claimant is a veteran) but the substance of the claim is governed by the program provider's assessment of the veteran's needs.

Therefore, whilst not strictly a mandatory decision as per paragraph 3.8 of the ARC guidance document, the decision maker is reliant on the assessment by the provider of whether the veteran meets the relevant criteria referred to in the Treatment Principles, which leaves little room for discretion or for independent merits review to operate. Further, if new evidence becomes available that is relevant to the assessment of the veteran's medical needs, the veteran can seek a reassessment of their medical needs. In other words, an initial decision is not necessarily final such as to justify the need for a formal independent review.

I trust this information will be of assistance to you.

Yours sincerely

  
**DARREN CHESTER**





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SENATE

**Senate Standing Committee for the  
Scrutiny of Delegated Legislation**

Parliament House, Canberra ACT 2600  
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10 December 2020

The Hon Darren Chester MP  
Minister for Veterans' Affairs  
Parliament House  
CANBERRA ACT 2600

Via email: [Darren.Chester.MP@aph.gov.au](mailto:Darren.Chester.MP@aph.gov.au)

CC: [minister@dva.gov.au](mailto:minister@dva.gov.au); [legislation@dva.gov.au](mailto:legislation@dva.gov.au)

Dear ~~Minister~~,

**Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments)  
Determination 2020 [F2020L01028]**

Thank you for your response of 26 November 2020 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above instrument.

The committee considered your response at its private meeting on 9 December 2020 and has resolved to seek your further advice about the issues outlined below.

***Availability of independent merits review***

Your response sets out two key reasons as to why it is not appropriate to provide for independent merits review of certain decisions made by the Repatriation Commission and the Military Rehabilitation and Compensation Commission under the Treatment Principles in the *Veterans' Entitlements Act 1986* (VEA) and *Military Rehabilitation and Compensation Act 2004* (MRCA), as varied by this instrument.

First, you advised that the *Veterans' Entitlements Act 1986* (VEA) and *Military Rehabilitation and Compensation Act 2004* (MRCA) do not expressly provide for independent merits review of decisions made pursuant to the Treatment Principles. However, in this regard, the committee notes that neither the VEA nor the MRCA expressly prohibits the provision of independent merits review. In the absence of such an express prohibition, it remains unclear to the committee why the instrument itself cannot be amended to provide for such review.

Second, you advised that, whilst the relevant decisions are not strictly mandatory decisions, the decision-makers are reliant on the assessment by the providers of whether the veteran meets the relevant criteria referred to in the Treatment Principles. In practice, you suggest that this therefore leaves little room for discretion or for independent merits review to operate. You further noted that, if new evidence becomes available that is relevant to the assessment of the veteran's medical needs, the veteran can seek a reassessment of their medical needs.

Whilst noting this advice, the committee remains concerned that, unlike strictly mandatory decisions, as drafted the relevant decisions in this instance require the decision-maker to exercise

some discretion, albeit minor. The committee reiterates its view that such decisions should be subject to independent merits review.

**Accordingly, the committee requests your further advice as to whether the instrument could be amended to either:**

- **provide for independent merits review of decisions made by the commissions to accept financial responsibility for a Rehabilitation in the Home program; or, if not,**
- **expressly provide that such decisions do not involve the exercise of discretion.**

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. As a result, on 30 November 2020, the committee gave notice of a motion to disallow the instrument as a precautionary measure to allow additional time for the committee to consider information received.

Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **13 January 2021**.

Finally, please note that, in the interests of transparency your undertaking to amend the instrument will be recorded in the *Delegated Legislation Monitor*, and that this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Thank you for your assistance with this matter.

Yours sincerely,

**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**  
**Senate Standing Committee for the Scrutiny of Delegated Legislation**





## The Hon Darren Chester MP

Minister for Veterans' Affairs  
Minister for Defence Personnel

MC20-004852

27 JAN 2021

Senator the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation  
Parliament House  
CANBERRA ACT 2600

Dear Senator *Concetta*

Thank you for your correspondence of 10 December 2020 on behalf of the Senate Standing Committee for the Scrutiny of Delegated Legislation (the Committee), requesting further advice in relation to the *Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020* (Rehabilitation in the Home Instrument).

The Committee requests further advice as to whether the Rehabilitation in the Home Instrument could be amended to either:

- provide for the independent merits review of decisions made by the Commissions to accept financial responsibility for a Rehabilitation in the Home program; or, if not,
- expressly provide that such decisions do not involve the exercise of discretion.

This letter responds to these two questions.

### ***Amendment of the Rehabilitation in the Home Instrument to provide for independent merits review***

The relevant primary legislation which enables the making of the Rehabilitation in the Home Instrument does not permit merits review of determinations of the type made in relation to this Instrument. This means that the Rehabilitation in the Home Instrument cannot contain a provision which is not authorised by the relevant primary legislation.

For the purposes of the *Veterans' Entitlements Act 1986* (VEA), a determination made under or in connection with new Principle 7.7B.3 of the Treatment Principles is made under Part V of the VEA. No merits review is available under the VEA in respect of such decisions. It would therefore be inconsistent with the primary legislation for the Rehabilitation in the Home Instrument to provide for review of determinations that are not capable of being reviewed under the Act itself. The instrument-making power would not extend to this.

For the purposes of the *Military Rehabilitation and Compensation Act 2004* (MRCA), a determination made under or in connection with new Principle 7.7B.3 of the MRCA Treatment Principles is made under Chapter 6, Part 3 of the MRCA. The effect of paragraph 345(2)(h) of the MRCA is that merits review is not available in relation to determinations made under that Part. No instrument-making power in section 286 could support such review being made available.

In these circumstances, therefore, neither the VEA nor MRCA permits a determination made under the respective Treatment Principles to be subject to merits review. Moreover, to include an express merits review provision would be beyond the power and scope of the empowering primary legislation.

*Detail as to availability of merits review under the VEA*

Specific provisions of the VEA provide that merits review is available in respect of particular categories of decision.

For the purposes of the VEA, a determination made under or in connection with new Principle 7.7B.3 of the Treatment Principles is made under Part V of the VEA (section 84 in particular) as:

- Section 89 empowers the Repatriation Commission (the Commission) to enter into arrangements for the provision of treatment;
- Section 90 confers an instrument making-power upon the Commission in equivalent terms to that provided for in section 286 of the MRCA;
- Under section 84, the Commission may exercise powers that are broadly similar to those conferred on the MRCC by section 287 of the MRCA; in particular, the Commission may accept financial responsibility for some kinds of treatment arranged by others that are mentioned in section 90(1B)(a) (which is equivalent in terms to section 286(1)(h)) and specified in the determination: section 84(3A).

No merits review is available under the VEA in respect of decisions under Part V.

*Detail as to availability of merits review under the MRCA*

Unlike the VEA, the MRCA provides in general terms for the categories of decisions where merits review is available. Section 345 of the MRCA provides that only certain determinations may attract the merits review process that Chapter 8 of that Act provides.

Relevantly, merits review is only available in relation to 'original determinations' under the MRCA, that are not determinations of the kind listed in subsection 345(2) of that Act. That is, subsection 345(2) provides a list of determinations that are not considered 'original determinations' for the purposes of the MRCA and which are not subject to merits review.

Paragraph 345(2)(h) provides that determinations 'under Chapter 6 Part 3' are excluded from the list of determinations that are considered 'original determinations'.



Chapter 6 Part 3 incorporates the provision of treatment through the MRCA Treatment Principles. The Commission may arrange for treatment to be provided to an entitled person (section 287). One of the ways that the Commission may arrange for treatment to be provided is in accordance with a treatment determination made under section 286. In making a decision applying the new Principle 7.7B.3, the Military Rehabilitation and Compensation Commission (MRCC) is determining that it will accept financial responsibility for the provisions of treatment in specified circumstances; that is – in substance – a determination under section 287.

Determinations made under the new Principle 7.7B.3 are therefore characterised as being made under Chapter 6 Part 3. This means that merits review of such determinations are excluded by the Act itself.

As a consequence, the instrument-making power under section 286 of the MRCA cannot support merits review being made available under the Treatment Principles.

***Amendment of the Rehabilitation in the Home Instrument to include an express provision that the determinations under 7.7B.3 do not involve the exercise of discretion***

The Committee has alternatively suggested that the Rehabilitation in the Home Instrument should be amended to provide an express provision that determinations under new Principle 7.7B.3 do not involve the exercise of discretion.

This would be inappropriate as it would not accurately reflect the intended operation of the program. The program is designed to be a client-centred, coordinated and case managed approach to rehabilitation care that is based on clinical need. As part of this approach, the needs of clients will be assessed throughout the program to ensure that rehabilitation is provided appropriately. Decision makers will need to make a bona fide assessment whether the program recommended by a provider for an individual client meets the requirements of the instrument.

In most instances there will be little to no discretion exercised by a delegate of the Commissions. As I have previously noted, the delegate is limited to ensuring that the person meets other non-medical criteria and the assessment by the provider of the veteran's needs will govern the services that are provided.

The Committee has suggested there is some element of discretion in accepting financial liability for clients to receive Rehabilitation in the Home treatment under paragraph 7.7B.3. This may relate to the requirement under paragraph 7.7B.3(c), where:

- (c) in deciding whether to accept financial responsibility for the provision of Rehabilitation in the Home program, the Commission must take into account whether the medical and allied health services provided as part of the Rehabilitation in the Home program duplicate the medical and allied health services the entitled person is receiving under other provisions of the Treatment Principles (double dipping).

To this extent, the Committee is correct that there is some element of discretion. However, this discretion is limited to ensuring that there is no potential for double-dipping by providers. It is important to recognise that the client will receive the service, whether it is funded under the Rehabilitation in the Home program or under the other provisions of the Treatment Principles.

The nature of the program, and the ability of decision-makers to assess new evidence, mitigates the need for a formal merits review. Limiting the ability of decision-makers to exercise discretion in the very few cases that might require it would unnecessarily fetter the Program's ability to quickly adapt to meet the client's needs.

For the reasons above it is not considered appropriate to insert a provision that there is no discretion that will be exercised.

### Informal Review

In line with previous correspondence, and despite the lack of a formal merits review mechanism, delegates of the Commissions will informally review the eligibility of clients that provide new evidence to support new decisions under the Treatment Principles. The important point for affected clients is that there must be sufficient evidence to support the making of a new decision.

I hope that this detailed explanation will alleviate the Committee's concerns.

Thank you for taking the time to bring this matter to my attention.

Yours sincerely

**DARREN CHESTER**





5 February 2021

The Hon Darren Chester MP  
Minister for Veterans' Affairs  
Parliament House  
CANBERRA ACT 2600

Via email: [Darren.Chester.MP@aph.gov.au](mailto:Darren.Chester.MP@aph.gov.au)

CC: [minister@dva.gov.au](mailto:minister@dva.gov.au); [legislation@dva.gov.au](mailto:legislation@dva.gov.au)

Dear Minister,

**Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020 [F2020L01028]**

Thank you for your response of 27 January 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above instrument. The committee has considered your response and has resolved to seek your further urgent advice about the issues outlined below.

***Availability of independent merits review***

The committee thanks you for your further advice in relation to the availability of independent merits review of decisions made by the Repatriation Commission and the Military Rehabilitation and Compensation Commission (the Commissions) to accept financial responsibility for a Rehabilitation in the Home program under the Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020 (the instrument).

The committee considers that as there is some element of discretion in accepting financial liability for clients to receive Rehabilitation in the Home treatment such decisions should be subject to independent merits review.

The committee notes your advice that delegates of the Commissions will informally review the eligibility of clients that provide new evidence to support new decisions under the Treatment Principles. The committee considers that this advice supports the committee's view that the decisions made under the instrument are of a discretionary nature and that independent merits review is therefore necessary and appropriate.

***Decisions by the Repatriation Commission***

In relation to merits review of these decisions by the Repatriation Commission, you advised that the *Veterans' Entitlements Act 1986* (the VEA) does not authorise independent merits review. You provided this advice on the basis that the VEA does not expressly provide for independent merits review of these decisions and that therefore it would be inconsistent with the VEA for such review to be provided for by the instrument. While noting this advice, the committee does not consider that the lack of an express power in the VEA to provide for independent merits review of these decisions means that it would be inconsistent with the VEA for merits review to be provided.

The committee draws your attention to its correspondence with the Minister for Aged Care and Senior Australians in relation to the Continence Aids Payment Scheme 2020 [F2020L00758] in which a similar issue arose about the provision of merits review under the *National Health Act 1953* (correspondence attached). The committee in that instance noted that the lack of an express power in the *National Health Act 1953* providing for independent merits review of specific decisions made under that instrument did not mean that the instrument could not provide for such review. After corresponding with the committee, the Minister undertook to amend both the instrument and the *National Health Act 1953* to clarify the availability of this review.

**In light of the above, the committee requests that you undertake to amend the instrument to provide for independent merits review of decisions made by the Repatriation Commission to accept financial responsibility for a Rehabilitation in the Home program. If you remain of the view that this would be inconsistent with the provisions of the *Veterans' Entitlements Act 1986*, the committee requests that you undertake to move amendments to the Act to clarify that the Treatment Principles can provide for independent merits review of these decisions.**

#### *Decisions by the Military Rehabilitation and Compensation Commission*

In relation to merits review of these decisions by the Military Rehabilitation and Compensation Commission, you advised that merits review of determinations made under Chapter 6 of Part 3 are excluded by the *Military Rehabilitation and Compensation Act 2004* (the MRCA) itself. The committee acknowledges this advice that the MRCA expressly excludes independent merits review of these decisions. It remains open, however, to amend the MRCA to ensure that merits review can be made available for these decisions, which the committee considers necessary and appropriate in this instance.

The committee draws your attention to a similar issue which arose in relation to the Taxation Administration (Private Ancillary Fund) Guidelines 2019 [F2019L01227] (the Taxation instrument), about which the committee raised concerns in relation to independent merits review with the Assistant Minister for Finance, Charities and Electoral Matters (correspondence attached). The Assistant Minister advised that Part IVC of the *Taxation Administration Act 1953* only provided for merits review for decisions made under taxation law (an Act) or regulations made under such an Act, and that as such, the Act excluded merits review for decisions made under subordinate instruments including the Taxation instrument. However, in responding to the committee's ongoing concerns the Assistant Minister has amended the *Taxation Administration Act 1953* to enable merits review of administrative decisions of the Commissioner of Taxation made under the Taxation instrument.

**In light of the above, the committee requests that you undertake to move amendments to the *Military Rehabilitation and Compensation Act 2004* to ensure that independent merits review can be made available for decisions made by the Military Rehabilitation and Compensation Commission to accept financial responsibility for a Rehabilitation in the Home program.**

Your response to the committee's request for further advice in relation to the instrument will inform the committee's consideration of whether to withdraw the notices of motion to disallow these instruments.

To facilitate the committee's timely consideration of these matters and noting that the disallowance period for the instrument expires on 22 February 2021, the committee would appreciate your response by **11 February 2021**.

Finally, please note that, in the interests of transparency this correspondence and your response will be published on the committee's website.



If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Thank you for your assistance with this matter.

Yours sincerely,

**Senator the Hon Concetta Fierravanti-Wells**

**Chair**

**Senate Standing Committee for the Scrutiny of Delegated Legislation**



## The Hon Darren Chester MP

Minister for Veterans' Affairs  
Minister for Defence Personnel

MC21-000467

Senator the Hon Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation  
Parliament House  
CANBERRA ACT 2600

15 FEB 2021

Dear Senator

Thank you for your correspondence of 5 February 2021 on behalf of the Senate Standing Committee for the Scrutiny of Delegated Legislation (the Committee) requesting urgent advice in relation to the *Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020* (Rehabilitation in the Home Instrument).

The Committee requested an undertaking to amend the Rehabilitation in the Home Instrument to provide for independent merits review of decisions to accept financial responsibility under the Rehabilitation in the Home program, and to make any necessary amendments to the *Veterans' Entitlements Act 1986* and the *Military Rehabilitation and Compensation Act 2004*.

The Committee's concerns have led to reconsideration of the design of the Rehabilitation in the Home program. Given the timeframe for the Senate to consider the Notice of Motion to Disallow the Rehabilitation in the Home Instrument, the Repatriation Commission and the Military Rehabilitation and Compensation Commission (the Commissions) revoked the Rehabilitation in the Home Instrument on 12 February 2021.

Following advice from the First Parliamentary Counsel, the Commissions are also intending to amend the Treatment Principles, and this will occur before 22 February 2021 (the date the period for disallowance ceases). These amendments will remove the provisions relating to the Rehabilitation in the Home program from the Treatment Principles, which is a necessary step as they have already commenced.

Taking both these steps will allow time to accommodate the Committee's concerns as part of the program re-design. If the Commissions determine a new instrument is required, it will incorporate merits review if access to the Rehabilitation in the Home program is to be determined through a discretionary decision-making process. A minor amendment to the existing instrument was not considered to be sufficient to address the concerns of the Committee.



For the Committee's awareness, at this stage no clients have been accepted into the program, and no contractual arrangements have been entered into with providers. Therefore, there is no adverse effect from revoking the instrument at this time, amending the Treatment Principles and reviewing the program's design.

Thank you for taking the time to write.

Yours sincerely

**DARREN CHESTER**



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18 February 2021

The Hon Darren Chester MP  
Minister for Veterans' Affairs  
Parliament House  
CANBERRA ACT 2600

Via email: [Darren.Chester.MP@aph.gov.au](mailto:Darren.Chester.MP@aph.gov.au)

CC: [minister@dva.gov.au](mailto:minister@dva.gov.au); [legislation@dva.gov.au](mailto:legislation@dva.gov.au)

Dear Minister,

**Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments)  
Determination 2020 [F2020L01028]**

Thank you for your response of 15 February 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation, in relation to the above instrument.

The committee considered your response at its private meeting on 17 February 2021. On the basis of your advice that the instrument was revoked on the 12 February 2021, the committee has concluded its examination of the instrument. The committee appreciates your ongoing engagement in relation to the scrutiny concerns arising from this and future related instruments.

In light of this, the committee has resolved to withdraw the disallowance notice in place on the instrument.

In the interests of transparency, I note that this correspondence will be published on the committee's website and recorded in the *Delegated Legislation Monitor*.

Thank you for your assistance with this matter.

Yours sincerely,

**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**  
**Senate Standing Committee for the Scrutiny of Delegated Legislation**