PARLIAMENT OF AUSTRALIA
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

REPATRIATION ACTS AMENDMENT BILL 1980

Date Introduced: 27 August 1980
House: House of Representatives

Short Digest of Bill

Purpose/Background

The Bill amends the Repatriation Act 1920 and the Seamen's War Pensions and Allowances Act 1940 to give effect to the Government's Budget decisions as follows:

(i) to disregard Repatriation disability pension payments by 50% when determining eligibility for fringe benefits;

(ii) to introduce a Temporary Incapacity Allowance;

(iii) to offer free medical treatment to;

(a) Australian mariners who were captured and detained by the enemy;

(b) all veterans and Australian mariners who suffered amputations or loss of vision in one eye through service related injuries;

(iv) to increase the amounts paid for amputations or loss of vision in one eye, to orphans and as Attendant's Allowances.

(v) to exclude any pay, allowances or gratuities paid to members of the Defence Forces Reserve or Emergency Reserve Forces from consideration as income for determining eligibility for fringe benefits and to restore to inmates of mental hospitals that portion of service pensions currently suspended.

The major initiative, which is not directly referred to in the Bill, the Temporary Incapacity Allowance, is to be introduced from 1 November 1980 by regulation. The allowance will compensate veterans who undergo hospitalisation for a service-related disability and are totally incapacitated by that hospitalisation and consequent outpatient treatment or convalescence for a continuous period of more than 28 days. The amount will be equivalent to the Special (T. & P.I.) Rate for the period...
involved less any disability pension the veteran may already receive. It will be backdated to the date on which the veteran was admitted to hospital and will be income test free.

Main Provisions

Repatriation Act 1920

Clause 4 of the Bill amends s.83 of the Repatriation Act 1920 by

(a) inserting a new paragraph (ga) into subsection (i) extending the list of incomes not to be considered in income tests for payments under the Social Services Act 1947.

(b) omitting definitions of mental hospitals and mental hospital patients.

Clause 6 repeals s. 94A and 94B of the Principal Act. These sections provide that where a person in receipt of a service pension was an inmate of a mental hospital, that portion of his pension which exceeded the age pension under the Social Services Act 1947 was suspended; that suspension will no longer operate from the commencement of this clause.

Sub-clause 6(2) also entitles a service pensioner, who was a mental hospital patient immediately before the operation of this Act and who ceases to be such a patient after the Act comes into operation, to repayment of that portion of his pension which was suspended under the now repealed s.94A and 94B; repayment will be made for up to 84 days of such suspension.

Clause 8 amends s.123AB of the Principal Act to bring the definitions of income into line with s.87 of the Act.

Clauses 9, 10 and 11 amend Schedules 2, 3 and 5 of the Principal Act respectively to increase the relevant amounts under those Schedules. Schedule 2 refers to special pensions for members of the Forces who are totally blind because of war service or who are totally and permanently incapacitated. Schedule 3 relates to payments to children, in the case of the death of a former member of the Forces; Schedule 5 concerns service pensioners who have suffered loss of sight in one eye or amputation.
Clause 13 of the Bill amends s.18 of the Principal Act by increasing pensions to children of deceased Australian Mariners, as defined by subsection 3 (i) of the Principal Act.

Clause 14 amends subsection 59(1) by adding a new paragraph (db) to provide for free medical and hospital treatment for Australian Mariners who during wartime or through war service;

(i) suffered detention; or

(ii) suffered an amputation or loss of sight in one eye.

Clause 15 amends Schedule 2 to increase the Attendant's Allowance.

Clause 2 provides for the commencement of the various provisions as follows:

(i) Clauses 1, 2 and 3, sub-clause 4 (1) and clauses 5, 12, 14 and 16 will come into operation on the Date of Royal Assent.

(ii) Clause 8 will be operative from 1 January 1981.

(iii) The remaining clauses will come into operation on 1 November 1980 with amended rates of pensions and allowances being paid on 13 November 1980 and all subsequent instalment days (clause 16).