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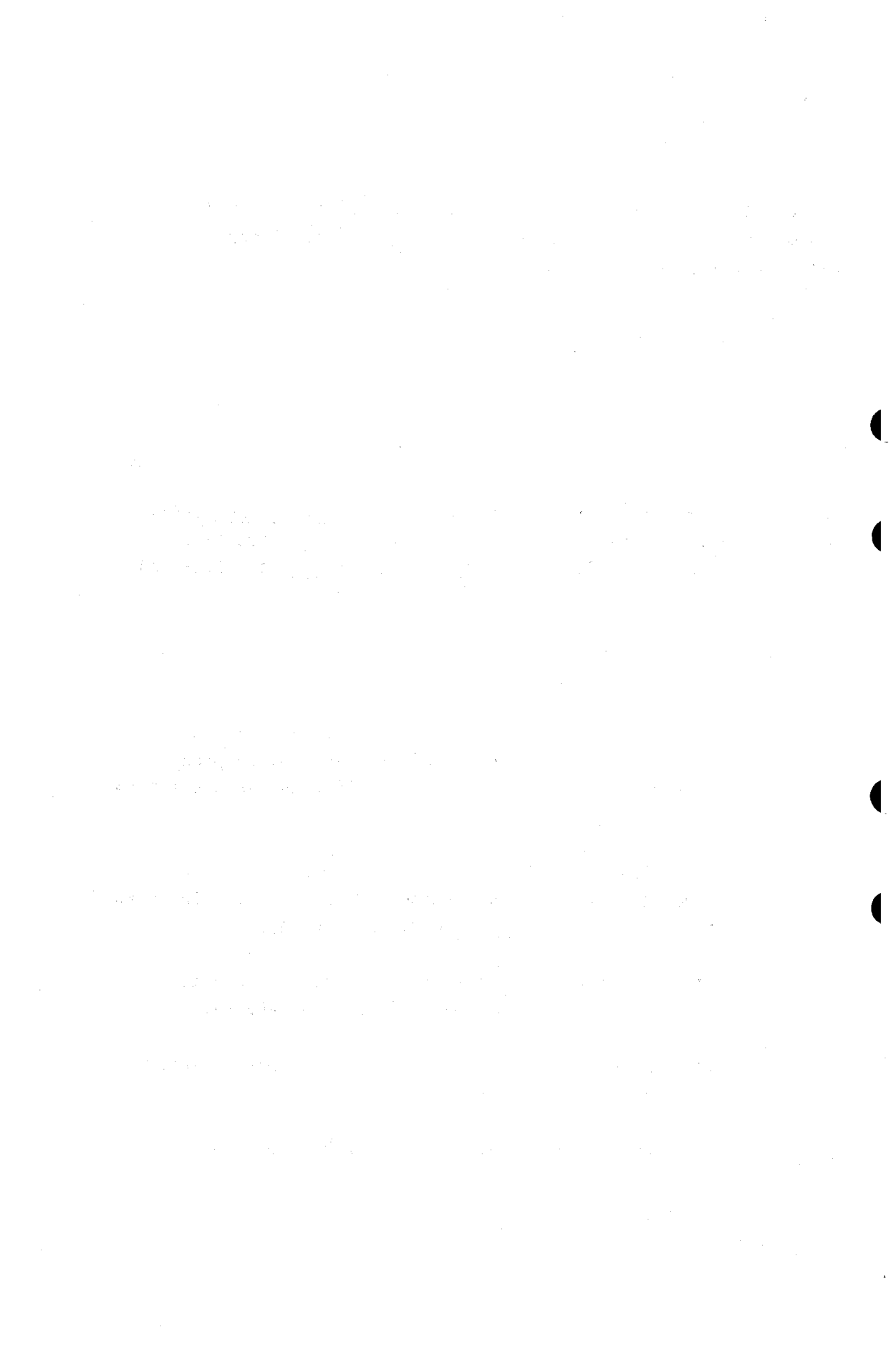
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

REPATRIATION ACTS AMENDMENT BILL 1981

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Veterans' Affairs,  
the Hon. A.J. Messner)



## OUTLINE

This Bill provides for changes in Repatriation benefits announced in the Budget speech and for certain machinery amendments to Repatriation legislation.

The Bill amends the following Acts:

- . Repatriation Act 1920;
- . Seamen's War Pensions and Allowances Act 1940;
- . Interim Forces Benefits Act 1947;
- . Papua New Guinea (Members of the Forces Benefits) Act 1957;
- . Repatriation (Far East Strategic Reserve) Act 1956;
- . Repatriation (Special Overseas Service) Act 1962;
- . Repatriation (Torres Strait Islanders) Act 1972; and
- . Repatriation Acts Amendment Act 1979.

The following matters, announced in the Budget speech, are included:

- . an increase in the amount of disability pension disregarded, in the income test, for the purpose of determining eligibility for service pension and fringe benefits (Clause 21);
- . an increase in the amount of and amendment of the income test for Supplementary Assistance, in line with the Social Service Act 1947, (Clause 26);
- . extension of eligibility for service pensions to former Australian mariners (Clauses 27 and 44);
- . extension of eligibility to members of Peacekeeping Forces (Clauses 30 to 42);
- . an increase in the rates of Orphans' Pensions (Clause 61);

- . an increase in the rates of Attendant's Allowance (Clauses 60, 62 and 75);
- . an increase in the additions to pensions payable to amputees and those veterans suffering loss of vision (Clause 62); and
- . extension of benefits under the Papua New Guinea (Members of the Forces Benefits) Act to former members of the Royal Papuan Constabulary and the New Guinea Police Force (Clause 80).

In addition, the Bill provides for amendments, of an administrative nature, to Repatriation legislation including:

- . amendment of the terms and conditions of service of persons appointed to the Repatriation Commission and Repatriation Boards to bring them into line with those currently applied to other statutory appointees (Clauses 4-8 and 10-13);
- . clarification of provisions relating to the review of decisions by the Repatriation Review Tribunal and the Administrative Review Tribunal (Clauses 45 to 50 and 55);
- . amendment of the terms and conditions of members of the Repatriation Review Tribunal (Clauses 51 to 52 and 54); and
- . inclusion of a provision for the interests by a member of the Repatriation Review Tribunal to be disclosed (Clause 53).

The Bill is explained more fully in the notes that follow.

PART I - PRELIMINARY

Clause 1 : Short title

This clause would cite the Act as the Repatriation Acts Amendment Act 1981.

Clause 2 : Commencement

This clause provides for the Act to come into operation on the day on which it receives the Royal Assent except for the following clauses which commence on the dates specified:

- . the amendments to the residential requirements, extension of benefits to Peacekeeping Forces and certain operational amendments, Clauses 19, 30-42 (inclusive) and sub-clause 43(2) shall come into operation on 1 November 1981;
- . the amendments to the variation of the rate of service pension, Clause 21 shall come into operation on 1 January 1982;
- . the amendments to the basis on which supplementary assistance is granted and the increase in the amount, Clauses 25 and 26 shall come into operation on 1 February 1982;
- . the amendments to the Repatriation Act whereby eligibility for service pension is extended to former Australian merchant mariners, Clause 27 and sub-clause 58(2), shall come into operation on 4 February 1982;
- . the amendments to the Repatriation Act to give effect to the Government's Budget decisions to increase certain benefits and allowances and to effect certain associated machinery amendments, sub-clause 58(1), Clauses 60, 61, 62, and 75 shall come into operation on 12 November 1981; and

- . the amendments to the Repatriation Act to extend the right of appeal to appellants whose cases were in a transitional stage at the time of establishment of the Repatriation Review Tribunal, Clauses 90 and 91, shall be deemed to have come into operation on 1 July 1979.

PART II - AMENDMENTS OF THE REPATRIATION ACT 1920

Clause 3 : Principal Act

Clause 3 is a formal clause specifying the principal Act as the Repatriation Act 1920.

Clause 4 : Interpretation

Amends the definition of "Commissioner" and adds a new definition of "medical practitioner", not previously defined, to ensure that a medical practitioner is registered under a law of a State or Territory before being appointed to the Repatriation Review Tribunal or whose services are used under the Repatriation Treatment Scheme.

Clause 5 : Members of Commission

Provides that an Acting Commissioner shall be considered to be a member of the Commission for certain procedural purposes.

Clause 6: Appointment to act as Chairman and Secretary

Provides that an Acting Commissioner shall be considered as a member of the Commission for the purposes of temporary appointment as Chairman of the Commission and Secretary of the Department of Veterans' Affairs.

Clause 7 : Acting Commissioners

Provides for the appointment of an Acting member of the Repatriation Commission by the Minister and sets out the provisions for the appointment of an Acting Commissioner.

Clause 8 : Terms and conditions of appointment of Commissioners

Replaces the existing provision to bring terms and conditions into line with current conditions for statutory

authorities. Provides for a 3 year term of appointment with eligibility for re-appointment and introduces a 65 years age limit for Commissioners.

Clause 9 : Variation of the constitution of Board

Empowers the Minister, under section 15A of the Repatriation Act, to vary the constitution of a Repatriation Board.

Clause 10 : Acting members of Boards

Enables the Minister to vary the constitution of a Board.

Clause 11 : Leave of absence

Inserts new provisions relating to leave and vacation of office by members of the Commission and Boards.

New section 17AA : (Leave of absence)

Empowers the Minister to grant leave of absence to a member of the Commission or a Board.

New section 17AB : (Resignation)

Provides for an Acting Commissioner or Board member to resign his office.

New section 17AC : (Retirement)

Provides for the Governor-General to retire a consenting Commissioner, or Acting Commissioner, on the ground of mental or physical incapacity.

Clause 12 : Offices - how vacated

Amends section 18 to take into account the amendments made by Clause 11.



Clause 13 : Pensions upon death or incapacity

Removes the time limit for the lodging of claims by veterans of the 1914-18 War consistent with similar provisions in the Act in respect of other conflicts.

Provides for an informal claim to be treated as a claim if an approved form is lodged within 3 months of the date of receipt of the informal claim. This extends the effective date of pension liability to the date of the informal claim.

Clause 14 : Death or mental affliction of claimant

Provides for a representative of a deceased applicant for a pension to be appointed to administer the claim where there is a legal personal representative who does not wish to proceed with the claim.

Continues the approval of a person as a representative of a claimant that was in force immediately before the commencement of this provision.

This overcomes the problem of a dependant being unable to continue an outstanding claim because of the reluctance of the legal representative to proceed.

Clause 15 : Claim for pension to be in accordance with approved form

Provides for a claim for pension to be forwarded to any address of the Department rather than to specific addresses depending upon the place of residence.

This allows for those persons in border areas to lodge claims with the Department at an address of their choice.

Clause 16 : Change of status of child to be notified

Provides for notification of the change of status of a dependant in receipt of a pension to be forwarded to any

address of the Department rather than to specific addresses depending upon the place of residence.

Clause 17 : Pensions to certain dependent females

Provides for Repatriation Boards as well as the Repatriation Commission to determine that the de-facto wife or widow of a veteran was dependent upon him.

This clause, in its operation, will confer upon an applicant a right of appeal to the Commission.

Clause 18 : Interpretation

Changes the definition of "Dependent female", for the purpose of eligibility for service pension to bring it into line with the provision in the Social Services Act. This means that a dependent female will be eligible for service pension as the spouse of a veteran immediately, rather than their being required to notify the Repatriation Commission that they have lived together for 3 years.

Exempts an attendant's allowance payable under the Seamen's War Pensions and Allowances Act 1940 from income in the assessment of service pension.

Clause 19 : Claimant to be resident in Australia

Provides that an applicant for service pension must be physically present in Australia when making application for that pension.

Clause 20 : Restrictions as to dual pensions

Clarifies the provision that the widow or child of a deceased veteran in receipt of a disability pension in respect of the death of the veteran may not receive service pension as the wife or child of a veteran. This ensures that a dependent female is treated similarly to a married wife and is related to the amendment in Clause 18.

Clause 21 : Variation of rate of service pension according to income

Increases the proportion of disability pension which is to be disregarded as income for service pension purposes from 50% to 60%. At present 50% of any disability pension is disregarded as income which provides for increases in the amount of service pension that disability pensioners can receive and also enables many more veterans and dependants to receive service pensions and associated fringe benefits.

By virtue of section 123AB of the Act, 60% of any disability pension is also disregarded when determining eligibility for fringe benefits.

Clause 22 : Receipt of income to be notified

Provides for the receipt of a Social Security pension by the spouse of a service pensioner over 70 years of age to be notified to avoid overpayment of pension. A pensioner who has obtained the age of 70 years and is receiving the income-test-free level of \$51.45 per week for a single pensioner is not required to advise of changes in income or changes in spouse's income. The result is that when a spouse is granted a pension by the Department of Social Security there is no legislative requirement to advise the Department, even though it may mean a change in pension status from a single pensioner to a married pensioner.

It also provides for notifications to be forwarded to any address of the Department, rather than to specific addresses depending upon the place of residence.

Clause 23 : Persons resident in Papua New Guinea

Provides for notification of a service pensioner leaving Papua New Guinea to be forwarded to any address of the Department rather than to specific addresses depending upon the place of residence.

Clause 24 : Service pensioner to furnish information when required

Provides for information required by the Repatriation Commission or a Repatriation Board to be forwarded to any address of the Department rather than to specific addresses depending upon the place of residence.

Clause 25 : Rates of supplementary allowance when spouse overseas

Repeals section 98AA of the Principal Act. The former provisions are now contained in section 98A of the Principal Act as amended by Clause 26.

Clause 26 : Supplementary assistance

Provides for amendment of the basis on which supplementary assistance (rent allowance) is payable and an increase in the rate, in line with similar amendments to the Social Services Act.

The basis of payment of supplementary assistance is to be on the following principles:

- . supplementary assistance will be paid only to pensioners paying rent in excess of \$520 per annum (\$10 per week) (new sub-paragraph 98A(1)(b));
- . the rate of supplementary assistance will be one-half of annual rent payable in excess of \$520, with the maximum amount of supplementary assistance payable being \$416 per annum (\$8 per week) (new sub-section 98A(3A)); and
- . the amount of supplementary assistance payable will be reduced by one-half of the annual income of the pensioner (new sub-section 98A(3B)).

The effect of these principles is shown in the following table:

(\$ a week)	<u>INCOME</u>								
	0	2	4	6	8	10	12	14	16
26	8.00	7.00	6.00	5.00	4.00	3.00	2.00	1.00	0
25	7.50	6.50	5.50	4.50	3.50	2.50	1.50	0.50	0
24	7.00	6.00	5.00	4.00	3.00	2.00	1.00	0	0
23	6.50	5.50	4.50	3.50	2.50	1.50	0.50	0	0
22	6.00	5.00	4.00	3.00	2.00	1.00	0	0	0
21	5.50	4.50	3.50	2.50	1.50	0.50	0	0	0
20	5.00	4.00	3.00	2.00	1.00	0	0	0	0
19	4.50	3.50	2.50	1.50	0.50	0	0	0	0
18	4.00	3.00	2.00	1.00	0	0	0	0	0
17	3.50	2.50	1.50	0.50	0	0	0	0	0
16	3.00	2.00	1.00	0	0	0	0	0	0
15	2.50	1.50	0.50	0	0	0	0	0	0
14	2.00	1.00	0	0	0	0	0	0	0
13	1.50	0.50	0	0	0	0	0	0	0
12	1.00	0	0	0	0	0	0	0	0
11	0.50	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0

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The definition of rent in the proposed sub-section 98A(11) excludes Government rent. This means that pensioners paying Government rent will not be eligible for supplementary assistance in the future; existing recipients are protected.

A savings provision for existing beneficiaries is contained in Clause 92 which means that any existing recipient will not receive less than the current amount of supplementary assistance unless income or tenancy circumstances change.

Clause 27 : Extension of application of provisions of Division 5 to certain Australian mariners

Introduces a new Division 5C which extends eligibility for service pension to certain former Australian merchant mariners.

New section 98K : Date of commencement of service pension

Provides that the date of commencement of service pension payment will be 4 February 1982.

New section 98L : Extension of application of  
Division 5 to Australian mariners

Provides that former Australian merchant mariners who served in a theatre of war are to be eligible for service pension. It also provides that a mariner's wife and children are eligible on a similar basis to the dependants of members of the Forces.

New section 98M : Interpretation

This clause defines an 'Australian mariner' and 'the enemy' as having the same respective meanings as they have in section 3 of the Seamen's War Pensions and Allowances Act 1940.

An Australian mariner is:

- . any master, officer or seaman employed under agreement, or any apprentice employed under indenture, in sea-going service on any ship registered in Australia engaged in trading between a port of a State or Territory and any other port;
- . any master, officer or seaman employed under agreement, or any apprentice employed under indenture, in sea-going service, in a ship registered outside Australia, who was, or whose dependants were, resident in Australia for at least twelve months immediately before his entering into the agreement or indenture;
- . any master, officer, seaman or apprentice employed in a lighthouse tender or pilot ship of Australia or of a State;
- . any pilot employed or licensed by Australia or a State or by an authority constituted by or under a law of Australia or of a State;
- . any master, officer, seaman or apprentice employed in sea-going service on any ship owned in Australia and

operating from an Australian port, which is a hospital ship, troop transport, supply ship, tug, cable ship, salvage ship, dredge, fishing vessel or fisheries investigation vessel;

- . any member or employee of the Commonwealth Salvage Board engaged in sea-going service under the direction of that Board; and
  
- . any master, officer, seaman or apprentice employed in sea-going service on any ship registered in the dominion of New Zealand, who the Minister is satisfied was engaged in Australia and is not entitled to compensation under any law of any part of the King's dominions, other than Australia, providing for the payment of pensions and other payments to seamen who suffer death or disablement.

The clause further provides that an Australian mariner shall have served in a theatre of war if he was, at any time during the course of his employment as an Australian mariner, on a ship, or in an area, at a time when danger from hostile forces of the enemy was incurred on that ship or in that area by the Australian mariner.

Clause 28 : Liability of Commonwealth to pay pensions to certain male members of the Forces

Provides that a Repatriation Board in addition to the Repatriation Commission may determine that the incapacity or death of a 1939-45 War veteran is due to venereal disease contracted during service or is due to an accident or disease that would not have occurred or been contracted but for his being on war service.

Provides for an informal claim to be treated as a claim if an approved form is lodged within 3 months of the date of receipt of the informal claim. This has the effect of extending the effective date of pension liability.

Clause 29 : Liability of Commonwealth to pay pensions to certain male members of the Forces

Makes similar provisions to those in Clause 28 in relation to Korean-Malayan veterans.

Clause 30 : Heading to Division 10 of Part III of Principal Act

This is a formal clause which amends the heading to Division 10 of Part III of the Principal Act to take account of the extension of benefits to Peacekeeping Forces.

Clause 31 : Extension of application of Act to members to whom this Division applies

Extends eligibility for Repatriation benefits to members of Peacekeeping Forces on a similar basis as for members of the Defence Force.

Clause 32 : Interpretation

Clause 32 is an interpretative provision relevant to the administration of Division 10 in respect of Peacekeeping Forces. It sets out a number of definitions including 'Australian contingent', 'Australian member' and 'Peacekeeping Force'.

An 'Australian contingent' and an 'Australian member' are defined to restrict eligibility to those persons authorized or approved by the Australian Government in a Force that is approved by the Government. The clause also defines a 'member of a Peacekeeping Force' as a person who is serving, or who has served, with a Peacekeeping Force outside Australia as an Australian member, or as a member of the Australian contingent, of that Peacekeeping Force.

A 'Peacekeeping Force' is defined as a Force raised or organized by the United Nations or another international



body for the purpose of peacekeeping in an area outside Australia or observing or monitoring any activities of persons in an area outside Australia that may lead to an outbreak of hostilities. It further provides for the Minister for Veterans' Affairs to designate, by notice published in the Gazette, what Force is to be a Peacekeeping Force for the purposes of this provision.

Clause 33 : Liability of Commonwealth to pay pensions to certain members to whom this Division applies

Introduces a liability on the part of the Commonwealth to pay pension to a member of a Peacekeeping Force (and to his dependants) whose death or incapacity arose out of, or is attributable to his service on a similar basis to that applied under the Repatriation Act to members of the Defence Force, from a date not earlier than 1 November 1981.

Provides for the payment of pension to a member of a Peacekeeping Force or his dependants where the origin or cause of the incapacity or death existed before commencement of peacekeeping service and where in the opinion of the Repatriation Commission or a Repatriation Board the incapacity or death of that member has been contributed to, or aggravated by, the conditions of his service providing he has had at least 6 months service with that Force.

Further provides that a pension shall not be granted at a date earlier than 1 November 1981 and applies other standard administrative requirements consistent with other applicants for benefits under the Repatriation legislation.

Clause 34: Conditions of payment of pension to certain dependants of members to whom this Division applies.

This clause extends eligibility to dependants of members of a Peacekeeping Force.

Clause 35 : Pensions payable to certain dependent females of members of the Forces

This clause amends the liability provision in conjunction with Clause 36 to provide for separate liability in respect of defence service and peacekeeping service.

Clause 36 : Pensions payable to certain dependent females of members of a Peacekeeping Force

(New section 107PA)

Introduces a new section 107PA to provide for pension to be paid to the de-facto wife of a member of a Peacekeeping Force, in respect of that member's death or incapacity, in addition to any pension paid to the wife or widow of that member.

Clause 37 : Dual entitlement

This clause contains a formal provision which takes into account the wider application of section 107Q of the Principal Act consequential upon the amendments dealing with Peacekeeping Forces.

Clause 38 : Maximum rates of pensions in certain cases

(New section 107QA)

Introduces a new section 107QA to provide that where the incapacity or death of a person is related to both defence service and peacekeeping service the Commonwealth is not liable to pay pension at a greater rate than it would have to if the death or incapacity were related to one type of service only.

Clause 39 : Persons in receipt of payments by way of compensation or damages

This clause enables compensation and damages payments to be

taken into account in determining the liability of the Commonwealth to pay pension in respect of death or incapacity of members of the Defence Force or Peacekeeping Force. In conjunction with the provisions of section 107S of the Principal Act any compensation payments are deducted from the amount of disability pension payable. Lump sum payments in respect of death are actuarially proportioned on a fortnightly basis.

In determining the liability to pay pension a status is given to pensioners so that deductions of pensions to match compensation are made against the least preferred pension (the payment to the youngest child) in the first instance. This results in the pension, if any, being paid to the member.

For the purposes of calculating what pension should be payable, domestic allowance payable to a widow of a deceased member of the Defence Force or Peacekeeping Force is treated as pension.

Clause 40 : Power of Commission to request proceedings to be taken against third party or to take proceedings itself

This clause contains a formal provision taking into account the extension of benefits under the Principal Act. It also introduces a number of minor drafting changes.

Clause 41 : Payment of damages by persons to the Commonwealth

This clause contains a number of formal drafting changes consequential upon the amendments dealing with Peacekeeping Forces.

Clause 42 : Liability to pay damages to be discharged by payment of pension

This clause contains a number of formal drafting changes consequential upon the amendments dealing with Peacekeeping Forces.

Clause 43 : Interpretation

Amends certain interpretations, in particular, the definition of 'medical member' which is to take into account the inclusion of a general interpretation contained in Clause 4.

Amends the definition of 'member of the Forces' to extend the right of review by the Repatriation Review Tribunal to members of Peacekeeping Forces along with all other members of the Forces.

Clause 44 : Review of certain decisions refusing applications for service pensions under section 85

Replaces the existing provision relating to review of decisions of the Repatriation Commission refusing to grant a service pension on the grounds that the pensioner is not permanently unemployable to extend the right of review to Australian merchant mariners.

Clause 45: Application for review

Removes the mandatory requirement for an application for review to set out the reasons for the application and provides for such an application to be forwarded to any address of the Department. This allows persons to apply to the Tribunal without being required to specify reasons which may be difficult to express or unknown to many applicants. Applicants are given further opportunities to express their reasons either in writing or at a hearing of the Tribunal.

Clause 46 : Decision of Tribunal

The Repatriation Review Tribunal was set up to review applications under section 107VC, 107VD and 107VE of the Repatriation Act. To make these reviews effective this clause ensures that the Tribunal has similar powers to that of the Repatriation Commission or a Repatriation Board when reviewing an application.

Clause 47 : Reasons for decision of Tribunal to be included in statement of decision, &c.

Provides that the Repatriation Review Tribunal when making a decision on a prescribed matter, prepare a written statement of its decision including its reasons based on material questions of fact. This amendment does not alter the operation of the existing provision but brings it into line with other similar contemporary legislation.

Clause 48: Member ceasing to be member, &c.

Changes the procedures relating to hearings where one of the members constituting the Tribunal ceases to be a member.

Under the existing provisions the President of the Repatriation Review Tribunal may direct that the remaining members constitute a panel of the Tribunal if the applicant consents. This requirement, in some instances, may protract consideration of a review.

Clause 49 : New sections 107VZE and 107VZEA

Provides new procedures for the dismissal or withdrawal of an application.

New section 107VZE : Dismissal of application

Provides that where an applicant for review fails to appear, at a hearing of the Tribunal, the Tribunal may serve notice on him to appear at a further hearing and if he still fails to appear the Tribunal may dismiss the application.

Further provides that any decision under the proposed clause shall be an adverse decision to the applicant and therefore finalizes the application before the Tribunal. An applicant may re-open an application by production of further evidence.

The proposed amendments do not apply to an applicant who has requested the Tribunal to proceed with the hearing in his absence.

New section 107VZEA : Withdrawal of application

Permits an applicant to withdraw his application for review at any time before the Tribunal has commenced to hear it. This does not constitute a decision of the Tribunal and, therefore, a person is not penalized in his review rights by withdrawing his application.

Clause 50 : Limits of retrospective operation

Permits the Commission or the Tribunal to express its decision to operate from a date earlier than 4 years prior to the date on which the decision is made, in special circumstances e.g. when a delay in processing an application is outside the control of the applicant and he would be disadvantaged by the application of the existing provisions.

Clause 51 : Appointment of members to Tribunal

Amends the description of medical members to take into account the inclusion of a general interpretation in Clause 4.

Clause 52 : Removal from office

This clause clarifies the grounds upon which a member of the Repatriation Review Tribunal may be removed from office.

Clause 53 : Disclosure of interests

Introduces a provision whereby a member of the Tribunal is required to disclose any interest that could conflict with the proper performance of his functions in relation to a proceeding of the Tribunal and he may not then take part in the proceeding without the consent of the applicant and the Repatriation Commission.

Clause 54 : Application of Officers' Rights Declaration Act

Provisions of the nature of sub-section 107VZR(1) are no longer necessary because section 7 of the Superannuation Act 1976 ensures that invalidity benefits will be payable to holders of statutory offices.

Clause 55 : Reference of decisions to Administrative Appeals Tribunal

Clarifies that, where a decision of the Repatriation Review Tribunal is reviewed by the Administrative Appeals Tribunal, the parties to the hearing shall be the Commission and the original applicant to the Repatriation Review Tribunal.

Clause 56 : Post-mortem examination

Amend the description of medical practitioner which is to take into account the inclusion of a general interpretation contained in Clause 4.

Clause 57 : Address of Secretary for forwarding claims, &c.

Repeals section 123AC. Henceforth claims and notifications are to be forwarded to any address of the Department, rather than to specific addresses depending upon the place of residence (Clause 15).

Clause 58 : Regulations

Machinery amendments to allow regulations to be made to provide benefits for members of Peacekeeping Forces and former Australian merchant mariners.

Clause 59 : Schedule 1

Permits Repatriation Boards in addition to the Repatriation Commission to grant additional pension where a member is temporarily totally incapacitated.

Clause 60 : Schedule 2

Permits Repatriation Boards, in addition to the Repatriation Commission, to determine matters in relation to the grant of an Attendant's Allowance, or the deeming of a member to be blind.

Increases the rates of Attendant's Allowance payable to a seriously incapacitated veteran.

Clause 61 : Schedule 3

Increases the rate of pension payable to children of a deceased veteran (commonly referred to as the Orphan's pension).

Clause 62 : Schedule 5

Increases the rate of 'additional pension' payable in respect of certain amputations and increases the rate of Attendant's Allowance to the most severe amputees. The first 6 items of Column 2 of this Schedule are automatically increased by the operation of sub-section 35AAA(7) of the Principal Act.

Clause 63 : Formal amendments

Clause 63 is a formal drafting provision applying the amendments to the Principal Act.

PART III - AMENDMENTS OF THE SEAMEN'S WAR PENSIONS  
AND ALLOWANCES ACT 1940

Clause 64 : Principal Act

This clause cites the Principal Act as the Seamen's War Pensions and Allowances Act 1940.



Clause 65 : Interpretation

Clause 65 is an interpretative provision. It inserts a definition of 'medical practitioner' not previously defined, to ensure that a medical practitioner is registered under a law of a State or Territory.

Clause 66 : Officers of Commission

This clause seeks to repeal section 11 of the Principal Act.

Clause 67 : Grant of pensions

Removes time limits for the lodging of claims by Australian mariners and their dependants.

Provides for an informal claim to be treated as a claim if an approved form is lodged within 3 months of the date of receipt of the informal claim. This has the effect of extending the effective date of pension liability.

Clause 68 : Rates of pension in respect of partial incapacity

Amends the description of 'medical practitioner' which is to take into account the inclusion of a general interpretation contained in Clause 65.

Clause 69 : Claim for pension to be in accordance with approved form

Provides for a claim for pension to be forwarded to any address of the Department, rather than to specific addresses depending upon the place of residence.

This allows for those persons in border areas to lodge claims with the Department at an address of their choice.

Clause 70 : Notifications of marriage or divorce

Provides for notification of marriage or divorce to be

forwarded to any address of the Department, rather than to specific addresses depending upon the place of residence.

Clause 71 : Periodical examination of pensioner

Amends the description of 'medical practitioner' which is to take into account the inclusion of a general interpretation contained in Clause 65.

Clause 72 : Administration of pensions, &c.

This clause is a formal machinery amendment.

Clause 73 : Change of status of child to be notified

Provides for notification of change of status of a child in receipt of a pension to be notified to any address of the Department, rather than to specific addresses depending upon the place of residence.

Clause 74 : Address of Secretary for forwarding claims, &c.

Repeals section 58B. Henceforth claims and notifications will be able to be sent to any address of the Department.

Clause 75 : Schedule 2

Increases the rates of Attendant's Allowance.

Clause 76 : Formal amendments

This clause is a formal drafting provision applying the amendments to the Principal Act.

PART IV - AMENDMENTS OF THE INTERIM FORCES BENEFITS ACT 1947

Clause 77 : Principal Act

This clause cites the Principal Act as the Interim Forces Benefits Act 1947.

Clause 78 : Formal amendments

This clause is a formal provision applying the amendments to the Principal Act.

PART V - AMENDMENTS OF THE PAPUA NEW GUINEA  
(MEMBERS OF THE FORCES BENEFITS) ACT 1957

Clause 79 : Principal Act

This clause cites the Principal Act as the Papua New Guinea (Members of the Forces Benefits) Act 1957.

Clause 80 : Service as member of Police Force

Extends compensation under the Act to persons who had service as members of the Royal Papuan Constabulary, or the New Guinea Police Force, under Australian Army command. The effective date of liability is the date of Royal Assent.

Clause 81 : Formal amendments

This clause is a formal provision applying the amendments to the Principal Act.

PART VI - AMENDMENTS OF THE REPATRIATION  
(FAR EAST STRATEGIC RESERVE) ACT 1965

Clause 82 : Principal Act

This clause cites the Principal Act as the Repatriation (Far East Strategic Reserve) Act 1965.

Clause 83 : Liability of Commonwealth to pay pensions to members of the Forces

Permits a Board to determine that the death of a member is due to venereal disease contracted during Malayan service.

Provides for an informal claim to be treated as a claim if an approved form is lodged within 3 months of the date of receipt of the informal claim. This has the effect of extending the effective date of pension liability.

Clause 84 : Formal amendments

This clause is a formal provision applying the amendments to the Principal Act.

PART VII - AMENDMENTS OF THE REPATRIATION  
(SPECIAL OVERSEAS SERVICE) ACT 1962

Clause 85 : Principal Act

This clause cites the Principal Act as the Repatriation (Special Overseas Service) Act 1962.

Clause 86 : Liability of Commonwealth to pay pensions to members of the Forces

Permits a Board to determine that the death of a member is due to venereal disease contracted during service.

Provides for an informal claim to be treated as a claim if an approved form is lodged within 3 months of the date of receipt of the informal claim. This has the effect of extending the effective date of pension liability.

Clause 87 : Formal amendments

Clause 87 is a formal drafting provision applying the amendments to the Principal Act.

PART VIII - AMENDMENTS OF THE REPATRIATION  
(TORRES STRAIT ISLANDERS) ACT 1972

Clause 88 : Principal Act

This clause cites the Principal Act as the Repatriation (Torres Strait Islanders) Act 1972.

Clause 89 : Formal amendments

Clause 89 is a formal drafting provision applying the amendments to the Principal Act.

PART IX - AMENDMENT OF THE REPATRIATION ACTS AMENDMENT ACT 1979

Clause 90 : Principal Act

This is a formal clause which establishes that the Principal Act referred to in these provisions is the Repatriation Acts Amendment Act 1979.

Clause 91 - Appeals lodged, but not decided, before commencement of this Part

Extends appeal rights to appellants whose cases were in a transitional stage between the Repatriation Commission and a former Appeal Tribunal at the time of establishment of the Repatriation Review Tribunal.

PART X - APPLICATION OF CERTAIN AMENDMENTS

Clause 92 : Application

This is a formal clause relating to the dates of application of amendments.

SCHEDULES 1-7

Formal drafting amendments.

