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REPATRIATION LEGISLATION AMENDMENT BILL 1982

Date Introduced: 23 September 1982
House: House of Representatives
Presented by: Hon. D. Thomson, M.C., M.P., the
Minister representing the Minister
for Veteran's Affairs

Short Digest of Bill

○ Purpose

To amend Repatriation and associated legislation to give effect to the Government's budget decisions; to formalise the basis for certain "Act of Grace" payments; to extend the "arisen out of or attributable to" liability provision to members of the Forces who do not have the benefit of this liability; and to make certain machinery amendments.

Background

The Government provides assistance to veterans and their dependants in the form of disability pensions and allowances and service pensions. A "veteran" is a man or woman eligible for consideration under the Repatriation Act 1920 or associated Acts as a result of service in the Australian armed forces.

○ There are three types of disability pensions, namely, the Special Rate (T.P.I.) pension, the Intermediate Rate and the General Rate, depending on the degree of the veteran's incapacity. Disability pension is not subject to personal income tax or an income test. Dependant's pensions are also paid to the wives of incapacitated veterans and to their children.

Various allowances are provided to supplement disability pensions and vary according to the type or severity of disablement and the special needs of the pensioners.

A service pension is virtually equivalent to an age or invalid pension except that it is available 5 years earlier and provides eligibility to a wider range of Repatriation medical treatments. A Service pension is paid, subject to an income test, to eligible veterans under the

age of 70 years. It is subject to income tax.

This Bill provides Repatriation benefits to members of peacekeeping forces who served prior to 2 November 1981. Eligibility for the service pension is to be extended to merchant mariners of Commonwealth and allied countries. Payment of the disability pension at 100 per cent of the General Rate to veterans who received a pension for pulmonary tuberculosis prior to 2 November 1978 is to be restored from 6 January 1983. Eligibility for the double orphan's pension is to be extended to assist children of veterans who served in a theatre of war and who died from causes not accepted as due to service. From 11 November 1982, any disability pension received by a veteran or dependant will be totally disregarded as income when assessing levels of service pension and fringe benefits. Furthermore, the income level used to determine a veteran's eligibility to receive the maximum rate of service pension will be raised from \$20 to \$30 a week for a single pensioner and from \$34.50 to \$50 a week for married pensioners. In addition the fringe benefits limits will be raised from \$40 a week to \$54 a week for a single pensioner and from \$68 to \$90 a week for a married couple. The Bill provides for an increase in the maximum amount of Supplementary Assistance (rent allowance) payable to a service pensioner from \$8 to \$10 a week from 11 November 1982. The pension paid for amputations or loss of vision, which is payable in addition to the Repatriation disability pension, is to be increased by approximately 11 per cent for the various categories of disablement. The rate of Attendant's Allowance is to be increased. Certain decisions relating to Social Security beneficiaries are also to apply to Repatriation pensioners.

Eligibility for Repatriation benefits is to be extended to certain civilians, such as members of philanthropic organisations who were attached to the forces. Traditionally, the benefits have been conferred as "Act of Grace", but now eligibility will be conferred by amending the definition of "Member of the Forces" to include these people.

The Bill also provides for the extension of what is commonly known as the "arisen out of or attributable to" provision to members of the Forces who participated in conflicts other than World War II.

Main Provisions

The Bill amends the following Acts:

Repatriation Act 1920, Seaman's War Pensions and Allowances Act 1940, Interim Forces Benefits Act 1947,

Repatriation (Far East Strategic Reserve) Act 1956, Repatriation (Special Overseas Service) Act 1962 and Seaman's War Pensions and Allowances Act 1952.

Clause 10 provides for death or incapacity that has "arisen out of or is attributable" to war service.

Clause 17 provides for the disclosure of interests of Commissioners in relation to claims for pensions and other matters, and the disclosure of interests of members of a Repatriation Board. Clause 19 provides for several changes consequential upon amendment of the **Social Security Act 1947**. Clause 21, sub-clause (1) amends section 87 of the **Repatriation Act 1920** to omit a disability pension as income when determining a veteran's eligibility for a service pension and fringe benefits. Clause 23, provides for Supplementary Assistance. Clause 29 extends eligibility for service pension to certain former Commonwealth and allied merchant mariners.

Clause 31 formalises the basis for certain "Act of Grace" payments.

Clause 53, Schedule 5 increases the rate of "additional pension" payable in respect of certain amputations and loss of vision.

Clause 59 provides for a disability pension to be paid to a child of an Australian mariner who died of causes not due to war service.

Clause 85 proposes to restore the payment of disability pension at the 100 per cent General Rate to veterans who received a pension for pulmonary tuberculosis prior to 2 November 1978.

For further information, if required, contact:

12 October 1982

**Education and Welfare Group
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