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Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Bill 2006

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Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Bill 2006

Date introduced: 14 September 2006

House: House of Representatives

Portfolio: Veterans' Affairs

Commencement: Sections 1 to 3 and any other provision in the Bill not covered in Schedules 1 and 2 on the day of Royal Assent. Schedules 1 and 2 at the same time as the *Australian Participants in British Nuclear Tests (Treatment) Bill 2006* commences.

Purpose

A Bill to provide for consequential amendments to other Acts arising from the *Australian Participants in British Nuclear Tests (Treatment) Bill 2006*.

Background

The *Australian Participants in British Nuclear Tests (Treatment) Bill 2006* provides for the testing and treatment for cancers for Australian participants in British nuclear tests in Australia in the 1950s and 60s.¹ This Bill amends other Acts as a consequence of this Bill.

Main provisions

Schedule 1 – Consequential amendments

Items 1 and 2 amend the *Aged Care Act 1997* (ACA) to allow the Secretary of the Department of Health and Ageing to release information to the Secretary of the Department of Veterans' Affairs in connection to treatment or testing provided under the *Australian Participants in British Nuclear Tests (Treatment) Bill 2006* (APBNTT).

Items 3 and 4 refers to section 96-10 of the ACA, which details that amounts provided or expended under the ACA, come out of the consolidated revenue fund. This amendment to subsection 96-10 clarifies that amounts expended or provided under the APBNTT are drawn from the consolidated revenue fund, under the APBNTT, rather than the ACA.

Items 5 and 6 amend the *Income Tax Assessment Act 1997* (ITAA) to ensure that travel expenses are not taxable income for the purposes of the ITAA.

Item 7 amends the *National Health Act 1953* (NHA) to include a person receiving treatment under the APBNTT as a person meeting the definition of a repatriation nursing

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home patient in the NHA. Previously, this definition only referred to persons defined as an 'eligible veteran' in the NHA, which did not include nuclear tests participants.

Item 8 amends the NHA to change the definition of a Medicare card to include a card issued under the APBNTT.

Items 9 and **11** amend the NHA definition of a repatriation pharmaceutical benefit to include a pharmaceutical benefit provided under the APBNTT.

Item 12 amends the *Social Security Act 1991* (SSA) to exempt as income payments provided under the APBNTT.

Schedule 2 – Transitional provisions

The date that the government made its decision to provide for the treatment and testing for cancer for eligible nuclear test participants was 19 June 2006.² The date that treatment and screening is to be provided for can be up to three months prior to the date of claim or from 19 June 2006, whichever is the later. **Items 1 and 2 in Schedule 2** are transitional provisions and ensure that the provision for treatment or testing can be made up to three months prior to the date of a claim but not before 19 June 2006, being the date the Government made its decision.

Concluding comments

This Bill provides for amendments to other Acts arising from the passage of the APBNTT. This Bill also provides for transitional provisions for the earliest start date that payments can be provided for testing or treatment under the APBNTT, being three months prior to the date of claim or 19 June 2006, whichever is the later.

Endnotes

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- 1 Peter Yeend and Amanda Biggs, Australian Participants in British Nuclear Tests (Treatment) Bill 2006, *Bills Digest No. 31 2006-07*, Parliamentary Library, Canberra, 6 October 2006.
<http://www.aph.gov.au/library/pubs/bd/2006-07/07bd031.pdf>
 - 2 Australian Participants in British Nuclear Tests (Treatment) Bill 2006, Explanatory Memorandum, p. iii.
<http://parlinfoweb.parl.net/parlinfo/Repository/Legis/ems/Linked/14090604.pdf>

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