



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

No. 136, 2006

**An Act to amend laws, and to deal with transitional
matters, in connection with the *Australian
Participants in British Nuclear Tests (Treatment) Act
2006*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 136, 2006

**An Act to amend laws, and to deal with transitional
matters, in connection with the *Australian
Participants in British Nuclear Tests (Treatment) Act
2006*, and for related purposes**

[Assented to 30 November 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Act 2006*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	30 November 2006
2. Schedules 1 and 2	At the same time as the <i>Australian Participants in British Nuclear Tests (Treatment) Act 2006</i> commences.	1 December 2006

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Consequential amendments

Aged Care Act 1997

1 Paragraph 86-3(i)

Repeal the paragraph, substitute:

- (i) to the Secretary of the Department administered by the Minister who administers the *Veterans' Entitlements Act 1986*, for purposes connected with the provision of treatment under:
 - (i) Part V of the *Veterans' Entitlements Act 1986*; or
 - (ii) Chapter 6 of the *Military Rehabilitation and Compensation Act 2004*; or
 - (iii) the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; and

2 Paragraph 86-6(a)

Omit “or section 409 of the *Military Rehabilitation and Compensation Act 2004*”, substitute “, section 409 of the *Military Rehabilitation and Compensation Act 2004* or section 36 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*”.

Note: The heading to section 86-6 is replaced by the heading “**Limits on use of protected information disclosed under certain legislation**”.

3 At the end of subsection 96-10(2)

Add:

- ; or (c) treatment (within the meaning of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*) that the Repatriation Commission has arranged under section 12 of that Act.

4 Subsection 96-10(2) (note)

Omit “and the *Military Rehabilitation and Compensation Act 2004*”, substitute “, the *Military Rehabilitation and Compensation Act 2004* and the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*”.

Income Tax Assessment Act 1997

5 Section 11-15 (table item headed “social security or like payments”)

After:

social security, payment to Subdivision 52-A

insert:

travelling expenses for Australian participants in British Subdivision 52-CB
nuclear tests

6 After Subdivision 52-CA

Insert:

**Subdivision 52-CB—Exempt payments under the Australian
Participants in British Nuclear Tests (Treatment) Act
2006**

52-117 Payments of travelling expenses are exempt

A payment made to you under Part 3 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* is exempt from income tax.

National Health Act 1953

7 Subsection 4(1) (at the end of the definition of *Repatriation nursing home patient*)

Add:

; or (c) under section 15 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

8 Subsection 84(1) (paragraph (b) of the definition of *medicare card*)

Repeal the paragraph, substitute:

(b) a card or written authorisation provided to a person that evidences a person’s eligibility for pharmaceutical benefits under:

(i) the scheme known as the Repatriation Pharmaceutical Benefits Scheme established under the *Veterans’ Entitlements Act 1986*; or

- (ii) a scheme that applies under section 18 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; or

9 Subsection 84(1) (at the end of the definition of *repatriation pharmaceutical benefit*)

Add “or subsection 4(1) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*”.

10 Subparagraph 84C(4A)(a)(ii)

Omit “and”, substitute “or”.

11 At the end of paragraph 84C(4A)(a)

Add:

- (iii) under a scheme that applies under section 18 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; and

Social Security Act 1991

12 After paragraph 10B(4)(ca)

Insert:

- (cb) a payment under the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* that is exempt from income tax under Subdivision 52-CB of the *Income Tax Assessment Act 1997*; or

Schedule 2—Transitional provisions

1 Claims made on or after 19 June 2006—eligibility to be provided with treatment

- (1) If:
- (a) a person made a claim on or after 19 June 2006 but before the commencement of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; and
 - (b) had the claim been made after that commencement, it would have been a claim made, in accordance with section 6 of that Act, for a determination that he or she is an eligible person (within the meaning of that Act);
- the claim is taken, for the purposes of that Act, to be a claim made under section 8 of that Act for such a determination.
- (2) The Commission may, under section 13 of that Act, approve the provision of treatment that was provided before the claim was made, but must not approve the provision of treatment that was provided before 19 June 2006.

2 Claims made on or after 19 June 2006—entitlement to travelling expenses

- (1) If:
- (a) a person made a claim on or after 19 June 2006 but before the commencement of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; and
 - (b) had the claim been made after that commencement, it would have been a claim made, in accordance with section 6 of that Act, for a determination that he or she is entitled to be paid travelling expenses under Part 3 of that Act;
- the claim is taken, for the purposes of that Act, to be a claim made under section 21 of that Act for such a determination.
- (2) The person can, under Part 3 of that Act, be entitled to be paid travelling expenses in connection with travel that occurred before the claim was made, but not in connection with travel that occurred before 19 June 2006.

3 Application of amendments to the *Income Tax Assessment Act 1997*

The amendments made by items 5 and 6 of Schedule 1 apply to assessments for the 2006-07 year of income and later years of income.

*[Minister's second reading speech made in—
House of Representatives on 14 September 2006
Senate on 12 October 2006]*

(138/06)
