

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 29 April 1981

(*Minister for Health*)

A BILL

FOR

An Act to amend the *Repatriation Act 1920* in relation to pharmaceutical benefits, and for other purposes

5 BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Repatriation (Pharmaceutical Benefits) Amendment Act 1981*.

10 (2) The *Repatriation Act 1920*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

15 **Review by Commission of decision the subject of application for review by Tribunal**

3. Section 107VL of the Principal Act is amended—

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(a) by omitting sub-sections (2) and (3) and inserting the following sub-sections:

“(2) Where—

(a) an application for a review of a decision of the Commission or a Board has been made to the Tribunal; and

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(b) the President is satisfied—

(i) that there will be put before the Tribunal in the proceeding on the review, evidence that was not before the Commission or the Board; and

(ii) that that further evidence would have been relevant to the making of a decision in the proceeding before the Commission or the Board,

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the President may direct that the hearing be postponed and request the Commission to review that decision having regard to that further evidence.

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“(3) Where—

(a) an application for a review of a decision of the Commission or a Board has been made to the Tribunal; and

(b) in the proceeding on the review there is before the Tribunal further evidence that was not before the Commission or the Board and the Tribunal is satisfied that that further evidence would have been relevant to the making of a decision in the proceeding before the Commission or the Board,

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the Tribunal may adjourn the hearing and request the Commission to review that decision having regard to that further evidence.

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“(3A) Where—

(a) the President requests the Commission under sub-section (2) to review a decision; or

(b) the Tribunal requests the Commission under sub-section (3) to review a decision,

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the Tribunal may, if the decision is a decision with respect to a pension assessment, vary that assessment pending the completion of the review of the decision by the Commission, having regard to the records and evidence on which the Commission or a Board reached that decision.

“(3B) Where the Commission makes a decision on a review of a decision referred to in sub-sections (1), (2) or (3), it shall furnish to the Tribunal a written statement of the decision and shall include in the statement—

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(a) the findings on material questions relating to the evidence or other material on which they were based; and

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(b) the reasons for the decision of the Commission.”; and

(b) by omitting from sub-sections (4) and (7) “sub-section (1) or (2)” (wherever occurring) and substituting “sub-section (1), (2) or (3)”.

4. (1) After section 108 of the Principal Act the following section is inserted:

Pharmaceutical Benefits Scheme

5 “109. (1) The Minister may approve a scheme for the provision of pharmaceutical benefits to—

- (a) persons entitled to receive medical treatment under this Act; and
- (b) persons entitled to receive medical treatment under—
 - 10 (i) the *Interim Forces Benefits Act* 1947;
 - (ii) the *Repatriation (Far East Strategic Reserve) Act* 1956;
 - (iii) the *Repatriation (Special Overseas Service) Act* 1962; or
 - (iv) the *Seamen's War Pensions and Allowances Act* 1940.

15 “(2) Where the Pharmaceutical Benefits Remuneration Tribunal established under the *National Health Act* 1953 is holding, or proposes to hold, an inquiry under that Act to ascertain whether the Commonwealth price of all or any pharmaceutical benefits under that Act should be varied, the Minister may request that Tribunal to extend its inquiry to include the question whether the prices payable to pharmaceutical chemists in respect of the supply by them, in accordance with a scheme approved under sub-section (1), of pharmaceutical benefits of the kinds specified by the Minister in his request
20 should be varied and, where such a request is made, the Tribunal shall comply with the request.

“ (3) After the completion of an inquiry referred to in sub-section (2), the Pharmaceutical Benefits Remuneration Tribunal shall submit to the Minister—

- 25 (a) the recommendations of the Tribunal on the question the subject of the request made by the Minister under sub-section (2); and
- (b) where the Tribunal has submitted to the Minister administering the *National Health Act* 1953 a report in connection with that inquiry—a copy of that report.

30 “(4) In this section, ‘pharmaceutical benefits’ means drugs or medicinal preparations, and includes other pharmaceutical items (including dressings).”

35 (2) In giving his first approval under sub-section 109 (1) of the *Repatriation Act* 1920, the Minister may specify in the approval that the approval is to have effect, and to be deemed to have had effect, on and after a date before the commencement of this Act (not being a date earlier than 1 May 1980) that is specified in the approval.

40 (3) Where an approval is to be deemed to have had effect on and after a date earlier than the date of commencement of this Act, the first request made by the Minister under sub-section 109 (2) of the *Repatriation Act* 1920 may include a request that the Pharmaceutical Benefits Remuneration Tribunal extend its inquiry to relate to pharmaceutical benefits supplied since the date on and after which the approval is to be deemed to have had effect.

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NOTE

1. No. 6, 1920, as amended. For previous amendments, see No. 34, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; Nos. 10 and 47, 1931; No. 32, 1934; No. 58, 1935; Nos. 29 and 67, 1936; Nos. 12, 24 and 42, 1937; No. 55, 1938; Nos 37 and 96, 1940; No. 49, 1941; No. 22, 1943; No. 11, 1945; No. 49, 1946; Nos. 1, 29 and 74, 1947; No. 39, 1948; No. 38, 1949; Nos. 34 and 80, 1950; No. 31, 1951; No. 58, 1952, No. 69, 1953; No. 31, 1954; No. 39, 1955; Nos. 68 and 97, 1956; No. 44, 1957; No. 47, 1958; No. 58, 1959; No. 44, 1960; No. 46, 1961; Nos. 75 and 91, 1962; No. 47, 1963; Nos. 62 and 105, 1964; No. 64, 1965; No. 42, 1966; No. 64, 1967; Nos. 66 and 120, 1968; No. 95, 1969; Nos. 4 and 60, 1970; Nos. 17 and 68, 1971; Nos. 15, 82 and 139, 1972; Nos. 2, 27 and 104, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 3, 24 and 90, 1974; Nos. 35, 55 and 111, 1975; Nos. 27, 91 and 112, 1976; No. 56, 1977; Nos. 129 and 170, 1978; Nos. 18 and 124, 1979 and No. 129, 1980.