

INTERIM FORCES BENEFITS.

No. 106 of 1964.

An Act to amend section nine of the *Interim Forces Benefits Act 1947-1950*.

[Assented to 20th November, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Interim Forces Benefits Act 1964*. Short title and citation.

(2.) The *Interim Forces Benefits Act 1947-1950*,* as amended by this Act, may be cited as the *Interim Forces Benefits Act 1947-1964*.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. Section nine of the *Interim Forces Benefits Act 1947-1950* is amended by adding at the end thereof the following sub-sections:— Regulations.

“(2.) Subject to sub-section (4.) of this section, where medical treatment is provided to a person under the regulations—

(a) in circumstances in which the regulations provide for payment in accordance with this sub-section; or

* Act No. 46, 1947, as amended by No. 79, 1950.

- (b) in any case in which, before the treatment is provided, the Commission or a delegate of the Commission, for special reasons, determines that payment should be made in accordance with this sub-section and notifies the person accordingly,

the person is liable to pay to the Commonwealth, as a debt due to the Commonwealth, such reasonable charges in respect of the treatment as the Commission or a delegate of the Commission notifies to him in writing.

“(3.) Regulations made in pursuance of paragraph (a) of the last preceding sub-section may provide for payment in accordance with that sub-section in any case in which—

- (a) a person (whether before, during or after the provision of the treatment) recovers or receives; or
- (b) the Commission or a delegate of the Commission (whether before, during or after the provision of the treatment) notifies a person that the person is, in the opinion of the Commission or the delegate, as the case may be, entitled to recover or receive,

the whole or a part of the cost of the treatment, by way of damages or compensation, from another person.

“(4.) Sub-section (2.) of this section does not apply in relation to medical treatment in respect of a condition giving rise to an incapacity in respect of which the Commonwealth—

- (a) is liable to pay pension under this Act to the person;
- (b) would be so liable if the incapacity were great enough to warrant a pension assessment; or
- (c) would be so liable but for paragraph (c) of the proviso to sub-section (1.) of section twenty-four or paragraph (c) of the proviso to sub-section (1.) of section one hundred and one, of the *Repatriation Act* 1920–1964, as extended by this Act.

“(5.) In this section—

‘medical treatment’ means any treatment with a view to restoring a person to, or maintaining a person in, physical or mental health or alleviating suffering, and includes—

- (a) any accommodation, nursing care or transport in relation to such treatment; and
- (b) the supply, renewal and repair of artificial replacements and surgical and other aids and appliances;

‘the Commission’ means the Repatriation Commission.”.