



Veterans' Entitlements Amendment (Male Total Average Weekly Earnings Benchmark) Act 1998

No. 69, 1998



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An Act to amend section 198 of the *Veterans' Entitlements Act 1986* to allow increases in the rate of pension payable under paragraph 30(1)(a) of that Act to the widow or widower of a deceased veteran to take account of Male Total Average Weekly Earnings

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An Act to amend section 198 of the *Veterans' Entitlements Act 1986* to allow increases in the rate of pension payable under paragraph 30(1)(a) of that Act to the widow or widower of a deceased veteran to take account of Male Total Average Weekly Earnings

[Assented to 30 June 1998]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Veterans' Entitlements Amendment (Male Total Average Weekly Earnings Benchmark) Act 1998*.

2 Commencement

This Act is taken to have commenced on 19 March 1998.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendment of the Veterans' Entitlements Act 1986

1 Subsection 198(1)

Insert:

December quarter means a quarter ending on 31 December.

2 Subsection 198(1)

Insert:

fortnightly MTAWÉ figure for a quarter means 1/26 of the annualised MTAWÉ figure for that quarter within the meaning of section 59EA.

3 Subsection 198(1)

Insert:

June quarter means a quarter ending on 30 June.

4 At the end of subsection 198(4)

Add:

Note: The rate calculated under this section in substitution for the rate referred to in paragraph (e) of the definition of *relevant rate* may be increased under subsection (6) in certain cases.

5 After subsection 198(5D)

Insert:

(6) If:

- (a) a rate (*substituted rate*) is substituted for the rate specified in paragraph (e) of the definition of *relevant rate* because of an application of subsection (4) for a relevant period that starts after 20 September 1997; and
- (b) 25% of the fortnightly MTAWÉ figure for whichever of the following quarters is applicable:

- (i) if the relevant period starts on a 20 March—the most recent December quarter;
 - (ii) if the relevant period starts on a 20 September—the most recent June quarter;
- exceeds the substituted rate;

this Act has effect as if there were substituted for the substituted rate a rate equal to:

- (c) the substituted rate increased by an amount equal to the excess; and
- (d) if the substituted rate (as increased under paragraph (c)) is not a multiple of \$0.10, the substituted rate (as so increased) further increased by rounding up to the next highest multiple of \$0.10.

(7) If:

- (a) a rate is not substituted for the rate (*unchanged rate*) specified in paragraph (e) of the definition of *relevant rate* because of an application of subsection (4) for a relevant period that starts after 20 September 1997; and
- (b) 25% of the fortnightly MTAWWE figure for whichever of the following quarters is applicable:
 - (i) if the relevant period starts on a 20 March—the most recent December quarter;
 - (ii) if the relevant period starts on a 20 September—the most recent June quarter;exceeds the unchanged rate;

this Act has effect as if there were substituted for the unchanged rate a rate equal to:

- (c) the unchanged rate increased by an amount equal to the excess; or
- (d) if the unchanged rate (as increased under paragraph (c)) is not a multiple of \$0.10, the unchanged rate (as so increased) further increased by rounding up to the next highest multiple of \$0.10.

(8) If:

- (a) the rate of pension payable to a person is increased because of an application of subsection (6) or (7); and
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(b) in respect of the period from 19 March 1998 to the day on which the *Veterans' Entitlements Amendment (Male Total Average Weekly Earnings Benchmark) Act 1998* receives the Royal Assent, the person has been paid any ex gratia payments from the Commonwealth of an amount equal to the amount by which the pension payable to the person would increase as a result of that increase;

the amount of pension payable to the person in respect of that period is reduced by an amount equal to the amount of those ex gratia payments. However, the operation of this subsection is not taken to affect the rate of the pension payable to the person.

*[Minister's second reading speech made in—
House of Representatives on 2 April 1998
Senate on 28 May 1998]*

(47/98)
