



Veterans' Affairs Legislation Amendment Act (No. 1) 2002

No. 73, 2002

**An Act to amend the law with respect to veterans'
entitlements, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
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Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	9
Schedule 1—Amendment of the Social Security Act 1991		10
Schedule 2—Amendment of the Social Security (Administration) Act 1999		22
Schedule 3—Amendment of the Aged Care (Consequential Provisions) Act 1997		23
Schedule 4—Amendment of the Social Security and Veterans’ Affairs Legislation Amendment (Family and Other Measures) Act 1997		24
Schedule 5—Amendment of the Veterans’ Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997		25
Schedule 6—Amendment of the Veterans’ Entitlements Act 1986		26
Schedule 7—Amendment of the Veterans’ Affairs Legislation Amendment Act (No. 1) 2000		37



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An Act to amend the law with respect to veterans' entitlements, and for related purposes

[Assented to 6 September 2002]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Veterans' Affairs Legislation
Amendment Act (No. 1) 2002*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

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	6 September 2002
2. Schedules 1 and 2	The day on which this Act receives the Royal Assent	6 September 2002
3. Schedule 3	Immediately after the <i>Aged Care Act 1997</i> (other than Division 1 of that Act) commenced	1 October 1997
4. Schedule 4	Immediately after Schedule 19 to the <i>Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997</i> commenced	1 January 1998
5. Schedule 5, item 1	3 November 1997	3 November 1997
6. Schedule 5, item 2	Immediately after item 97 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	11 December 1997
7. Schedule 6, item 1	Immediately after the commencement of the provisions of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i> that commenced on 1 January 1995	1 January 1995
8. Schedule 6, item 2	Immediately after Schedules 1, 2 and 3 to the <i>Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) Act 1997</i> commenced	1 January 1998

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
9. Schedule 6, item 3	Immediately after Schedule 3 to the <i>Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998</i> commenced	20 September 1998
10. Schedule 6, item 4	Immediately after item 41 of Schedule 17 to the <i>Social Security and Veterans' Affairs Legislation Amendment Act 1995</i> commenced	9 July 1996
11. Schedule 6, item 5	Immediately after the commencement of the provisions of the <i>Veterans' Affairs Legislation Amendment and Repeal Act 1995</i> that commenced on 17 October 1995	17 October 1995
12. Schedule 6, item 6	Immediately after items 44 to 86 of Schedule 3 to the <i>Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998</i> commenced	20 September 1998
13. Schedule 6, item 7	Immediately after the provisions of items 50 to 70 of Schedule 13 to the <i>Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998</i> commenced	1 July 1998
14. Schedule 6, item 8	Immediately after the commencement of the provisions of the <i>Social Security and Veterans' Affairs Legislation Amendment (Retirement Assistance for Farmers) Act 1998</i> that commenced on 15 September 1997	15 September 1997
15. Schedule 6, item 9	Immediately after the provisions of items 50 to 70 of Schedule 13 to the <i>Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998</i> commenced	1 July 1998
16. Schedule 6, item 10	Immediately after the commencement of the provisions of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act 1994</i> that commenced on 20 March 1995	20 March 1995

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
17. Schedule 6, item 11	Immediately after Schedule 3 to the <i>Aged Care Amendment (Omnibus) Act 1999</i> commenced	21 October 1999
18. Schedule 6, item 12	Immediately after the commencement of the provisions of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act 1994</i> that commenced on 20 March 1995	20 March 1995
19. Schedule 6, item 13	Immediately after items 44 to 86 of Schedule 3 to the <i>Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998</i> commenced	20 September 1998
20. Schedule 6, item 14	Immediately after item 41 of Schedule 17 to the <i>Social Security and Veterans' Affairs Legislation Amendment Act 1995</i> commenced	9 July 1996
21. Schedule 6, item 15	Immediately after Schedule 9 to the <i>A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999</i> commenced	1 July 2000
22. Schedule 6, items 16 and 17	The day on which this Act receives the Royal Assent	6 September 2002
23. Schedule 6, item 18	Immediately after item 6 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	13 May 1997
24. Schedule 6, items 19, 21 and 22	The day on which this Act receives the Royal Assent	6 September 2002
25. Schedule 6, item 23	Immediately after section 18 of the <i>Veterans' Affairs Legislation Amendment Act 1994</i> commenced	21 June 1994
26. Schedule 6, items 24 to 29	Immediately after Division 7 of Part 2 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act 1994</i> commenced	20 March 1995

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
27. Schedule 6, item 30	Immediately after item 17 of Schedule 4 to the <i>Payment Processing Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998</i> commenced	1 July 1999
28. Schedule 6, item 31	Immediately after the commencement of the provisions of the <i>Veterans' Affairs Legislation Amendment (1996-97 Budget Measures) Act 1997</i> that commenced on 20 March 1997	20 March 1997
29. Schedule 6, item 32	The day on which this Act receives the Royal Assent	6 September 2002
30. Schedule 6, item 33	Immediately after Division 7 of Part 2 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act 1994</i> commenced	20 March 1995
31. Schedule 6, item 34	Immediately after the <i>Veterans' Entitlements Amendment Act 1991</i> commenced	1 July 1991
32. Schedule 6, item 35	The day on which this Act receives the Royal Assent	6 September 2002
33. Schedule 6, items 36 and 37	Immediately after item 6 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	13 May 1997
34. Schedule 6, item 38	Immediately after item 49 of Schedule 4 to the <i>Payment Processing Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998</i> commenced	1 July 1999
35. Schedule 6, items 39 and 40	Immediately after Division 7 of Part 2 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act 1994</i> commenced	20 March 1995
36. Schedule 6, item 41	Immediately after Division 11 of Part 2 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i> commenced	16 December 1994
37. Schedule 6, items 42 and 43	The day on which this Act receives the Royal Assent	6 September 2002

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
38. Schedule 6, item 44	Immediately after item 91 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	11 December 1997
39. Schedule 6, item 45	Immediately after item 12 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (1996-97 Budget Measures) Act 1997</i> commenced	20 March 1997
40. Schedule 6, item 46	Immediately after Schedules 1, 2 and 3 to the <i>Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) Act 1997</i> commenced	1 January 1998
41. Schedule 6, item 47	Immediately after Part 4 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	20 September 1998
42. Schedule 6, items 48 and 49	Immediately after Schedules 1, 2 and 3 to the <i>Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) Act 1997</i> commenced	1 January 1998
43. Schedule 6, item 50	The day on which this Act receives the Royal Assent	6 September 2002
44. Schedule 6, item 51	Immediately after section 74 of the <i>Veterans' Entitlements Act 1986</i> commenced	22 May 1986
45. Schedule 6, items 52 and 53	Immediately after item 6 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	13 May 1997
46. Schedule 6, item 54	The day on which this Act receives the Royal Assent	6 September 2002
47. Schedule 6, item 56	Immediately after item 30 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment Act (No. 1) 2000</i> commenced	24 November 2000
48. Schedule 6, item 57	The day on which this Act receives the Royal Assent	6 September 2002

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
49. Schedule 6, item 60	Immediately after item 30 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment Act (No. 1) 2000</i> commenced	24 November 2000
50. Schedule 6, item 61	The day on which this Act receives the Royal Assent	6 September 2002
51. Schedule 6, item 62	Immediately after section 29 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i> commenced	1 January 1995
52. Schedule 6, items 64 and 65	The day on which this Act receives the Royal Assent	6 September 2002
53. Schedule 6, item 67	Immediately after Part 7 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	10 November 1997
55. Schedule 6, item 69	Immediately after Division 8 of Part 2 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i> commenced	1 January 1995
56. Schedule 6, items 70, 71, 72 and 73	The day on which this Act receives the Royal Assent	6 September 2002
57. Schedule 6, item 74	Immediately after item 73 of Schedule 6 to this Act commences	6 September 2002
58. Schedule 6, items 75 and 76	The day on which this Act receives the Royal Assent	6 September 2002
59. Schedule 6, item 77	Immediately after Part 5 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997</i> commenced	11 December 1997
60. Schedule 6, item 78	Immediately after the <i>Veterans' Entitlements Act 1986</i> commenced	22 May 1986
61. Schedule 6, item 79	The day on which this Act receives the Royal Assent	6 September 2002

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
62. Schedule 6, item 80	Immediately after Division 11 of Part 2 of the <i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i> commenced	16 December 1994
63. Schedule 6, items 81 and 82	The day on which this Act receives the Royal Assent	6 September 2002
64. Schedule 6, item 83	Immediately after Schedules 1, 2 and 3 to the <i>Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) Act 1997</i> commenced	1 January 1998
65. Schedule 6, item 84	The day on which this Act receives the Royal Assent	6 September 2002
66. Schedule 6, item 85	Immediately after Schedules 1, 2 and 3 to the <i>Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) Act 1997</i> commenced	1 January 1998
67. Schedule 6, item 86	The day on which this Act receives the Royal Assent	6 September 2002
68. Schedule 6, items 87 to 96	Immediately after Schedules 1, 2 and 3 to the <i>Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) Act 1997</i> commenced	1 January 1998
69. Schedule 7, items 1 and 2	Immediately after items 17 and 19 of Schedule 1 to the <i>Veterans' Affairs Legislation Amendment Act (No. 1) 2000</i> commenced	24 November 2000

Note: This table relates only to the provisions of this Act as originally passed by 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 is for additional information that is not part of this Act. This information may be included 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—Amendment of the Social Security Act 1991

1 Subparagraphs 4(11)(b)(iii), (c)(iii) and (d)(ii)

After “service pension”, insert “or income support supplement”.

2 Paragraph 8(8)(s)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

3 Subparagraph 8(8)(y)(i)

After “pension”, insert “or income support supplement”.

4 Subsection 9(1) (paragraph (a) of the definition of assessable period)

After “pension”, insert “or income support supplement”.

5 Subsection 9(1) (definition of assessable period)

After “such a pension,”, insert “supplement,”.

6 Subsection 9(1) (definition of pensioner couple)

After “service pension”, insert “, income support supplement”.

7 Paragraph 11(10)(a)

After “pension”, insert “or income support supplement”.

8 Paragraph 11(10)(d)

Omit “pension or benefit” (wherever occurring), substitute “pension, supplement or benefit”.

9 Subparagraphs 11(10)(e)(ii), (iii) and (iv)

Omit “pension or benefit”, substitute “pension, supplement or benefit”.

10 Paragraph 11(10)(f)

Omit “pension or benefit”, substitute “pension, supplement or benefit”.

11 Paragraph 11(10A)(a)

After “pension”, insert “or income support supplement”.

12 Subsection 23(1) (at the end of the definition of income support payment)

Add:

; or (e) income support supplement.

13 Subsection 23(1) (paragraph (b) of the definition of payday)

After “service pension” (wherever occurring), insert “or income support supplement”.

14 Subsection 23(1) (paragraphs (a) and (b) of the definition of social security recipient status)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

15 Subparagraph 82(1)(d)(ii)

After “service pension”, insert “or income support supplement”.

16 At the end of subparagraph 82(5)(b)(iii)

Add “or income support supplement”.

17 Paragraph 83(1)(b)

Omit all the words before subparagraph (i), substitute:

where the partner was receiving a service pension or income support supplement—the amount that would have been payable to the partner under Part III or IIIA of the Veterans’ Entitlements Act on the service payday that:

18 Sub-subparagraph 91(1)(b)(ii)(C)

After “service pension”, insert “or income support supplement”.

19 Subparagraph 146F(1)(d)(ii)

After “service pension”, insert “or income support supplement”.

20 At the end of subparagraph 146F(5)(b)(iii)

Add “or income support supplement”.

21 Paragraph 146G(1)(b)

Omit all the words before subparagraph (i), substitute:

where the partner was receiving a service pension or income support supplement—the amount that would have been payable to the partner under Part III or IIIA of the Veterans' Entitlements Act on the service payday that:

22 Sub-subparagraph 146Q(1)(b)(ii)(C)

After "service pension", insert "or income support supplement".

23 Subsection 236A(1) (note)

Repeal the note.

24 At the end of subsection 408CF(1)

Add "or income support supplement".

25 Paragraph 408CF(2)(b)

Omit "or a service pension", substitute ", a service pension or income support supplement".

26 Subparagraph 514A(1)(c)(ii)

Omit "or a service pension", substitute ", a service pension or income support supplement".

27 Paragraph 552(2)(a)

Omit "or a service pension", substitute ", a service pension or income support supplement".

28 Subparagraph 567(1)(e)(ii)

After "service pension", insert "or income support supplement".

29 Section 573A (table)

After item 2, insert:

2A	Income support supplement	(Section 45A of the Veterans' Entitlements Act)
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30 Paragraph 578(2)(a)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

31 Subparagraph 592(1)(e)(ii)

After “service pension”, insert “or income support supplement”.

32 Paragraph 593(4)(a)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

33 Subparagraphs 612(1)(b)(i) and (2)(b)(i)

After “service pension”, insert “or income support supplement”.

34 At the end of subsection 614(1)

Add “or income support supplement”.

35 Paragraph 614(2)(b)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

36 Paragraph 660YBA(3)(b)

After “service pension,”, insert “income support supplement,”.

37 Subsection 660YCF(1)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

38 Paragraph 660YCF(2)(b)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

39 Subparagraphs 660YKB(1)(c)(ii) and 660YKC(1)(c)(ii)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

40 Subparagraphs 681(1)(b)(i) and (2)(b)(i)

After “service pension”, insert “or income support supplement”.

41 Subsection 686(1)

After “service pension,”, insert “income support supplement,”.

42 Paragraph 686(2)(b)

Omit “or service pension”, substitute “, service pension or income support supplement”.

43 Subparagraph 728PA(1)(e)(ii)

After “service pension”, insert “or income support supplement”.

44 Paragraph 729(6)(a)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

45 Subparagraphs 734(1)(b)(i) and (2)(b)(i)

Omit “or service pension”, substitute “, service pension or income support supplement”.

46 At the end of subsection 735(1)

Add “or income support supplement”.

47 Paragraph 735(2)(b)

Omit “or service pension”, substitute “, service pension or income support supplement”.

48 Subparagraph 768A(1)(e)(ii)

After “service pension”, insert “or income support supplement”.

49 Subparagraph 771HA(1)(c)(i)

Omit “or service pension”, substitute “, service pension or income support supplement”.

50 Subparagraph 771NU(1)(c)(i)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

51 Paragraph 771NU(1)(e)

Omit “or mature age allowance”, substitute “, mature age allowance, service pension or income support supplement”.

52 Subparagraph 822(1)(d)(ii)

After “service pension”, insert “or income support supplement”.

53 At the end of subparagraph 822(5)(b)(iii)

Add “or income support supplement”.

54 Paragraph 823(1)(b)

After “service pension”, insert “or income support supplement”.

55 Paragraph 823(1)(b)

After “Part III”, insert “or IIIA”.

56 Sub-subparagraph 830(1)(b)(ii)(C)

After “service pension”, insert “or income support supplement”.

57 Subparagraph 1033(c)(iii)

After “service pension”, insert “or income support supplement”.

58 After paragraph 1061PJ(3)(b)

Insert:

(ba) income support supplement;

59 Point 1064-D2 (paragraph (a) in the second column of item 4 in Table DA)

After “service pension”, insert “or income support supplement”.

60 Point 1064-D2 (paragraph (a) in the second column of item 5 in Table DA)

After “service pension”, insert “or income support supplement”.

61 Point 1064-D2 (paragraph (a) in the second column of item 6 in Table DA)

After “service pension”, insert “or income support supplement”.

62 Paragraph 1064-D4(b)

Omit “or service pension”, substitute “, service pension or income support supplement”.

63 Paragraph 1064-D4(c)

After “pension”, insert “or supplement”.

64 Point 1064-D5 (paragraph (a) in the second column of item 4 in Table D)

After “service pension”, insert “or income support supplement”.

65 Point 1064-D5 (paragraph (a) in the second column of item 5 in Table D)

After “service pension”, insert “or income support supplement”.

66 Point 1064-D5 (paragraph (a) in the second column of item 6 in Table D)

After “service pension”, insert “or income support supplement”.

67 Point 1066A-EA2A (paragraph (a) in the second column of item 5 in Table EAA)

After “service pension”, insert “or income support supplement”.

68 Point 1066A-EA2A (paragraph (a) in the second column of item 6 in Table EAA)

After “service pension”, insert “or income support supplement”.

69 Point 1066A-EA2A (paragraph (a) in the second column of item 7 in Table EAA)

After “service pension”, insert “or income support supplement”.

70 Paragraph 1066A-EA11(b)

Omit “service pension”, substitute “, service pension or income support supplement”.

71 Paragraph 1066A-EA11(c)

Omit “pension”, substitute “, pension or supplement”.

72 Point 1066A-EA12 (paragraph (a) in the second column of item 5 in Table EA)

After “service pension”, insert “or income support supplement”.

73 Point 1066A-EA12 (paragraph (a) in the second column of item 6 in Table EA)

After “service pension”, insert “or income support supplement”.

74 Point 1066A-EA12 (paragraph (a) in the second column of item 7 in Table EA)

After “service pension”, insert “or income support supplement”.

75 Point 1066A-EB2A (paragraph (a) in the second column of item 5 in Table EBA)

After “service pension”, insert “or income support supplement”.

76 Point 1066A-EB2A (paragraph (a) in the second column of item 6 in Table EBA)

After “service pension”, insert “or income support supplement”.

77 Point 1066A-EB2A (paragraph (a) in the second column of item 7 in Table EBA)

After “service pension”, insert “or income support supplement”.

78 Paragraph 1066A-EB12(b)

Omit “service pension”, substitute “, service pension or income support supplement”.

79 Paragraph 1066A-EB12(c)

Omit “pension”, substitute “, pension or supplement”.

80 Point 1066A-EB13 (paragraph (a) in the second column of item 5 in Table EB)

After “service pension”, insert “or income support supplement”.

81 Point 1066A-EB13 (paragraph (a) in the second column of item 6 in Table EB)

After “service pension”, insert “or income support supplement”.

82 Point 1066A-EB13 (paragraph (a) in the second column of item 7 in Table EB)

After “service pension”, insert “or income support supplement”.

83 Paragraph 1067G-D3(b)

Omit “or service pension”, substitute “, service pension or income support supplement”.

84 Paragraph 1067G-D3(c)

After “pension”, insert “or supplement”.

85 Point 1067G-H2

After “service pension”, insert “, income support supplement”.

86 Paragraph 1067G-H27(b)

After “service pension”, insert “, income support supplement”.

87 Section 1067G (column 2 of table item 7 in Module L of the Youth Allowance Rate Calculator)

Omit “husband”, substitute “partner”.

88 Section 1067G (after table item 7 in Module L of the Youth Allowance Rate Calculator)

Insert:

7A Income support supplement (section 45A of the Veterans’ Entitlements Act)

89 Point 1067L-D2

After “service pension”, insert “, income support supplement”.

90 Paragraph 1067L-D26(b)

After “service pension”, insert “, income support supplement”.

91 Point 1068-B1 (paragraph (c) in the second column of item 4 in Table B)

Omit “or service pension”, substitute “, service pension or income support supplement”.

92 Point 1068-B1 (paragraph (c) in the second column of item 4B in Table B)

After “service pension”, insert “or income support supplement”.

93 Point 1068-B1 (paragraph (b) in the second column of item 5 in Table B)

After “service pension”, insert “or income support supplement”.

94 Paragraph 1068-F2(b)

Omit “service pension”, substitute “, service pension or income support supplement”.

95 Paragraph 1068-F2(c)

After “pension”, insert “or supplement”.

96 Point 1068-G1 (method statement, step 1, note)

Repeal the note.

97 Point 1068-G2

After “service pension”, insert “, income support supplement”.

98 Paragraph 1068-G10(b)

After “service pension”, insert “, income support supplement”.

99 Paragraph 1068-J4(b)

Repeal the paragraph, substitute:

(b) a remote area allowance payable under point SCH6-G1 of the VEA.

100 Point 1068B-D2

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

101 Paragraph 1068B-D23(b)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

102 Paragraph 1068B-F3(b)

Omit “service pension”, substitute “, service pension or income support supplement”.

103 Paragraph 1068B-F3(c)

After “pension”, insert “or supplement”.

104 Paragraph 1068B-G3(b)

Repeal the paragraph, substitute:

- (b) a remote area allowance payable under point SCH6-G1 of the VEA.

105 Paragraphs 1106(2)(a) and (b)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

106 Paragraphs 1123(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) obtaining a social security pension, a social security benefit, a parenting allowance, a service pension or an income support supplement or enabling the person’s partner or someone else of whom the person is a family member to obtain such a pension, benefit, allowance or supplement, or a youth training allowance; or
- (b) obtaining a social security pension, a social security benefit, a parenting allowance, a service pension or an income support supplement, or enabling the person’s partner to obtain such a pension, benefit, allowance or supplement, or a youth training allowance, at a higher rate than would have otherwise been payable; or

107 Section 1188C (column 3 of items 17, 18, 24 and 25 in Table A)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

108 Section 1190 (column 2 of table item 55)

Omit “getting service pension but not getting telephone allowance”, substitute “not getting telephone allowance under the Veterans’ Entitlements Act”.

109 Section 1190 (column 2 of table item 56)

Omit “getting service pension and getting telephone allowance”, substitute “getting telephone allowance under the Veterans’ Entitlements Act”.

110 Paragraph 63(10)(d) of Schedule 1A

Omit “clause 4”, substitute “clause 5”.

111 Paragraph (b) of subclause 120A(2) of Schedule 1A

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

Schedule 2—Amendment of the Social Security (Administration) Act 1999

1 Subparagraph 90(1)(b)(ii)

After “pension”, insert “or income support supplement”.

2 Paragraph 91(2)(b)

Omit “or service pension”, substitute “, service pension or income support supplement”.

3 Subsection 91(2)

Omit “or the service pension”, substitute “, the service pension or the income support supplement”.

4 Subparagraph 96(5)(b)(iii)

After “pension”, insert “or income support supplement”.

5 Subparagraph 98(b)(ii)

After “pension”, insert “or income support supplement”.

6 Paragraph 98(c)

Omit “or benefit”, substitute “, benefit or supplement”.

7 Paragraph 101(b)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

8 Section 101

Omit “or the service pension”, substitute “, the service pension or the income support supplement”.

9 Subparagraph 110(5)(b)(i)

Omit “or a service pension”, substitute “, a service pension or income support supplement”.

Schedule 3—Amendment of the Aged Care (Consequential Provisions) Act 1997

1 Item 60 of Schedule 4

Repeal the item, substitute:

60 Paragraph 5L(7)(d)

Omit “started to be in a relevant care situation”, substitute “started to be either in a care situation or an aged care resident”.

2 Item 75 of Schedule 4

Repeal the item, substitute:

75 Paragraph 5R(6)(c)

Omit “has entered the approved respite care”, substitute “is in respite care”.

Schedule 4—Amendment of the Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997

1 Item 5 of Schedule 19

Repeal the item, substitute:

5 After subsection 5N(3B)

Insert:

- (4) If a person pays, or is liable to pay, rent for living in premises in respect of which another person pays Government rent, the rent paid or payable by the person for living in those premises is taken to be Government rent, unless:
 - (a) the rent paid by the other person is at or above a rate that the authority receiving the rent has told the Department is the market rate; or
 - (b) the person shares the premises with that other person and the person's income has been taken into account in calculating the amount of Government rent payable in respect of those premises.

Schedule 5—Amendment of the Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997

1 After subsection 2(16)

Insert:

- (16A) Item 28 of Schedule 8 is taken to have commenced on 4 July 1996, immediately after the commencement of Schedule 7 to the *Veterans' Affairs Legislation Amendment (1995-96 Budget Measures) Act (No. 2) 1995*.

2 Item 97 of Schedule 1

Repeal the item, substitute:

97 Subsection 56J(2) (note)

Omit “similarly, if a person has been receiving carer service pension because of caring for the veteran, that carer service pension will also be terminated”.

Schedule 6—Amendment of the Veterans' Entitlements Act 1986

1 Section 5 (index of definitions)

Insert the following entries in their appropriate alphabetical position, determined on a letter-by-letter basis:

average weekly earnings	5NB(1)
compensation	5NB(2)
compensation affected pension	5NB(1)
compensation part	5NB(7), (8)
compensation payer	5NB(1)
event that gives rise to an entitlement to compensation	5NB(11)
periodic payments period	5NB(1)
potential compensation payer	5NB(1)
receives compensation	5NB(10)

2 Section 5 (index of definitions)

Repeal the following entries:

child in receipt of income	5F(3)
pension increase child	5F(6)
prescribed student child	5F(1), 5R(9)

3 Section 5 (index of definitions, entry relating to defined benefit income stream)

Repeal the entry, substitute:

defined benefit income stream	5J (1E)
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4 Section 5 (index of definitions, entry relating to exempt assets)

Repeal the entry.

5 Section 5 (index of definitions, entry relating to illness separated couple)

Repeal the entry, substitute:

illness separated couple	5R (5)
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6 Section 5 (index of definitions, entry relating to presently payable)

Repeal the entry.

7 Section 5 (index of definitions, entry relating to receiving full-time education at a school, college or university)

Repeal the entry.

8 Section 5 (index of definitions, entry relating to retirement age)

Repeal the entry, substitute:

retirement age 5Q (1)

9 Subsection 5F(1) (definition of receiving full-time education at a school, college or university)

Repeal the definition.

10 Subsection 5H(1) (definition of adjusted income)

Omit "claiming, or entitled to, income support supplement", substitute "for the purpose of assessment of the rate of income support supplement".

11 Subsection 5H(1) (the definition of ordinary income, note 1)

Omit "subsection (8)", substitute "subsection (12)".

12 Subsection 5J(1) (paragraph (a) of the definition of assessable period)

Omit "service pension", substitute " , service pension, income support supplement".

13 Subsection 5J(1) (definition of presently payable)

Repeal the definition.

14 Subsection 5L(1) (definition of exempt assets)

Repeal the definition.

15 Subsection 5R(11)

Omit "a pensioner add-on child or an income support supplement add-on child (as the case may be)", substitute "an FTB child".

16 Subsection 6B(5)

Omit "the member", substitute "the person".

17 Paragraph 6D(2)(a)

Omit "Defence force", substitute "Defence Force".

18 Subsection 13(5)

Omit "of a kind described in paragraph 6(1)(f) or (g)", substitute "as described in item 3 of the table in subsection 6A(1) or as described in subsection 6C(2)".

19 Paragraph 22(5)(b)

Omit "79, 30P or 205", substitute "30P, 79 or 205".

21 Subsection 29(8)

Omit "that have been so approved", substitute "that has been so approved".

22 Subsection 29(10)

After "application", insert "of".

23 Paragraph 30C(4)(b)

Omit "paragraph (1)(b), (2)(b) or (3)(b)", substitute "paragraph (1)(c), (2)(c) or (3)(c)".

24 Subsection 36L(4) (note)

Omit "see Division 16", substitute "see Division 16 of Part IIIB".

25 Subsection 37L(4) (note)

Omit "see Division 16", substitute "see Division 16 of Part IIIB".

26 Subsection 38L(4) (note)

Omit "see Division 16", substitute "see Division 16 of Part IIIB".

27 Paragraph 45B(c)

Repeal the paragraph, substitute:

- (c) a person is receiving an age service pension, an invalidity service pension, a social security pension or a social security benefit (see section 45D); or

28 At the end of section 45B

Add:

- (2) Subject to subsection (3), income support supplement is not payable to a person if the person's income support supplement rate would be nil.

Note: A person whose rate might otherwise be nil under the Rate Calculator may not have a nil rate after the application of the financial hardship provisions (sections 52Y and 52Z).

- (3) Subsection (2) does not apply to a person if the person's income support supplement rate is nil merely because of the operation of Part IVA.

29 Subsection 45Q(4) (note)

Omit "see Division 16", substitute "see Division 16 of Part IIIB".

30 Subsection 45S(1)

Omit "subsections (2) and (3)", substitute "subsection (2)".

31 Section 46G

Repeal the section.

32 Subsection 48(2)

Repeal the subsection.

33 Section 48E

After "a service pension" (wherever occurring), insert "or an income support supplement".

34 Section 52D

Repeal the section, substitute:

52D Loans

If a person lends an amount after 22 May 1986, the value of the assets of the person for the purposes of this Act includes so much

of that amount as remains unpaid but does not include any amount payable by way of interest under the loan.

35 Subsection 52E(2)

Repeal the subsection.

36 Paragraph 53D(1)(b)

Omit "as a member of the naval, military or air forces of a Commonwealth or allied country of a kind described in paragraph 6(1)(f) or (g)", substitute "as described in item 3 of the table in subsection 6A(1) or as described in subsection 6C(2)".

37 Subsection 53D(2)

Omit "in the naval, military or air forces of a Commonwealth or allied country of a kind described in paragraph 6(1)(f) or (g)", substitute "for service as described in item 3 of the table in subsection 6A(1) or as described in subsection 6C(2)".

Note: The heading to section 55 is altered by omitting "Service pension" and substituting "Pension".

38 Subsection 56(2) (note 1)

Repeal the note.

39 Subsection 56EC(1)

After "service pension", insert "or income support supplement".

40 Subsection 56EC(1)

After "pension" (second and third occurring), insert "or supplement".

41 Subsection 56H(1)

Omit "56EA or 56EB", substitute "56EA, 56EB or 56EC".

42 Subsection 56J(2) (note)

Omit "Note:", substitute "Note 1:"

43 At the end of subsection 56J(2)

Add:

Note 2: Cancellation of a veteran's service pension may result in the veteran being ineligible for treatment under Part V.

44 Section 56N (paragraph (a) of note 1)

Omit “56, 56A, 56BB or 56BC”, substitute “56 or 56A”.

45 Section 56N (paragraph (b) of note 1)

Omit “or 56BA”.

46 Subsection 59B(1) (table item 2)

Repeal the item.

47 Subsection 59C(2) (steps 4 and 5 of the method statement)

Repeal the steps, substitute:

Step 4. Use section 59E to round off the provisional indexed amount: the result is the *rounded-off amount*.

Step 5. The *indexed amount* is:

(a) if paragraph (b) does not apply—the rounded-off amount; or

(b) if the amount to be indexed is the amount under item 10 of the CPI Indexation Table in subsection 59B(1)—the rounded-off amount multiplied by $\frac{13}{7}$.

The indexed amount may be increased under section 59EA in certain cases.

48 Subsection 59Q(7) (definition of RPA (rate of pharmaceutical allowance))

Omit “point SC6-D7”, substitute “SCH6-D7”.

49 Paragraph 59U(2)(d)

Omit “or of the compensation affected component of that pension (as the case may be)”.

Note: The heading to section 59ZD is altered by omitting “**recovery payment**” and substituting “**recovery notice**”.

50 At the end of subsection 68(1)

Add:

Note: The *Military Compensation Act 1994* commenced on 7 April 1994.

51 Subsection 74(2)

Omit "that was defence-caused".

52 Subparagraph 80(2)(c)(i)

Omit "as a member of the naval, military or air forces of a Commonwealth or allied country of a kind described in paragraph 6(1)(f) or (g)", substitute "as described in item 3 of the table in subsection 6A(1) or as described in subsection 6C(2)".

53 Subparagraph 80(2)(c)(ii)

Omit "in those forces", substitute "for that service".

54 Paragraph 85(4)(b)

Omit "War", substitute "war".

56 Subsection 90(8)

Omit ", 87, 88".

57 Subsection 90A(3)

Omit "amend", substitute "vary or revoke".

60 Subsection 93D(1) (definition of eligible person)

Omit ", 86, 87 or 88", substitute "or 86".

61 Subsection 93M(2)

Omit "to the veteran", substitute "to the veteran or mariner".

62 Paragraph 99(2)(c)

Omit "the Commission receives information from which he or she is satisfied", substitute "information is received which satisfies the Commission".

64 Paragraphs 113(1)(c) and (d)

Repeal the paragraphs.

65 Subsection 115(5)

Omit "section Division" (wherever occurring), substitute "Division".

67 Subsection 115D(2)

Omit "ends 5 years after the commencement day", substitute "runs for 5 years".

69 After subparagraph 118AA(a)(i)

Insert:

(ia) invalidity service pension; or

70 Subsection 118V(1) (note 3)

Omit "118ZAA", substitute "118ZZA".

71 Subsection 118V(2) (note 4)

Omit "118ZAA", substitute "118ZZA".

72 Subsection 118V(3) (note 5)

Omit "118ZAA", substitute "118ZZA".

73 Section 118ZAA

Renumber as section 118ZZA.

74 Section 118ZZA (Seniors Health Card Income Test Calculator)

Omit "118ZAA-" (wherever occurring), substitute "118ZZA-".

75 Subparagraph 128A(3)(b)(ii)

After "the Commissioner", insert "of Taxation".

76 Paragraph 128A(4)(d)

After "the Commissioner", insert "of Taxation".

77 Subsection 132(12)

Omit ", 39D".

78 Subsection 160(3)

Omit "*Remuneration Tribunals Act 1973*", substitute "*Remuneration Tribunal Act 1973*".

79 At the end of subsection 161(1)

Add:

; or (c) during any period, or during all periods, when there is a vacancy in an office of a member.

80 After section 196ZM

Insert:

Division 4—Payment of medical and travelling expenses

81 Subsection 213(1)

Omit "under the regulations", substitute "under the regulations or under any other legislative instrument made under this Act".

82 Subsection 214(1)

Omit "or the regulations", substitute "or under the regulations or under any other legislative instrument made under this Act".

83 Subclause 1(1) of Schedule 5

Omit "section 41", substitute "Schedule 6".

84 Clause 2 of Schedule 5

Repeal the clause.

85 After subclause 10(2) of Schedule 5

Insert:

(2A) For the purposes of Part IIIC, the rate of invalidity service pension, partner service pension, or income support supplement, that is payable to a person who has not reached pension age does not include the notional pension/supplement child-related amount.

86 Clause 12 of Schedule 5 (the clause 12 inserted by item 85 of Schedule 3 to the Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998)

Renumber as 11A.

87 Subpoint SCH6-A1(5) (step 4 of method statement 4, second sentence)

Repeal the sentence, substitute “The result is the person’s *rate of service pension*”.

88 At the end of points SCH6-A3, SCH6-A4 and SCH6-A5

Add:

Note: For *war widow/war widower—pensioner* see subsection 5Q(1).

89 At the end of points SCH6-A6, SCH6-A7 and SCH6-A8

Add:

Note: For *war widow/war widower—pensioner* see subsection 5Q(1).

90 Point SCH6-A9 (note)

Repeal the note.

91 Paragraph SCH6-C3(a)

Repeal the paragraph, substitute:

(a) the person is not an aged care resident; and

92 Point SCH6-C3 (note 1)

Repeal the note, substitute:

Note 1: For *aged care resident* see subsection 5NC(5).

93 Paragraph SCH6-C5(b)

After “service pension”, insert “, income support supplement,”.

94 Subparagraph SCH6-C5(c)(i)

After “service pension”, insert “, income support supplement or social security pension”.

95 Point SCH6-E6 (heading to column 3 of Table E-1)

Repeal the heading, substitute:

Basic income free area per year

96 Point SCH6-E6 (heading to column 4 of Table E-1)

Repeal the heading, substitute:

Basic income free area per fortnight

Note: The heading to point SCH6-E6 is altered by omitting "*free area*" and substituting "*income free area*".

Schedule 7—Amendment of the Veterans' Affairs Legislation Amendment Act (No. 1) 2000

1 Item 17 of Schedule 1

Repeal the item, substitute:

17 Subsection 213(1)

Omit “a commissioner, or to a person appointed or engaged under the *Public Service Act 1999*,” substitute “a person referred to in subsection (4)”.

2 Item 19 of Schedule 1

Repeal the item, substitute:

19 Subsection 214(1)

Omit “a person appointed or engaged under the *Public Service Act 1999*”, substitute “a person referred to in subsection (4)”.

[*Minister's second reading speech made in—
House of Representatives on 21 March 2002
Senate on 28 August 2002*]

(84/02)