



# **Social Security and Veterans' Affairs Legislation Amendment Act (No. 2) 1989**

**No. 84 of 1989**

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## **An Act to amend the law relating to social security and veterans' affairs, and for related purposes**

*[Assented to 27 June 1989]*

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

### **PART 1—PRELIMINARY**

#### **Short title**

**1.** This Act may be cited as the *Social Security and Veterans' Affairs Legislation Amendment Act (No. 2) 1989*.

*Commencement: Day of Royal Assent*

#### **Commencement**

**2.** Each provision of this Act commences, or shall be taken to have commenced, as the case requires, on the day, or at the time, shown by the note in italics at the foot of that provision.

*Commencement: Day of Royal Assent*

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*Amendment (No. 2) No. 84, 1989*

**Application**

3. (1) The amendments made by paragraphs 8 (a) and 47 (a) apply to payments under the *Social Security Act 1947* and the *Veterans' Entitlements Act 1986* that fall due on or after the day on which this Act receives the Royal Assent.

*Commencement: Day of Royal Assent*

(2) The amendments made by paragraph 8 (b), sections 25 and 46 and paragraph 47 (c) apply to payments under the *Social Security Act 1947* and the *Veterans' Entitlements Act 1986* that fall due on or after 1 January 1989.

*Commencement: 1 January 1989*

(3) The amendments made by paragraph 8 (c) apply to payments under the *Social Security Act 1947* that fall due on or after 13 June 1989.

*Commencement: 13 June 1989*

(4) The amendment made by section 11 applies to payments under the *Social Security Act 1947* that fall due on or after 1 July 1988.

*Commencement: 1 July 1988*

(5) The amendments made by sections 12 and 15 apply to payments under the *Social Security Act 1947* that fall due on or after 1 March 1989.

*Commencement: 1 March 1989*

(6) The amendments made by section 24 (other than paragraphs 24 (c) and (m)) apply to claims for unemployment benefit or sickness benefit lodged on or after 1 September 1989.

*Commencement: 1 September 1989*

(7) The amendment made by section 26 applies to payments under the *Social Security Act 1947* that fall due on or after 29 December 1988.

*Commencement: 29 December 1988*

(8) The amendment made by paragraph 47 (b) applies to payments under the *Veterans' Entitlements Act 1986* that fall due on or after 12 June 1989.

*Commencement: 12 June 1989*

**PART 2—AMENDMENTS OF THE HEALTH INSURANCE  
ACT 1973**

**Principal Act**

4. In this Part, "Principal Act" means the *Health Insurance Act 1973*<sup>1</sup>.

*Commencement: Day of Royal Assent*

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**Disadvantaged persons, being persons on low incomes**

5. Section 5B of the Principal Act is amended:

- (a) by omitting from subsection (2) “the income of the applicant during the prescribed period” and substituting “the ascertained income of the applicant in respect of the prescribed period”;
- (b) by omitting from subsection (11) “during” (first occurring) and substituting “in respect of”;
- (c) by omitting from the definition of “income” in subsection (12) “that would, if Part VII of the *Social Security Act 1947* applied to the person, be income of the person for the purposes of that Part” and substituting “that would be income of the person for the purposes of the *Social Security Act 1947*”;
- (d) by inserting in subsection (12) the following definition:

“‘ascertained income’ means the income of a person in respect of a prescribed period ascertained pursuant to regulations made under subsection (11);”.

*Commencement: Day of Royal Assent*

**Special provision relating to making of declarations under section 5B of the *Health Insurance Act 1973* between 17 October and 16 December 1988**

6. Where, because of subsection 5B (10) of the *Health Insurance Act 1973*, a person is deemed to have made an application for a declaration under section 5B of that Act on or after 17 October 1988 but before 16 December 1988, the following provisions have effect:

- (a) the Secretary to the Department of Social Security shall be taken to be satisfied as mentioned in subsection 5B (2) of that Act with respect to the applicant;
- (b) subsections (5) and (6) do not apply to the applicant.

*Commencement: 17 October 1988*

**PART 3—AMENDMENTS OF THE SOCIAL SECURITY ACT 1947**

**Principal Act**

7. In this Part, “Principal Act” means the *Social Security Act 1947*.

**Interpretation**

8. Section 3 of the Principal Act is amended:

- (a) by omitting paragraphs (b) and (c) of the definition of “annual maintenance free area” in subsection (1) and substituting the following paragraphs:

“(b) in relation to a married person in relation to whom the following conditions are satisfied:

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- (i) the person's spouse is in receipt of a prescribed pension;
- (ii) only one of the person and the person's spouse has (apart from subsection (5AA)) maintenance income; an amount equal to the aggregate of:
  - (iii) \$390; and
  - (iv) \$130 for each child (other than the first) who is a dependent child of the person, the person's spouse or both;
- (c) in relation to a married person in relation to whom the following conditions are satisfied:
  - (i) the person's spouse is in receipt of a prescribed pension;
  - (ii) the person and the person's spouse each has (apart from subsection (5AA)) maintenance income; an amount equal to the aggregate of:
    - (iii) \$780; and
    - (iv) \$130 for each child (other than the first) who is a dependent child of the person, the person's spouse or both;"

*Commencement: Day of Royal Assent*

- (b) by omitting subparagraph (x) (ii) of the definition of "income" in subsection (1) and substituting the following subparagraph:

"(ii) the ABSTUDY Tertiary scheme; or";

*Commencement: 1 January 1989*

- (c) by omitting from subsection (1) the definition of "rent" and substituting the following definition:

"'rent', in relation to a person, means:

- (a) amounts payable by the person as a condition of occupancy of premises, or of a part of premises, occupied by the person as the person's principal home; and
- (b) without limiting the generality of paragraph (a), amounts payable by the person:
  - (i) for services provided in a retirement village that is the person's principal home;
  - (ii) where the person is residing in a nursing home that is the person's principal home—for accommodation in the nursing home;
  - (iii) for lodging in premises that are the person's principal home;
  - (iv) for the use of a site for:
    - (A) a caravan or other vehicle; or

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- (B) a structure;  
occupied by the person as the person's principal home; or
  - (v) for the right to moor a vessel that is occupied by the person as the person's principal home;
- being amounts payable:
- (c) every 3 months or more frequently; or
  - (d) at regular intervals greater than 3 months, if the Secretary is satisfied the amounts should be treated as rent for the purposes of this Act;";

*Commencement: Immediately after the commencement of section 9 of the Social Security and Veterans' Affairs Legislation Amendment Act 1988*

- (d) by inserting in subsection (1) the following definitions:
  - “ ‘ABSTUDY Schooling scheme’ means the ABSTUDY Schooling part of the ABSTUDY scheme;
  - ‘ABSTUDY Tertiary scheme’ means the ABSTUDY Tertiary part of the ABSTUDY scheme;”;

*Commencement: 1 January 1989*

- (e) by omitting paragraph (13) (c) and substituting the following paragraph:
  - “(c) the ABSTUDY scheme;”.

*Commencement: 1 January 1989*

**Special provisions relating to residents of retirement villages**

**9. Section 4B of the Principal Act is amended:**

- (a) by omitting paragraph (5) (b) and substituting the following paragraph:
  - “(b) the person is eligibly separated from his or her spouse;”;
- (b) by omitting paragraph (6) (b) and substituting the following paragraph:
  - “(b) the person is eligibly separated from his or her spouse;”;
- (c) by omitting paragraph (7) (b) and substituting the following paragraph:
  - “(b) the person is eligibly separated from his or her spouse;”;
- (d) by omitting paragraph (8) (b) and substituting the following paragraph:
  - “(b) the person is eligibly separated from his or her spouse;”;
- (e) by omitting paragraph (9) (b) and substituting the following paragraph:
  - “(b) the person is eligibly separated from his or her spouse;”;
- (f) by omitting paragraph (10) (b) and substituting the following paragraph:

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- “(b) the person is eligibly separated from his or her spouse;”;
- (g) by omitting paragraph (11) (b) and substituting the following paragraph:  
“(b) the person is eligibly separated from his or her spouse;”;
- (h) by inserting after subsection (11) the following subsection:  
“(11A) For the purposes of this section, a married person is eligibly separated from his or her spouse if:  
(a) a direction under subsection 33 (2) is in force in respect of the person or the person's spouse; or  
(b) the following conditions are satisfied:  
(i) the person's spouse is not in receipt of a prescribed pension;  
(ii) the Secretary is satisfied as mentioned in subsection 33 (2) in relation to the person and his or her spouse.”;
- (j) by omitting “in respect of whom, or in respect of whose spouse, a direction under subsection 33 (2) is in force” from paragraph (c) of the definition of “entry contribution” in subsection (13) and substituting “who is eligibly separated from his or her spouse”;
- (k) by omitting “12 June 1989” (wherever occurring) from the definition of “extra allowable amount” in subsection (13) and substituting “13 June 1989”;
- (m) by omitting “in respect of whom, or in respect of whose spouse, a direction under subsection 33 (2) is in force” from subparagraphs (a) (i) and (b) (i) of the definition of “extra allowable amount” in subsection (13) and substituting “who is eligibly separated from his or her spouse”.

*Commencement: Immediately after the commencement of section 11 of the Social Security and Veterans' Affairs Legislation Amendment Act 1988*

### **Indexation**

**10.** Section 9 of the Principal Act is amended by omitting “12 June 1987” from the definition of “relevant year” in subsection (1) and substituting “13 June 1989”.

*Commencement: 11 June 1989*

### **Certain persons deemed to continue to receive full-time education**

**11.** Section 11 of the Principal Act is amended:

- (a) by omitting from paragraph (b) “or 136”;
- (b) by omitting “, 127 and 136” and substituting “and 127”.

*Commencement: 1 July 1988*

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**Earnings credit**

**12.** Section 12A of the Principal Act is amended:

(a) by omitting from subsection (1) the definitions of "annual permissible income" and "annual rate of income" and substituting the following definitions:

“ ‘annual permissible income’, in relation to a person, means:

(a) whichever of the following amounts is applicable to the person:

- (i) the amount of \$2,080 specified in sub-subparagraph 33 (12) (a) (i) (A);
- (ii) the amount of \$1,820 specified in sub-subparagraph 33 (12) (a) (i) (B);
- (iii) the amount of \$2,080 specified in subsection 51 (1); or

(b) if the person has a dependent child or children—the amount referred to in paragraph (a) increased by:

- (i) if subparagraph (a) (i) or (ii) applies—the amount by which the person's income is reduced in accordance with subsection 35 (1); or
- (ii) if subparagraph (a) (iii) applies—the amount that is component SRC in relation to the person for the purposes of subsection 51 (2);

‘annual rate of income’ means:

(a) in relation to a person who is receiving a pension the rate of which is calculated under or by reference to Part IV—the annual rate of income of the person for the purposes of that Part calculated without regard to subsection 35 (1); or

(b) in relation to a person who is receiving a pension the rate of which is calculated under or by reference to Part V—the actual annual rate of income of the person;”;

(b) by omitting from subsection (3) “48” and substituting “51”.

*Commencement: 1 March 1989*

**Secretary to have general administration of Act**

**13.** Section 13 of the Principal Act is amended by adding at the end the following subsection:

“(2) The Minister shall direct the Secretary to make provision for the development of a service which will enable a person to make a telephone call to an office that is under the general control of the Secretary, at no greater cost than the cost of a local telephone call.”.

*Commencement: Royal Assent.*

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**Qualifications for sole parent's pension**

14. Section 44 of the Principal Act is amended by omitting from paragraph (2) (c) "44 (c)" and substituting "(1) (c)".

*Commencement: 1 March 1989*

**Child cannot be a qualifying child of more than one person**

15. Section 52 of the Principal Act is amended by omitting "dependent" (wherever occurring) and substituting "qualifying".

*Commencement: 1 March 1989*

**Reduction of rate by reference to taxable income**

16. Section 74B of the Principal Act is amended by omitting from subsections (2) and (3) "125% of" (last occurring).

*Commencement: 29 December 1988*

**Payment of allowance**

17. Section 76 of the Principal Act is amended by adding at the end the following subsection:

"(3) Where a person lodges a claim for an allowance in respect of a child within 4 weeks after the birth of the child the claim shall, for the purposes of this Act, be taken to have been lodged on the day on which the child was born."

*Commencement: 29 December 1988*

**Repeal of section 77**

18. Section 77 of the Principal Act is repealed.

*Commencement: 29 December 1988*

**Interpretation**

19. Section 79 of the Principal Act is amended by omitting paragraphs (c) and (d) of the definition of "prescribed educational scheme" in subsection (1) and substituting the following paragraph:

"(c) the ABSTUDY scheme;"

*Commencement: 1 January 1989*

**Payments under certain education schemes**

20. Section 81 of the Principal Act is amended:

(a) by omitting from paragraph (a) " , the Aboriginal Study Assistance Scheme";

(b) by omitting from the end of paragraph (a) "or";

(c) by inserting after paragraph (a) the following paragraph:

"(aa) in the case of the ABSTUDY Tertiary scheme:

(i) if, before 1 January 1989, payments were being made to or in respect of the student child under the



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Aboriginal Study Assistance Scheme—1 January 1987;  
or

(ii) if subparagraph (i) does not apply—1 January 1989;  
or”.

*Commencement: 1 January 1989*

**Qualification for allowance**

**21.** Section 102 of the Principal Act is amended by inserting in paragraph (a) “, paragraph 82 (1) (c)” after “85”.

*Commencement: 29 December 1988*

**Amount of allowance**

**22.** Section 104A of the Principal Act is amended by inserting in paragraph (4) (c) “, or under Part VII of the *Handicapped Persons Assistance Act 1974*,” after “*National Health Act 1953*”.

*Commencement: 29 December 1988*

**Unemployment benefits**

**23.** Section 116 of the Principal Act is amended by omitting from paragraph (4A) (e) “Reserve” and substituting “Force”.

*Commencement: 22 December 1988*

**Waiting period**

**24.** Section 125 of the Principal Act is amended:

(a) by omitting from paragraph (1) (a) “and (e)” and substituting “, (e) and (f)”;

*Commencement: 1 September 1989*

(b) by omitting from the end of paragraph (1) (d) “and”;

*Commencement: 1 September 1989*

(c) by omitting from subparagraph (1) (e) (ii) “3 months” and substituting “13 weeks”;

*Commencement: 1 February 1989*

(d) by adding at the end of subsection (1) the following word and paragraph:

“; and (f) in a case where:

(i) when the person became unemployed, he or she became entitled to receive a payment in respect of a period of unused annual leave; and

(ii) the number of days (if any) in the period from and including the day after the person became unemployed to and including the day on which the person made a claim for unemployment benefit is less than:

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(A) the number of days in the period referred to in subparagraph (i); or

(B) 28;

whichever is less;

from and including the first day after the end of the waiting period worked out under subsection (2A).”;

*Commencement: 1 September 1989*

(e) by inserting after subsection (2) the following subsections:

“(2A) For the purposes of paragraph (1) (f), the waiting period starts on the day after the person becomes unemployed and continues for a number of days equal to the lesser of:

(a) the number of days in the period referred to in subparagraph (1) (f) (i) plus 7; and

(b) 35.

“(2B) If, but for this subsection, paragraph (1) (f) and another provision of this section would both apply to determine the day from which unemployment benefit is payable to a person, the following provisions have effect:

(a) the other provision does not apply;

(b) for the purposes of the application of paragraph (1) (f), subsection (2A) applies as if:

(i) ‘plus 7’ were omitted from paragraph (2A) (a); and

(ii) the reference in paragraph (2A) (b) to 35 were instead a reference to 28.”;

*Commencement: 1 September 1989*

(f) by omitting paragraph (3) (a) and substituting the following paragraph:

“(a) in a case where neither of paragraphs (b) and (c) apply— from and including the seventh day after the day on which he or she became incapacitated;”;

*Commencement: 1 September 1989*

(g) by adding at the end of subsection (3) the following word and paragraph:

“and (c) in a case where:

(i) the person’s employment with an employer has ended;

(ii) when that employment ended, the person became entitled to receive a payment in respect of a period of unused annual leave; and

(iii) the number of days (if any) in the period from and including the day after the person’s employment ended to and including the day

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on which the person made a claim for sickness benefit is less than:

(A) the number of days in the period referred to in subparagraph (ii); or

(B) 28;

whichever is the less;

from and including the first day after the end of the waiting period worked out under subsection (3A).”;

*Commencement: 1 September 1989*

(h) by inserting after subsection (3) the following subsection:

“(3A) For the purposes of paragraph (3) (c), the waiting period starts on the day after the person’s employment ends and continues for a number of days equal to the lesser of:

(a) the number of days in the period referred to in subparagraph (3) (c) (ii) plus 7; and

(b) 35.”;

*Commencement: 1 September 1989*

(j) by inserting in subsection (5) “(other than subsection (5A))” after “this section”;

*Commencement: 1 September 1989*

(k) by inserting after subsection (5) the following subsections:

“(5A) If, but for this subsection, paragraph (3) (c) and another provision of this section would both apply to determine the day from which sickness benefit is payable to a person, the following provisions have effect:

(a) the other provision does not apply;

(b) subsection (3A) applies as if:

(i) ‘plus 7’ were omitted from paragraph (3A) (a); and

(ii) the reference in paragraph (3A) (b) to 35 were instead a reference to 28.

“(5B) For the purposes of this section, the number of days in a period of unused annual leave shall be taken to be the number of days worked out:

(a) where the period of unused annual leave is expressed in weeks—by multiplying by 7 the number of weeks (including fractions of weeks) in the period of unused annual leave, and disregarding any fraction resulting; and

(b) in any other case—by multiplying by 7 the number of working weeks (including any fraction of a working week) represented by the period of unused annual leave, and disregarding any fraction resulting.”;

*Commencement: 1 September 1989*

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(m) by inserting after paragraph (b) of the definition of “qualified beneficiary” in subsection (6) the following paragraph:

“(ba) special benefit;”;

*Commencement: 1 February 1989*

(n) by inserting in subsection (6) the following definition:

“ ‘annual leave’ means:

(a) leave described as annual leave, recreation leave or annual holidays; or

(b) leave that is granted for reasons that are the same as, or similar to, the reasons for which leave referred to in paragraph (a) is granted;”.

*Commencement: 1 September 1989*

**Benefit not payable to full-time students**

25. Section 136 of the Principal Act is amended by omitting paragraphs (4) (b) and (c) and substituting the following paragraphs:

“(b) the ABSTUDY Tertiary scheme to the extent that it applies to full-time students;

(c) the ABSTUDY Schooling scheme;”.

*Commencement: 1 January 1989*

**Pension etc. to cease to be payable in certain cases**

26. Section 169 of the Principal Act is amended by inserting in paragraphs (1) (a) and (2) (a) “IX,” after “VI.”

*Commencement: 29 December 1988*

**Secretary may impose certain requirements**

27. Section 170 of the Principal Act is amended:

(a) by adding at the end of paragraph (2) (c) “or”;

(b) by omitting paragraph (2) (d).

*Commencement: Day of Royal Assent*

**Appointment of members**

28. Section 218 of the Principal Act is amended by omitting from subsection (1) “Senior” and substituting “senior”.

*Commencement: Day of Royal Assent*

**Removal from office**

29. Section 228 of the Principal Act is amended by omitting from subsection (3) “and” and substituting “or”.

*Commencement: Day of Royal Assent*

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**Disclosure of interests**

**30.** Section 229 of the Principal Act is amended by inserting in paragraph (1) (b) “the” after “performance of”.

*Commencement: Day of Royal Assent*

**Annual report**

**31.** Section 236 of the Principal Act is amended by omitting from subsection (2) “the receipt of the report”.

*Commencement: Day of Royal Assent*

**Offences**

**32.** Section 239 of the Principal Act is amended by adding at the end the following subsections:

“(9) Where:

- (a) the Court makes an order under subsection (7) for the payment to the Commonwealth of an amount of money;
- (b) the clerk, or other appropriate officer, of the Court signs a certificate specifying:
  - (i) the amount ordered to be paid to the Commonwealth; and
  - (ii) the person by whom the amount is to be paid; and
- (c) the certificate is filed in a court (which may be the Court) having civil jurisdiction to the extent of the amount to be paid;

the certificate is enforceable in all respects as a final judgment of the court in which the certificate is filed.

“(10) In spite of anything in this Act or any other law, a person shall not be imprisoned in respect of a failure to pay an amount payable to the Commonwealth under this section.”

*Commencement: Day of Royal Assent*

**Rates of certain pensions affected where certain education payments made**

**33.** Section 245 of the Principal Act is amended:

- (a) by omitting from subsection (3) “the Aboriginal Study Assistance Scheme” (wherever occurring) and substituting “a relevant Aboriginal tertiary education scheme”;
- (b) by adding at the end the following subsection:

“(4) In this section:

‘relevant Aboriginal tertiary education scheme’ means:

- (a) in relation to a time before 1 January 1989—the Aboriginal Study Assistance Scheme; or
- (b) in relation to a time on or after 1 January 1989—the ABSTUDY Tertiary scheme.”

*Commencement: 1 January 1989*

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**Recovery of overpayments**

34. Section 246 of the Principal Act is amended:

(a) by omitting paragraph (2) (c) and substituting the following paragraph:

“(c) an amount that should not have been paid has been paid to the person under a scheme that was a prescribed educational scheme for the purposes of section 136 at the time of the payment; or”;

(b) by omitting subsection (5).

*Commencement: 1 January 1989*

**PART 4—AMENDMENTS OF THE SOCIAL SECURITY  
AMENDMENT ACT 1987**

**Principal Act**

35. In this Part, “Principal Act” means the *Social Security Amendment Act 1987*<sup>3</sup>.

*Commencement: Day of Royal Assent*

**Commencement**

36. Section 2 of the Principal Act is amended by omitting subsection (10).

*Commencement: 5 June 1987*

**Certain persons deemed to continue to receive full-time education**

37. Section 8 of the Principal Act is amended by omitting paragraphs (c) and (d).

*Commencement: 5 June 1987*

**PART 5—AMENDMENTS OF THE SOCIAL SECURITY AND  
VETERANS' AFFAIRS LEGISLATION AMENDMENT ACT 1988**

**Principal Act**

38. In this Part, “Principal Act” means the *Social Security and Veterans' Affairs Legislation Amendment Act 1988*<sup>4</sup>.

*Commencement: Day of Royal Assent*

**Amendment of commencement notes**

39. The notes at the foot of sections 9, 10, 11, 12, 18 and 19, and of subsection 3 (2), of the Principal Act are amended by omitting “12 June 1989” and substituting “13 June 1989”.

*Commencement: 22 December 1988*

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**Savings in relation to rent assistance in respect of payments for board and lodging**

**40.** Section 18 of the Principal Act is amended:

- (a) by omitting "12 June 1989" (wherever occurring) and substituting "13 June 1989";

*Commencement: 22 December 1988*

- (b) by inserting after subsection (4) the following subsection:

"(4A) Where on or after 13 June 1989, a decision is made under the *Social Security Act 1947* that a person is entitled to rent assistance under that Act in respect of a period that started before 13 June 1989 and continued until at least 12 June 1989, the person shall be taken, for the purposes of this section, to have been in receipt of rent assistance under that Act immediately before 13 June 1989.";

*Commencement: 22 December 1988*

- (c) by inserting before paragraph (a) of the definition of "prescribed amendments" in subsection (5) the following paragraph:

"(aa) the amendments of the *Social Security Act 1947* made by section 9;"

*Commencement: 22 December 1988*

**Savings in relation to rent assistance for residents of retirement villages**

**41.** Section 19 of the Principal Act is amended by omitting "12 June 1989" (wherever occurring) and substituting "13 June 1989".

*Commencement: 22 December 1988*

**Savings in relation to rent assistance in respect of payments for board and lodging**

**42.** Section 30 of the Principal Act is amended:

- (a) by omitting from subsections (1) and (2) "if section 55 of that Act had not been amended on or after 12 June 1989 except by paragraphs 29 (1) (b) and (c) of this Act" and substituting "if none of the prescribed amendments had been made";

*Commencement: 22 December 1988*

- (b) by inserting after subsection (4) the following subsection:

"(4A) Where on or after 12 June 1989, a decision is made under the *Veterans' Entitlements Act 1986* that a person is entitled to rent assistance under that Act in respect of a period that started before 12 June 1989 and continued until at least 11 June 1989, the person shall be taken, for the purposes of this section, to have been in receipt of rent assistance under that Act immediately before 12 June 1989.";

*Commencement: 22 December 1988*

- (c) by inserting in subsection (5) the following definition:

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“ ‘prescribed amendments’ means:

- (a) the amendments of the *Veterans' Entitlements Act 1986* made by section 25; and
- (b) any amendments of section 55 of the *Veterans' Entitlements Act 1986* made on or after 12 June 1989, except the ones made by paragraphs 29 (1) (b) and (c) of this Act.”.

*Commencement: 22 December 1988*

**PART 6—AMENDMENT OF THE SOCIAL SECURITY  
LEGISLATION AMENDMENT ACT 1988**

**Principal Act**

43. In this Part, “Principal Act” means the *Social Security Legislation Amendment Act 1988*<sup>5</sup>.

*Commencement: Day of Royal Assent*

**Schedule 3**

44. Schedule 3 to the Principal Act is amended by omitting from the part of the Schedule that amends paragraphs 169 (1) (a) and (2) (a) of the *Social Security Act 1947* “172” and substituting “237”.

*Commencement: 1 March 1989*

**PART 7—AMENDMENTS OF THE VETERANS' ENTITLEMENTS  
ACT 1986**

**Principal Act**

45. In this Part, “Principal Act” means the *Veterans' Entitlements Act 1986*<sup>6</sup>.

*Commencement: Day of Royal Assent*

**Eligibility for pension**

46. Section 13 of the Principal Act is amended by omitting paragraph (7) (f) and substituting the following paragraph:

“(f) under the scheme known as the ABSTUDY scheme;”.

*Commencement: 1 January 1989*

**Interpretation**

47. Section 35 of the Principal Act is amended:

- (a) by omitting paragraphs (b) and (c) of the definition of “annual maintenance free area” in subsection (1) and substituting the following paragraphs:

“(b) in relation to a married person in relation to whom the following conditions are satisfied:



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- (i) the person's spouse is in receipt of a relevant pension;
  - (ii) only one of the person and the person's spouse has (apart from subsection (12A)) maintenance income;
- an amount equal to the aggregate of:
- (iii) \$390; and
  - (iv) \$130 for each child (other than the first) who is a dependant of the person, the person's spouse or both and is wholly or substantially dependent on the person, the person's spouse or both;
- (c) in relation to a married person in relation to whom the following conditions are satisfied:
- (i) the person's spouse is in receipt of a relevant pension;
  - (ii) the person and the person's spouse each have (apart from subsection (12A)) maintenance income;
- an amount equal to the aggregate of:
- (iii) \$780; and
  - (iv) \$130 for each child (other than the first) who is a dependant of the person, the person's spouse or both and is wholly or substantially dependent on the person, the person's spouse or both;";

*Commencement: Day of Royal Assent*

- (b) by omitting from subsection (1) the definition of "rent" and substituting the following definition:

"'rent', in relation to a person, means:

- (a) amounts payable by the person as a condition of occupancy of premises, or of a part of premises, occupied by the person as the person's principal home; and
- (b) without limiting the generality of paragraph (a), amounts payable by the person:
  - (i) for services provided in a retirement village that is the person's principal home;
  - (ii) where the person is residing in a nursing home that is the person's principal home—for accommodation in the nursing home;
  - (iii) for lodging in premises that are the person's principal home;
  - (iv) for the use of a site for:
    - (A) a caravan or other vehicle; or
    - (B) a structure;occupied by the person as the person's principal home; or

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- (v) for the right to moor a vessel that is occupied by the person as the person's principal home;

being amounts payable:

- (c) every 3 months or more frequently; or  
(d) at regular intervals greater than 3 months, if the Commission is satisfied the amounts should be treated as rent for the purposes of this Act;”;

*Commencement: Immediately after the commencement of section 25 of the Social Security and Veterans' Affairs Legislation Amendment Act 1988*

- (c) by omitting paragraph (15) (c) and substituting the following paragraph:

“(c) under the ABSTUDY scheme;”.

*Commencement: 1 January 1989*

**Special provisions relating to residents of retirement villages**

**48.** Section 50A of the Principal Act is amended:

- (a) by omitting paragraph (5) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (b) by omitting paragraph (6) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (c) by omitting paragraph (7) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (d) by omitting paragraph (8) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (e) by omitting paragraph (9) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (f) by omitting paragraph (10) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (g) by omitting paragraph (11) (b) and substituting the following paragraph:

“(b) the person is eligibly separated from his or her spouse;”;

- (h) by inserting after subsection (11) the following subsection:

“(11A) For the purposes of this section, a married person is eligibly separated from his or her spouse if:

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- (a) a direction under subsection 47 (2) is in force in respect of the person or the person's spouse; or
- (b) the following conditions are satisfied:
  - (i) the person's spouse is not in receipt of a pension, benefit or allowance referred to in paragraph 47 (1) (a);
  - (ii) the Commission is satisfied as mentioned in subsection 47 (2) in relation to the person and his or her spouse.”;
- (j) by omitting “in respect of whom, or in respect of whose spouse, a direction under subsection 47 (2) is in force” from paragraph (c) of the definition of “entry contribution” in subsection (13) and substituting “who is elgibly separated from his or her spouse”;
- (k) by omitting “in respect of whom, or in respect of whose spouse, a direction under subsection 47 (2) is in force” from subparagraphs (a) (i) and (b) (i) of the definition of “extra allowable amount” in subsection (13) and substituting “who is elgibly separated from his or her spouse”.

*Commencement: Immediately after the commencement of section 27 of the Social Security and Veterans' Affairs Legislation Amendment Act 1988*

**Telephone access to offices at cheap rate**

**49.** The Principal Act is amended by inserting the following section after section 214:

“214A. The Minister shall direct the Secretary to make provision for the development of a service which will enable a person to make a telephone call to an office that is under the general control of the Secretary, at no greater cost than the cost of a local telephone call.”.

*Commencement: Royal Assent*

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**NOTES**

1. No. 42, 1974, as amended. For previous amendments, see No. 58, 1975; Nos. 59, 91, 101, 109 and 157, 1976; No. 75, 1977; Nos. 36, 89 and 133, 1978; Nos. 53 and 123, 1979; No. 132, 1980; Nos. 118 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 54 and 139, 1983; Nos. 15, 46, 63, 120, 135 and 165, 1984; Nos. 24, 65, 70, 95 and 167, 1985; Nos. 28, 75 and 94, 1986; Nos. 44, 131 and 132, 1987; and Nos. 85, 87, 99 and 155, 1988.
2. No. 26, 1947, as amended. For previous amendments, see Nos. 38 and 69, 1948; No. 16, 1949; Nos. 6 and 26, 1950; No. 22, 1951; Nos. 41 and 107, 1952; No. 51, 1953; No. 30, 1954; Nos. 15 and 38, 1955; Nos. 67 and 98, 1956; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1961; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; Nos. 57 and 152, 1965; No. 41, 1966; Nos. 10 and 61, 1967; No. 65, 1968; No. 94, 1969; Nos. 2 and 59, 1970; Nos. 16 and 67, 1971; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48, 103 and 216, 1973; Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979 (as amended by Nos. 37 and 98, 1982); No. 130, 1980; Nos. 61 and 170, 1981;

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**NOTES—continued**

No. 159, 1981 (as amended by No. 98, 1982); Nos. 37, 38 and 148, 1982; Nos. 4 and 36, 1983; No. 69, 1983 (as amended by No. 78, 1984); Nos. 46, 78, 93, 120, 134 and 165, 1984; Nos. 24, 52, 95, 127 and 169, 1985; Nos. 5, 28, 33, 106, 130 and 152, 1986; Nos. 77, 88 and 130, 1987; and Nos. 13, 35, 58, 75, 85, 133 and 135, 1988.

3. No. 77, 1987, as amended. For previous amendments, see No. 130, 1987.
4. No. 135, 1988.
5. No. 133, 1988.
6. No. 27, 1986, as amended. For previous amendments, see Nos. 106 and 130, 1986; Nos. 78, 88 and 130, 1987; and Nos. 13, 35, 75, 99, 134 and 135, 1988.

[*Minister's second reading speech made in—  
House of Representatives on 10 May 1989  
Senate on 25 May 1989*]