



Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997

No. 157, 1997



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Measures) Act 1997**

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An Act to amend the *Veterans' Entitlements Act 1986*, the *Defence Service Homes Act 1918*, the *Safety, Rehabilitation and Compensation Act 1988* and other legislation, and for related purposes

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No. 157, 1997

An Act to amend the *Veterans' Entitlements Act 1986*, the *Defence Service Homes Act 1918*, the *Safety, Rehabilitation and Compensation Act 1988* and other legislation, and for related purposes

[Assented to 3 November 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*.

2 Commencement

- (1) Subject to the following subsections, this Act commences on the day on which it receives the Royal Assent.
 - (2) Part 1, and items 130, 131, 132 and 135, of Schedule 1 are taken to have commenced on 13 May 1997.
 - (3) Parts 2 and 3 of Schedule 1 commence on 1 January 1998.
 - (4) Part 4 of Schedule 1 commences on 20 September 1998.
 - (5) Part 5 of Schedule 1 commences on the earlier of the following days:
 - (a) the social security payday that is the third such payday to occur after the day on which this Act receives the Royal Assent; or
 - (b) the 25 December 1997 carer payment payday.
- Note: For the meaning of *social security payday* and *25 December 1997 carer payment payday*, see subsection (17).
- (6) Part 7 of Schedule 1 commences on the seventh day after the day on which this Act receives the Royal Assent.
 - (7) Schedule 4 is taken to have commenced on 1 July 1997.
 - (8) Schedules 5 and 7 commence on the 28th day after the day on which this Act receives the Royal Assent.
 - (9) Part 1 of Schedule 8 is taken to have commenced on 5 June 1987, immediately after the *Veterans' Affairs Legislation Amendment Act 1987* received the Royal Assent.
 - (10) Part 2 of Schedule 8 is taken to have commenced on 16 December 1994, immediately after the *Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994* received the Royal Assent.

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- (11) Part 3 of Schedule 8 is taken to have commenced on 17 October 1995, immediately after the *Veterans' Affairs Legislation Amendment and Repeal Act 1995* received the Royal Assent.
- (12) Part 4 of Schedule 8 is taken to have commenced on 14 November 1995, immediately after the *Veterans' Affairs (1995-96 Budget Measures) Legislation Amendment Act 1995* received the Royal Assent.
- (13) Part 5 of Schedule 8 is taken to have commenced on 12 December 1995, immediately after the *Veterans' Affairs Legislation Amendment (1995-96 Budget Measures) Act (No. 2) 1995* received the Royal Assent.
- (14) Part 6 of Schedule 8 is taken to have commenced on 9 January 1996, immediately after the *Social Security and Veterans' Affairs Legislation Amendment Act 1995* received the Royal Assent.
- (15) Part 7 of Schedule 8 is taken to have commenced on 1 July 1997.
- (16) Part 8 of Schedule 8 is taken to have commenced on 20 March 1996.
- (17) In this section:

social security payday means a day that is a pension payday as defined in section 23 of the *Social Security Act 1991*.

25 December 1997 carer payment payday means:

- (a) unless paragraph (b) applies—the social security payday that falls on 25 December 1997; or
- (b) if, under section 218 of the *Social Security Act 1991*, a direction is made that amounts of carer payment that would normally be paid on 25 December 1997 are to be paid on a specified earlier day—that specified earlier day.

3 Schedule(s)

Subject to section 2, 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

Part 1—Operational service

1 Section 5 (index, entry relating to operational service)

Omit the entry, substitute:

operational service	6 to 6F
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2 Section 5 (index)

Insert the following entries in their appropriate alphabetical positions (determined on a letter-by-letter basis):

non-warlike service	5C(1)
warlike service	5C(1)

3 Subsection 5C(1)

Insert:

non-warlike service means service in the Defence Force of a kind determined in writing by the Minister for Defence to be non-warlike service.

4 Subsection 5C(1) (definition of *operational service*)

Omit “section 6”, substitute “sections 6 to 6F”.

5 Subsection 5C(1)

Insert:

warlike service means service in the Defence Force of a kind determined in writing by the Minister for Defence to be warlike service.

6 Section 6

Repeal the section, substitute:

6 Operational service—general outline

Sections 6A to 6F deal with operational service as set out in the following table:

Operational service		
Item	Section number	Type of operational service
1	6A	Operational service—world wars
2	6B	Operational service—Australian mariners
3	6C	Operational service—post World War 2 service in operational areas
4	6D	Operational service—other post World War 2 service
5	6E	Operational service—Korean demilitarised zone and Vietnam
6	6F	Operational service—warlike and non-warlike service

6A Operational service—world wars

- (1) Subject to subsection (3), a person referred to in column 2 of an item in the following table is taken to have been rendering operational service during any period during which the person was rendering continuous full-time service of a kind referred to in column 3 of that item.

Operational service

Item	Person	Nature of service
1	A member of the Defence Force	<p>(a) continuous full-time service outside Australia during a war to which this Act applies</p> <p>(b) continuous full-time service for a period of at least 3 months in that part of the Northern Territory that is north of the parallel 14 degrees 30 minutes south latitude (including any of the islands adjoining the Northern Territory) between 19 February 1942 and 12 November 1943 (both dates inclusive)</p> <p>(c) continuous full-time service during a war to which this Act applies rendered within Australia immediately before, or immediately after, a period of continuous full-time service of the kind referred to in paragraph (a) or (b)</p> <p>(d) continuous full-time service rendered within Australia during World War 2 in such circumstances that the service should, in the opinion of the Commission, be treated as service in actual combat against the enemy</p>
2	A member of the Defence Force who enlisted in the Defence Force while living on a Torres Strait Island	<p>(a) continuous full-time service for a period of at least 3 months on that island between 14 March 1942 and 18 June 1943 (both dates inclusive)</p> <p>(b) continuous full-time service during a war to which this Act applies rendered within Australia immediately before, or immediately after, a period of continuous full-time service of the kind referred to in paragraph (a)</p>

Schedule 1 Amendment of the Veterans' Entitlements Act 1986

Part 1 Operational service

Operational service

Item	Person	Nature of service
3	A member of the naval, military or air forces of a Commonwealth country or of an allied country who was domiciled in Australia or an external Territory immediately before his or her appointment or enlistment in those forces	Continuous full-time service during a war to which this Act applies rendered: (a) outside that country; or (b) within that country but in such circumstances that the service should, in the opinion of the Commission, be treated as service in actual combat against the enemy

(2) A person referred to in column 2 of an item in the following table is taken to have been rendering operational service during the period, or at the time, specified in column 3 of that item.

Operational service

Item	Person	Relevant period or time
1	A person who was, during a war to which this Act applies, employed by the Commonwealth on a special mission outside Australia	The period during which the person was so employed by the Commonwealth
2	An eligible civilian who was killed, during the invasion of the Territory of Papua or the Territory of New Guinea during World War 2, as a result of action by the enemy	The time of the event as a result of which the person was killed
3	An eligible civilian who was detained by the enemy during World War 2	The period during which the person was so detained
4	A person who, while rendering continuous full-time service as a member of the Defence Force within Australia during World War 2, was injured, or contracted a disease, as a result of enemy action	The time of the event as a result of which the person was injured or contracted the disease

- (3) Any continuous full-time service that was rendered during World War 2 by a member of the Defence Force (other than a member of the Interim Forces) on or after the cut off date for the member is not taken to be operational service.
- (4) For the purposes of subsection (3), the *cut off date* for a member of the Defence Force is the date applicable to the member in accordance with the following table:

Cut off date		
Item	Member	Date
1	A member who was appointed or enlisted for war service in any part of the Defence Force that was raised during World War 2 for war service, or solely for service during that war or during that war and a definite period immediately following that war	1 July 1951
2	A member who was appointed or enlisted in the Citizen Forces and was called up for continuous full-time service for the duration of, or directly in connection with, World War 2	1 July 1951
3	A member who served in the British Commonwealth Occupation Force in Japan	1 July 1951, or the day on which the member arrived back in Australia on the completion of his or her service in that Force, whichever is the earlier
4	Any other member	3 January 1949

6B Operational service—Australian mariners

- (1) A person is taken to have been rendering operational service during:
- (a) any period of employment outside Australia as an Australian mariner on a ship; or

- (b) any period of employment within Australia as an Australian mariner on a ship if that period of employment ended immediately before, or started immediately after, the period of employment referred to in paragraph (a).
- (2) A person who, while employed within Australia as an Australian mariner on a ship, was injured, or contracted a disease, as a result of enemy action is taken to have been rendering operational service at the time of the event as a result of which the person was injured or contracted the disease.
- (3) A person who was employed within Australia as an Australian mariner on a ship in such circumstances that the employment should, in the opinion of the Commission, be treated as employment in actual combat against the enemy is taken to have been rendering operational service while the person was so employed.
- (4) Without limiting subsection (1), a person is taken to have been employed outside Australia as an Australian mariner on a ship in each of the following circumstances:
 - (a) at any time when the person was at a place outside Australia on leave from the ship while the ship was at a port outside Australia;
 - (b) at any time when the person was outside Australia while on his or her way to take up employment as an Australian mariner on a ship;
 - (c) while the person was awaiting return to Australia from employment as an Australian mariner on a ship;
 - (d) while the person was returning to Australia from employment as an Australian mariner on a ship.
- (5) For the purposes of this section, if a person was employed as an Australian mariner on a ship undertaking a voyage for the purpose of going from a place within Australia to another place within Australia, the member is taken to have been employed within Australia during the whole of the voyage.

(6) In this section:

Australia does not include an external territory.

6C Operational service—post World War 2 service in operational areas

- (1) Subject to this section, a member of the Defence Force who has rendered continuous full-time service in an operational area as:
- (a) a member who was allotted for duty in that area; or
 - (b) a member of a unit of the Defence Force that was allotted for duty in that area;

is taken to have been rendering operational service in the operational area while the member was so rendering continuous full-time service.

- (2) A member of the naval, military or air forces of a Commonwealth country or of an allied country who:
- (a) was domiciled in Australia or an external Territory immediately before his or her appointment or enlistment in those forces; and
 - (b) has rendered continuous full-time service in an operational area;

is taken to have been rendering operational service in the operational area while the member was so rendering continuous full-time service.

- (3) For the purposes of subsection (1), a member of the Defence Force is, subject to subsection (4), taken to have rendered continuous full-time service in an operational area during the period commencing on:
- (a) if the member was in Australia on the day (*relevant day*) from which the member, or the unit of the member, was allotted for duty in that area—on the day on which the member left the last port of call in Australia for that service; or
 - (b) if the member was outside Australia on the relevant day—on that day;

and ending at the end of:

- (c) if the member, or the unit of the member, ceased to be allotted for duty—the day from which the member, or the unit, ceased to be allotted for duty; or
 - (d) if the member, or the unit of the member, was assigned for duty from the operational area to another area outside Australia (not being an operational area)—the day from which the member, or the unit, was assigned to that other area, or the day on which the member, or the unit, arrived at that other area, whichever is the later; or
 - (e) in any other case—the day on which the member arrived at the first port of call in Australia on returning from operational service.
- (4) If, while rendering continuous full-time service in an operational area, a member of the Defence Force has:
- (a) returned to Australia in accordance with the Rest and Recuperation arrangements of the naval, military or air forces; or
 - (b) returned to Australia on emergency or other leave granted on compassionate grounds; or
 - (c) returned to Australia on duty; or
 - (d) returned to Australia for the purpose of receiving medical or surgical treatment as directed by the medical authorities of the Defence Force;
- only so much of the period of service of the member within Australia after his or her return and while the member:
- (e) continued to be allotted for duty in an operational area; or
 - (f) continued to be a member of a unit of the Defence Force allotted for duty in an operational area;
- as does not exceed 14 days is taken, for the purposes of subsection (1), to be a period when the member was rendering continuous full-time service in the operational area.

6D Operational service—other post World War 2 service

- (1) This section applies to a member of the Defence Force who, or a member of a unit of the Defence Force that:
-

- (a) was assigned for service:
 - (i) in Singapore at any time during the period from and including 29 June 1950 to and including 31 August 1957; or
 - (ii) in Japan at any time during the period from and including 28 April 1952 to and including 19 April 1956; or
 - (iii) in North East Thailand (including Ubon) at any time during the period from and including 31 May 1962 to and including 31 August 1968; or
- (b) was attached to the Far East Strategic Reserve at any time during the period from and including 2 July 1955 to and including 27 May 1963;

but so applies only if the member, or the unit of the member, is included in a written instrument issued by the Defence Force for use by the Commission in determining a person's eligibility for entitlements under this Act.

- (2) A person to whom this section applies is taken to have been rendering operational service during any period during which he or she was rendering continuous full-time service as:
 - (a) a member of the Defence force; or
 - (b) a member of a unit of the Defence Force;while the person was in the area described in paragraph (1)(a) or attached to the Far East Strategic Reserve (as the case may be).
 - (3) For the purposes of subsection (2), the operational service of a person to whom this section applies:
 - (a) is taken to have started:
 - (i) if the person was in Australia on the day (**relevant day**) from which his or her unit was assigned for service as described in paragraph (1)(a) or attached to the Far East Strategic Reserve (as the case may be)—on the day on which the member left the last port of call in Australia for that service; or
 - (ii) if the person was outside Australia on the relevant day—on that day; and
 - (b) is taken to have ended:
-

- (i) if the member was assigned for service in another country or area outside Australia (not being an operational area)—the day from which the member was assigned to that other country or area, or the day on which the member arrived at that other area, whichever is the later; or
- (ii) in any other case—the day on which the member arrived at the first port of call in Australia on returning from operational service.

6E Operational service—Korean demilitarised zone and Vietnam

A member of the Defence Force who was assigned for service:

- (a) in the demilitarised zone between North Korea and South Korea after 18 April 1956; or
- (b) on HMA Ship Vampire or Quickmatch in Vietnam during the period from and including 25 January 1962 to and including 29 January 1962;

is taken to have been rendering operational service while he or she was so rendering continuous full-time service in that zone or in Vietnam (as the case may be) during the period in which he or she was so assigned for service.

6F Operational service—warlike and non-warlike service

A member of the Defence Force is taken to have been rendering operational service during any period of warlike service or non-warlike service of the member.

7 Subsection 7(1) (note 2)

Omit “section 6”, substitute “sections 6 to 6F”.

8 Schedule 2 (table item 13)

After “1992”, insert “to and including 24 January 1997”.

Part 2—Advance payments of pension

9 Paragraph 5H(8)(zm)

Omit “IIID”, substitute “IVA”.

10 Subsection 30(1)

Omit “subsections (3) and (4)”, substitute “subsection (3)”.

11 Subsection 30(4)

Repeal the subsection.

12 Subsection 36A(4)

Omit “Part IIID”, substitute “Part IVA”.

13 Subsection 37A(4)

Omit “Part IIID”, substitute “Part IVA”.

14 Subsection 38A(4)

Omit “Part IIID”, substitute “Part IVA”.

15 Paragraph 57(2)(e)

Omit “or”.

16 Paragraph 57(2)(f)

Repeal the paragraph.

17 Part IIID

Repeal the Part.

18 After Part IV

Insert:

Part IVA—Advance payments of pension and income support supplement

Division 1—General

79A Definition

In this Part:

pension means a pension payable under Part II, III or IV or an income support supplement.

Division 2—Eligibility for advance payment

79B Eligibility for advance payment

- (1) Subject to subsection (2), a person is eligible for an advance payment of an amount of pension only if:
 - (a) the pension is payable to the person; and
 - (b) throughout the 3 months immediately before the person's application for the advance payment, the person was receiving a pension, a social security pension or a social security benefit; and
 - (c) the Commission is satisfied that the person will not suffer financial hardship from the reductions to be made in future instalments of the pension to recover the advance payment.
- (2) A person is not eligible for an advance payment if:
 - (a) the person has received an advance payment of a pension and has not fully repaid the advance payment; or
 - (b) an advance payment of:
 - (i) an amount of pension; or
 - (ii) a social security entitlement under Part 2.22 of the *Social Security Act 1991*;was paid to the person within the period of 12 months immediately before the person's application for the advance payment; or

- (c) the person owes a debt to the Commonwealth under section 205 or 205A.

Division 3—Applying for advance payment

79C Application

A person who wants an advance payment of an amount of pension must make a proper application for the advance payment.

79D Who can apply

- (1) Subject to subsection (2), the application must be made by:
 - (a) the person who wants to receive the advance payment; or
 - (b) with the approval of that person—another person on the person's behalf.
- (2) If a person is unable, because of physical or mental incapacity, to approve another person to make the application on his or her behalf, the Commission may approve another person to make the application.

79E Form of application

To be a proper application, the application must:

- (a) be made in writing; and
- (b) be in accordance with a form approved by the Commission.

79F Lodgment of application

- (1) To be a proper application, the application must be lodged:
 - (a) at an office of the Department in Australia; or
 - (b) at a place approved for this purpose by the Commission; or
 - (c) with a person approved for this purpose by the Commission.
- (2) An application is taken to have been lodged on the day on which it is received:
 - (a) at an office of the Department in Australia; or

- (b) at a place approved under subsection (1); or
 - (c) by a person approved under subsection (1);
- as the case may be.

79G Applicant must be Australian resident and in Australia

An application is not a proper application unless the person who wants to receive the advance payment is:

- (a) an Australian resident; and
- (b) in Australia;

on the day on which the application is lodged.

Note: For *Australian resident* see section 5G.

79H Application may be withdrawn

- (1) An applicant, or a person approved by the applicant, may withdraw an application that has not been determined.
- (2) An application that is withdrawn is taken to have not been made.
- (3) A withdrawal may be made orally or in writing.

Division 4—Determination of application and payment of advance payment

79I Commission to determine application

If an application for an advance payment of an amount of pension is made, the Commission must grant the application if it is satisfied that the person is eligible for the advance payment.

79J Payment of advance payment

- (1) Subject to subsection (3), if the application is granted, the advance payment of the pension is to be paid on the next day on which:
 - (a) the person is paid an instalment of the pension; and
 - (b) it is practicable to pay the advance payment.

- (2) The advance payment is to be paid as a lump sum.
- (3) The Commission may determine that an advance payment is to be paid on a day stated in the determination.
- (4) An advance payment of a pension is not payable if the pension is cancelled or reduced to nil before the day on which the advance payment would be paid apart from this subsection.

Division 5—Maximum amount of advance payment

79K Maximum amount of advance payment

- (1) The maximum amount of an advance payment is the smaller of:
 - (a) the amount worked out under subsection (2) or (3) (whichever is applicable); and
 - (b) \$500.
- (2) If the advance payment is in respect of a pension payable to a person under Part II or IV, the amount for the purposes of paragraph (1)(a) is the amount worked out by using the following formula:

$13 \times \text{Fortnightly rate of pension}$

where:

fortnightly rate of pension is the rate last determined by the Commission to be the fortnightly rate of pension payable to the person before the application for the advance payment was determined.

- (3) If the advance payment is in respect of a pension payable to a person under Part III or an income support supplement, the amount for the purposes of paragraph (1)(a) is the amount worked out by using the following formula:

$$\frac{\text{Annual payment rate}}{2}$$

where:

annual payment rate is the rate last determined by the Commission to be the rate of pension or income support supplement payable to the person before the application for the advance payment was determined, excluding any amount payable by way of remote area allowance.

- (4) If the amount worked out under subsection (2) or (3) is not a multiple of 10 cents, the amount is, subject to subsection (5), to be increased or decreased to the nearest multiple of 10 cents.
- (5) If the amount worked out under subsection (2) or (3) is a multiple of 5 cents, but is not a multiple of 10 cents, the amount is to be increased by 5 cents.

Division 6—Advance payment deductions

79L Advance payment deduction

- (1) Subject to subsection (2) and section 79O, an advance payment deduction is to be made from the rate of a pension that is payable to a person if:
 - (a) the person has received an advance payment of that pension or of another pension that was previously payable to the person; and
 - (b) the person has not yet fully repaid the advance payment; and
 - (c) the amount of the advance payment that has not been repaid is not a debt under subsection 205(1AB).
- (2) An advance payment deduction is not to be made from a person's rate of pension on the payday on which the advance payment is paid.

79M Amount of advance payment deduction—basic calculation

Subject to sections 79N, 79O, 79P and 79Q, the advance payment deduction for an advance payment of a pension is the amount of the advance payment divided by 13.

79N Person may request larger advance payment deduction

- (1) Subject to subsection (2) and sections 79O, 79P and 79Q, a person's advance payment deduction may be increased to a larger amount if the person asks the Commission in writing for the advance payment deduction to be the larger amount.
- (2) Subsection (1) does not apply if the Commission is satisfied that the person would suffer severe financial hardship if the advance payment deduction were the larger amount.

79O Reduction of advance payment deduction in cases of severe financial hardship

- (1) Subject to subsection (2) and sections 79P and 79Q, if:
 - (a) a person applies in writing to the Commission for an advance payment deduction to be decreased, or to be stopped, because of severe financial hardship; and
 - (b) the Commission is satisfied that:
 - (i) the person's circumstances are exceptional and could not reasonably have been foreseen at the time of the person's application for the advance payment; and
 - (ii) the person would suffer severe financial hardship if the advance payment deduction that would otherwise apply were to continue;

the Commission may determine in writing that, for the period stated in the determination, the advance payment deduction is to be the lesser amount (which may be a nil amount) stated in the determination.

- (2) At any time while the determination is in force, the Commission may:
 - (a) vary the determination so as to require to be deducted from the person's rate of pension an advance payment deduction larger than the deduction (if any) previously applying under the determination, but smaller than the deduction applying immediately before the determination; or
 - (b) revoke the determination;

but only if the Commission is satisfied that the person would not suffer severe financial hardship because of the variation or revocation.

- (3) A variation or revocation of a determination must be in writing.

79P The final advance payment deduction

If an advance payment deduction that would otherwise be deducted from a person's rate of pension exceeds the part of the advance payment that the person has not yet repaid (by previous deductions under this Division or otherwise), the amount of that advance payment deduction equals the part that the person has not yet repaid.

Example:

Facts: Anne has been paid an advance of \$450. Anne's payment deduction is worked out under section 79M as follows:

$$\$450 \div 13 = \$34.62$$

This amount is rounded under section 79R to \$34.60.

Anne has requested that the advance payment deduction be the larger amount of \$55 (see section 79N), so that the advance will be repaid sooner.

Result: If \$55 is deducted from Anne's fortnightly rate of pension, \$440 will have been repaid after 8 successive fortnights, leaving \$10 unpaid. Under this section, the final advance payment deduction will be \$10.

79Q Payment rate insufficient to cover advance payment deduction

If the rate of pension (excluding remote area allowance in the case of a pension payable under Part III or income support supplement) is less than the amount that would be the advance payment deduction apart from this section, the advance payment deduction is taken to be equal to that rate of pension.

79R Rounding of amounts

- (1) If an amount worked out under this Division is not a multiple of 10 cents, the amount is, subject to subsection (2), to be increased or decreased to the nearest multiple of 10 cents.
-

- (2) If the amount worked out under this Division is a multiple of 5 cents, but is not a multiple of 10 cents, the amount is to be increased by 5 cents.

79S Unrepaid advance payments to deceased partner to be disregarded

- (1) In calculating, for the purposes of this Act, an amount of pension that would have been paid to a deceased person if the person had not died, any advance payment of pension that has been made to the person and has not been repaid is to be disregarded.
- (2) Subsection (1) does not affect the liability of the estate of the deceased person to repay to the Commonwealth so much of the advance payment as has not been repaid.

Division 7—Review by Commission

79T Request for review

- (1) A pensioner who is dissatisfied with a decision of the Commission in relation to an advance payment of an amount of pension may request the Commission to review the decision.
- (2) The request must:
- (a) be made within 3 months after the person seeking the review was notified of the decision; and
 - (b) be in writing; and
 - (c) set out the grounds on which the request is made.
- (3) If a request for review is made in accordance with subsection (2), the Commission must review the decision.
- (4) If the Commission has delegated its power under this section to the person who made the decision under review, that person must not review the decision.

79U Commission's powers

If the Commission reviews a decision under this Division, the Commission must:

- (a) affirm the decision; or
- (b) set it aside and substitute a new decision for it.

Note: For the Commission's evidence-gathering powers see section 79X.

79V Commission must make written record of review decision and reasons

- (1) When the Commission reviews a decision under this Division, it must make a written record of its decision upon review.
- (2) The written record must include a statement that:
 - (a) sets out the Commission's findings on material questions of fact; and
 - (b) refers to the evidence or other material on which those findings are based; and
 - (c) provides reasons for the Commission's decision.

79W Person who requested review to be notified of decision

- (1) When the Commission affirms or sets aside a decision under this Division, it must give to the person who requested the review of the decision:
 - (a) a copy of the Commission's decision; and
 - (b) subject to subsection (2), a copy of the statement referred to in subsection 79V(2) relating to the decision; and
 - (c) a statement giving particulars of the person's right to apply to the Administrative Appeals Tribunal for a review of the Commission's decision.
- (2) If the statement referred to in paragraph (1)(b) contains any matter that, in the opinion of the Commission:
 - (a) is of a confidential nature; or

- (b) may, if communicated to the person who requested review, be prejudicial to his or her physical or mental health or well-being;
- the copy given to the person is not to contain that matter.

79X Powers of Commission to gather evidence

- (1) For the purposes of a review, the Commission may:
 - (a) summon a person to appear at a hearing of the review to give evidence and to produce such documents (if any) as are referred to in the summons; and
 - (b) require a person appearing at a hearing of the review for the purpose of giving evidence either to take an oath or to make an affirmation; and
 - (c) administer an oath or affirmation to a person so appearing; and
 - (d) adjourn a hearing of the review from time to time.
- (2) The person who applied for the review under this Division is a competent and compellable witness upon the hearing of the review.
- (3) The Commission's power under subsection (1) to take evidence on oath or affirmation:
 - (a) may be exercised on behalf of the Commission by:
 - (i) the presiding member; or
 - (ii) by another person (whether a member or not) authorised by the presiding member; and
 - (b) may be exercised within or outside Australia; and
 - (c) must be exercised subject to any limitations specified by the Commission.
- (4) If a person is authorised under subparagraph (3)(a)(ii) to take evidence for the purposes of a review, the person has all the powers of the Commission under subsection (1) for the purposes of taking that evidence.

79Y Withdrawal of request for review

- (1) A person who requests a review under section 79T may withdraw the request at any time before it is determined by the Commission.
- (2) To withdraw the request, the person must give written notice of withdrawal to the Secretary and the notice must be lodged at an office of the Department in Australia.
- (3) Subject to subsection 79T(2), a person who withdraws a request for review may subsequently make another request for review of the same decision.

Note: Subsection 79T(2) provides that a person who wants to request a review of a decision must do so within 3 months after the person has received notice of the decision.

19 After paragraph 119(1)(d)

Insert:

- (da) a review, under Division 7 of Part IVA, of a decision of the Commission with respect to an advance payment of an amount of pension;

20 After subsection 175(2)

Insert:

- (2AAA) If the Commission under section 79U:
- (a) affirms a decision of the Commission referred to in subsection 79T(1); or
 - (b) sets it aside and substitutes another decision for it;
- a person may apply to the Administrative Appeals Tribunal for a review of the decision so affirmed or substituted.

21 Subsection 175(2A)

After “(2)”, insert “, (2AAA)”.

22 Paragraph 205(1)(g)

Omit “service pension”, substitute “pension under Part II, III or IV”.

23 Paragraph 205(1AB)(a)

Omit "service pension", substitute "pension under Part II, III or IV".

24 Paragraphs 205(1AB)(b) and (c)

Omit "service".

25 Module A of Part 2 of Schedule 6

Omit "Part IIID" (wherever occurring), substitute "Part IVA".

26 Application

The amendments of the *Veterans' Entitlements Act 1986* made by this Part apply only to persons who make an application, or on whose behalf an application is made, for an advance payment of an amount of pension or income support supplement on or after 1 January 1998.

Part 3—War-caused and defence-caused injuries, diseases and deaths: use of tobacco products after 31 December 1997

27 Section 5 (index)

Insert the following entries in their appropriate alphabetical positions (determined on a letter-by-letter basis):

tobacco product	5Q(1)
use	5Q(1)

28 Subsection 5Q(1)

Insert:

tobacco product means:

- (a) tobacco (in any form); or
- (b) any product that:
 - (i) contains tobacco as its main or a substantial ingredient; and
 - (ii) is not included in the Australian Register of Therapeutic Goods kept under the *Therapeutic Goods Act 1989*.

29 Subsection 5Q(1)

Insert:

use, in relation to a tobacco product, includes smoke, chew or inhale.

30 At the end of section 8

Add:

- (6) Despite subsection (1), the death of a veteran is taken not to have been war-caused if the veteran's death is related to the veteran's eligible war service only because:

- (a) in the case of a veteran who had not used tobacco products before 1 January 1998—the veteran used tobacco products after 31 December 1997; or
- (b) in the case of a veteran who had used tobacco products before 1 January 1998—the veteran increased his or her use of tobacco products after 31 December 1997.

31 At the end of section 9

Add:

- (7) Despite subsection (1), the injury or disease of a veteran is taken not to have been war-caused if that injury or disease is related to the veteran's eligible war service only because:
 - (a) in the case of a veteran who had not used tobacco products before 1 January 1998—the veteran used tobacco products after 31 December 1997; or
 - (b) in the case of a veteran who had used tobacco products before 1 January 1998—the veteran increased his or her use of tobacco products after 31 December 1997.

32 After subsection 70(9)

Insert:

- (9A) The Commonwealth is not liable under this section in respect of:
 - (a) the death; or
 - (b) the incapacity from injury or disease;of a member of the Forces, or a member of a Peacekeeping Force, if the death, injury or disease is related to the relevant service of the member only because:
 - (a) in the case of a member who had not used tobacco products before 1 January 1998—the member used tobacco products after 31 December 1997; or
 - (b) in the case of a member who had used tobacco products before 1 January 1998—the member increased his or her use of tobacco products after 31 December 1997.

Part 4—Eligibility of certain veterans to receive medical and other treatment

33 Section 53E

Repeal the section, substitute:

53E Veterans to satisfy certain conditions

- (1) This section applies to a veteran if:
- (a) the veteran is permanently blind; or
 - (b) the veteran's rate of service pension is neither income reduced nor assets reduced; or
 - (c) the veteran's rate of service pension is either income reduced or assets reduced, but the reduction does not exceed the income/assets reduction limit applicable to the veteran.

Note: For *income/assets reduction limit* see subsection (2).

- (2) The *income/assets reduction limit* applicable to a veteran is worked out by using Table 53E. Work out which item in the table applies to the veteran by identifying his or her family situation. The applicable income/assets reduction limit is the amount in column 3 of that item plus (if the veteran has a dependent child or dependent children) the amount in column 5 of that item for each dependent child.

Table 53E—Income/Assets Reduction Limit

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	Family situation	Basic reduction per year	Basic reduction per fortnight	Additional reduction per year	Additional reduction per fortnight
1	Not a member of a couple	\$1,924	\$74	\$364	\$14
2	Partnered	\$1,664	\$64	\$182	\$7

Note 1: For *member of a couple* and *partnered* see section 5E.

Note 2: For *dependent child* see section 5F.

Note 3: Members of illness separated and respite care couples are covered by item 2 of the table.

Note 4: The basic reduction and additional reduction are indexed 6 monthly in line with CPI increases (see sections 59B to 59E).

(3) If, on a particular day:

- (a) the annual rate of a veteran's ordinary income increases; and
- (b) as a result of the increase, the veteran's rate of service pension is income reduced by an amount that is not more than 150% of the income/assets reduction limit applicable to the veteran;

this section continues to apply to the veteran until:

- (c) the end of the period of 13 weeks starting on the first pension payday after that day; or
- (d) the reduction exceeds 150% of the income/assets reduction limit applicable to the veteran;

whichever happens first.

34 Sections 53F and 53G

Repeal the sections.

35 Section 59A (table item 8)

Repeal the item.

36 Section 59A (table items 14, 15, 16 and 17)

Repeal the items, substitute:

	Income/assets reduction limit		
14	Income/assets reduction limit applicable when determining the eligibility for treatment benefits for a veteran—basic reduction	IARL basic reduction	section 53E—Table 53E—column 3

Schedule 1 Amendment of the Veterans' Entitlements Act 1986

Part 4 Eligibility of certain veterans to receive medical and other treatment

15	Income/assets reduction limit applicable when determining the eligibility for treatment benefits for a veteran—add-on for dependent child	IARL dependent child add-on	section 53E—Table 53E—column 5
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37 Section 59B (table item 5)

Repeal the item.

38 Section 59B (table items 9 and 10)

Repeal the items, substitute:

Income/assets reduction limit

9	IARL basic reduction	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$2.60
10	IARL dependent child add-on	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$2.60

39 Subsection 59C(2) (step 4 of the method statement)

Omit “*indexed amount*” (last occurring), substitute “*rounded-off amount*”.

40 Subsection 59C(2) (at the end of the method statement)

Add:

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 $\frac{13}{7}$.

41 Section 59K

Repeal the section.

42 Subsection 85(5) (note)

Repeal the note.

Part 5—Amendments relating to the transfer of carer service pension recipients and carer income support supplement recipients

Division 1—Main amendments

43 Section 5 (index)

Omit:

care receiver

5Q(1)

44 Subsection 5NB(1) (paragraph (c) of the definition of *compensation affected pension*)

Repeal the paragraph.

45 Subsection 5Q(1) (definition of *care receiver*)

Repeal the definition.

46 Subsection 5Q(1) (paragraph (c) of the definition of *service pension*)

Omit “; or”, substitute “.”.

47 Subsection 5Q(1) (paragraph (d) of the definition of *service pension*)

Repeal the paragraph.

48 Paragraph 35(1)(b)

Repeal the paragraph, substitute:

- (b) Divisions 3, 4 and 5 deal with the 3 kinds of service pension (age, invalidity and partner service pension respectively);
- and

49 Subsection 35(2)

Omit “Divisions 3, 4, 5 and 6”, substitute “Divisions 3, 4 and 5”.

50 Division 6 of Part III

Repeal the Division.

51 Paragraph 41(1)(c)

Omit "and".

52 Paragraph 41(1)(d)

Repeal the paragraph.

Note: The heading to section 41 is replaced by the heading "**Rate of age, invalidity and partner service pension (no dependent children)**".

53 Subsection 41(2)

Omit "invalidity, partner or carer", substitute "invalidity or partner".

54 Subsection 41(4)

Omit "age, invalidity or carer", substitute "age or invalidity".

55 Paragraph 42(1)(c)

Omit "and".

56 Paragraph 42(1)(d)

Repeal the paragraph.

Note: The heading to section 42 is replaced by the heading "**Rate of age, invalidity and partner service pension (dependent child or children)**".

57 Subsection 42(3)

Omit "age, invalidity or carer", substitute "age or invalidity".

58 Point 42-C2 (table C-1, column 6)

Repeal the column.

59 Point 42-C2 (table C-1, item 5)

Repeal the item.

60 Point 42-C2 (key)

Omit "Service carer = carer service pension".

61 Point 43-C2 (table C-1, column 6)

Repeal the column.

62 Point 43-C2 (table C-1, item 5)

Repeal the item.

63 Point 43-C2 (key)

Omit "Service carer = carer service pension".

64 Subparagraph 45(1)(b)(ii)

Omit "or".

65 Subparagraph 45(1)(b)(iii)

Repeal the subparagraph.

Note: The heading to section 45 is replaced by the heading "Rate of age and invalidity service pension (war widow or war widower)".

66 Subparagraph 45(2)(b)(ii)

Omit "or".

67 Subparagraph 45(2)(b)(iii)

Repeal the subparagraph.

68 Section 45AB

Repeal the section.

69 Paragraph 45D(1)(ba)

Repeal the paragraph.

70 Point 45Y-G2 (table G-1, column 8)

Repeal the column.

71 Point 45Y-G2 (table G-1, item 6)

Repeal the item.

72 Point 45Y-G2 (key)

Omit "Service care = carer service pension".

73 Paragraph 50A(2)(c)

Repeal the paragraph, substitute:

- (c) an instalment of partner service pension in respect of the person is payable to the person's partner during a pension period;

74 Subparagraph 50A(3)(c)(ii)

Omit "or".

75 Subparagraph 50A(3)(c)(iii)

Repeal the subparagraph.

76 Subsection 52(1)

Omit "52ZA, 52ZCA, 53AJ and 53AL", substitute "52ZA and 52ZCA".

77 Subsection 52A(1)

Omit "52G, 52H, 53AJ and 53AL", substitute "52G and 52H".

78 Section 52K

Repeal the section.

79 Paragraph 52Q(3)(e)

Omit "sections 52G and 53AJ", substitute "section 52G".

80 Paragraph 52R(3)(e)

Omit "sections 52H and 53AL", substitute "section 52H".

81 Paragraph 52S(3)(e)

Omit "sections 52H and 53AL", substitute "section 52H".

82 Paragraph 52S(5)(eb)

Omit "sections 52H and 53AL", substitute "section 52H".

83 Paragraph 52T(3)(cb)

Omit "sections 52H and 53AL", substitute "section 52H".

84 Paragraph 52U(4)(e)

Omit "52G, 52H and 53AL", substitute "52G and 52H".

85 Section 52ZAA

Repeal the section.

86 Section 52ZN

Repeal the section.

87 Division 11A of Part IIIB

Repeal the Division.

88 Subdivision E of Division 12A of Part IIIB

Repeal the Subdivision.

89 Division 12B of Part IIIB

Repeal the Division.

90 Division 13A of Part IIIB

Repeal the Division.

91 Sections 56BB and 56BC

Repeal the sections.

92 Section 56GAA

Repeal the section.

93 Subsection 56H(3)

Omit "subsections (4), (5), (6), (7), (8), (9), (10) and (11)", substitute "subsections (4), (5), (6), (7) and (8)".

94 Subsections 56H(9), (10) and (11)

Repeal the subsections.

95 Section 56HA

Repeal the section.

96 Subsection 56J(1)

Omit “, carer service pension”.

97 Subsection 56J(1) (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.”.

98 Section 56K

Omit “, carer service pension”.

99 Section 56K (note 2)

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

100 Section 57AA

Repeal the section.

101 Subsection 57A(1A)

Repeal the subsection.

102 Subsection 57A(2)

Omit “or (1A)”.

103 Section 57CA

Repeal the section.

104 Subsection 58K(1) (paragraph (ab) of the note)

Omit “(4);”, substitute “(4)”.

105 Subsection 58K(1) (paragraph (b) of the note)

Repeal the paragraph.

106 Section 58KA

Repeal the section.

107 Sections 59GC, 59GD and 59GE

Repeal the sections.

108 Paragraph 59M(1)(e)

Repeal the paragraph.

109 Subsection 59M(6)

Repeal the subsection.

110 Section 59W (example 1)

Omit "carer" (wherever occurring), substitute "partner".

111 Paragraph 85(7)(b)

Omit "(other than a carer service pension)".

112 Subsection 98(4A)

Repeal the subsection.

113 Subparagraph 118AA(a)(ii)

Repeal the subparagraph.

114 Subsection 205(1)

Omit "Subject to subsection (1AA), this", substitute "This".

115 Subsection 205(1AA)

Repeal the subsection.

Division 2—Related transitional and saving provisions

116 At the end of Schedule 5

Add:

8 Transitional and saving provisions: amendments relating to the transfer of carers

(1) If:

(a) a person was receiving a carer service pension immediately before the transfer day; and

(b) neither subclause (2) nor (4) applies to the person;

an instalment of carer service pension is payable to the person on the transfer day at the rate worked out using the following formula:

$$\frac{\text{Reduced annual rate}}{2} + \text{Pharmaceutical allowance}$$

where:

reduced annual rate means the rate payable in accordance with this Act on the last pension payday before the transfer day, excluding any pharmaceutical allowance payable to a person under this Act.

pharmaceutical allowance means the amount of pharmaceutical allowance that would have been included in the person's carer service pension if the payment was an instalment under section 58A.

(2) Subject to subclause (5), if:

(a) a person (the *carer*) was receiving a carer service pension immediately before the transfer day; and

(b) the veteran partner who is being cared for by the carer is receiving an age service pension or an invalidity service pension; and

(c) the carer would, apart from subsection 38(1B), be eligible for a partner service pension;

this Act continues to apply to the person in relation to carer service pension as if the amendments made by Division 1 of Part 5 of Schedule 1 to the amending Act had not been made.

(3) Subject to subclause (5), if:

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- (a) a person was receiving income support supplement immediately before the transfer day; and
 - (b) subsection 45AB(1) applied to the person; and
 - (c) the person would, apart from paragraph 45A(1)(b) and section 45AB, be eligible for income support supplement;
- this Act continues to apply to the person in relation to income support supplement as if the amendments made by Division 1 of Part 5 of Schedule 1 to the amending Act had not been made.
- (4) Subject to subclause (5), if:
- (a) a person (the *carer*) is receiving a carer service pension immediately before the transfer day; and
 - (b) the veteran who is being cared for by the carer is not receiving an age service pension or an invalidity service pension but passes the income test under section 53AA and either passes the assets test under section 53AD or is the subject of a decision in force under section 53AN that the assets test does not apply to the veteran;
- this Act continues to apply to the person in relation to carer service pension as if the amendments made by Division 1 of Part 5 of Schedule 1 to the amending Act had not been made.
- (5) If carer service pension or income support supplement ceases to be payable to the person after the transfer day, then subclause (2), (3) or (4), as the case requires, ceases to apply to the person.
- (6) References in this clause to other provisions of this Act are references to those provisions as they would be if the amendments made by Division 1 of Part 5 of Schedule 1 to the amending Act had not been made.
- (7) In this clause:
- amending Act*** means the *Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*.
- transfer day*** means the day on which Part 5 of Schedule 1 to the amending Act commences.

Part 6—Amendment relating to appropriations

117 Paragraph 199(b)

Repeal the paragraph, substitute:

and (b) medical and other treatment services provided under Part V;
and

Part 7—Amendments relating to rehabilitation

118 At the end of subsection 5H(8)

Add:
; (zn) an amount worked out under section 115G.

119 Subsection 23(4)

Omit “The”, substitute “Subject to subsection (5), the”.

120 At the end of section 23

Add:

(5) If section 115D applies to a veteran, the rate at which pension is payable to the veteran is the amount specified in subsection (4) less the pension reduction amount worked out under that section.

121 Subsection 24(4)

Omit “The”, substitute “Subject to subsection (5), the”.

122 At the end of section 24

Add:

(5) If section 115D applies to a veteran, the rate at which pension is payable to the veteran is the amount specified in subsection (4) less the pension reduction amount worked out under that section.

123 Section 24A

Omit “Where”, substitute “Subject to subsection (2), if”.

124 At the end of section 24A

Add:

(2) Paragraphs (1)(b) and (c) do not apply to a veteran if the veteran is undertaking a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme or section 115D applies to the veteran.

125 Subsection 25(2)

Omit “specified in subsection 24(4)”, substitute “applicable under subsections 24(4) and (5)”.

126 After subsection 37(2)

Insert:

(2A) Paragraph (2)(a) does not apply to a person who is a veteran if the veteran is undertaking a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme or section 115G applies to the veteran.

127 After Part VI

Insert:

Part VIA—Rehabilitation

Division 1—Preliminary

115A Definitions

In this Part, unless the contrary intention appears:

CPI payday means the first pension payday that occurs on or after the beginning of each relevant period within the meaning of that term in section 198.

member of a Peacekeeping Force has the same meaning as in subsection 68(1).

member of the Forces has the same meaning as in subsection 68(1).

unaffected pension rate means the rate of pension that a veteran would have received if the veteran had not undertaken a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme.

unemployment includes:

- (a) retirement from remunerative work; and
 - (b) undertaking less than 16 hours of remunerative work in a pension period;
- but does not include any period of paid leave.

veteran means:

- (a) a person:
 - (i) who is, because of section 7, taken to have rendered eligible war service; or
 - (ii) in respect of whom a pension is payable under subsection 13(6); or
 - (iii) who satisfies subsection 37(3); or
- (b) a member of the Forces; or
- (c) a member of a Peacekeeping Force.

Veterans' Vocational Rehabilitation Scheme means a scheme made under subsection 115B(1).

work and pension income rate means the rate equal to the sum of:

- (a) the veteran's salary, wages or earnings per fortnight from remunerative work; and
- (b) the fortnightly rate of pension paid to the veteran under Part II or IV.

115B Making of the Scheme

- (1) The Commission may, from time to time, by instrument in writing, make a scheme, to be called the Veterans' Vocational Rehabilitation Scheme, to assist specified classes of veterans to find employment and to continue in employment.
- (2) The Commission may, from time to time, by instrument in writing, vary or revoke the scheme.
- (3) A scheme made by the Commission under subsection (1), and an instrument varying or revoking such a scheme, have no force or effect unless approved by the Minister.

- (4) If a scheme has been made by the Commission under subsection (1), or an instrument under subsection (2), the scheme or the instrument is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (5) Without limiting the powers of the Commission under subsection (1), the Scheme may make provision for and in relation to:
 - (a) the provision of rehabilitation programs, under the Scheme, to specified veterans; and
 - (b) the provision of vocational guidance and assistance, under the Scheme, to specified veterans; and
 - (c) the payment of financial assistance, under the Scheme, to specified veterans in respect of education or training that is being undertaken under the Scheme by the veterans; and
 - (d) the provision of services in relation to the assessment of veterans for participation in rehabilitation programs; and
 - (e) the payment of financial assistance, under the Scheme, to specified veterans in respect of transport costs arising from the veterans' participation in the Scheme; and
 - (f) the payment of financial assistance, under the Scheme, to specified veterans in respect of aids that enable the veterans to participate in, or assist veterans to participate in, the Scheme; and
 - (g) the provision for review of determinations under section 115F.
- (6) Before making a scheme, or varying or revoking the scheme, the Commission must consult such organisations and associations, representing the interests of the veteran community, as the Commission thinks appropriate.

Division 2—Provisions relating to the income of veterans who participate in vocational rehabilitation programs

115C Rate of pension while on program

- (1) Subject to sections 115D and 115G, this section applies while a veteran is undertaking a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme.
- (2) If this section applies to a veteran on a pension payday, the rate of pension payable to the veteran is equal to the amount the veteran would receive if the veteran were not undertaking the program.

115D Pension reduction amount—pensions under Parts II and IV

- (1) Subject to subsections (4) and (5) and section 115F, the pension reduction amount in respect of a veteran for a pension payday that occurs within the period (the *initial period*) that begins on the day after the veteran first commenced remunerative work as a result of undertaking the vocational rehabilitation program (the *commencement day*) and ends immediately before the first CPI payday that occurs more than 2 years after the beginning of that period is to be worked out using the following formula:

$$\frac{\text{Pension rate on commencement} - \text{General rate}}{2}$$

- (2) Subject to subsections (4) and (5) and section 115F, the pension reduction amount in respect of a veteran for a pension payday that occurs within the period (the *second period*) that begins immediately after the initial period and ends 5 years after the commencement day is to be worked out using the following formula:

$$\left(\frac{20}{(20 - \text{No. of paydays})} \times \frac{\text{Pension rate on commencement} - \text{General rate}}{2} \right)$$

- (3) Subject to subsections (4) and (5) and section 115F, the pension reduction amount in respect of a veteran for a pension payday that occurs more than 5 years after the end of the initial period is to be worked out using the following formula:

Pension rate on commencement – General rate

- (4) If a veteran is unemployed for a continuous period of at least 2 weeks, the pension reduction amount for each pension payday within that period is nil.
- (5) If a veteran is in receipt of pension at the special rate because of subsection 24(3), the pension reduction amount for each pension payday is nil.
- (6) In this section:

general rate means the general rate of pension.

no. of paydays means the number of CPI paydays that have occurred in the period.

pension rate on commencement means the rate of pension under this Act that was payable to the veteran on the day on which the veteran commenced his or her vocational rehabilitation program.

115E Application for reduction of the pension reduction amount

- (1) This section applies if, because of the application of the pension reduction amount to the rate of pension payable to a veteran, the work and pension income rate of the veteran in relation to a pension period is or would be less than the unaffected pension rate for the veteran in relation to that period.
- (2) A veteran to whom this section applies may apply to the Commission to have the pension reduction amount reduced.
- (3) An application must be:
- (a) in writing; and
 - (b) in accordance with a form approved by the Commission; and

- (c) accompanied by any relevant documentary evidence in relation to salary, wages and other earnings from remunerative work for the period to which the application relates; and
- (d) lodged at an office of the Department in Australia.

115F Determination by the Commission

- (1) This section applies if, after considering an application under section 115E, the Commission is satisfied that the rate at which a pension has been, is being or is to be paid, to a veteran resulted, or would result, in a work and pension income rate for the applicant in relation to a pension period that is less or would be less than the unaffected pension rate in relation to that period.
- (2) If this section applies, the Commission may determine in writing that the pension reduction amount in relation to the veteran for a past, present or future pension payday is to be reduced by such amount as the Commission is satisfied would result in the work and pension income rate being equal to the unaffected pension rate.
- (3) A determination takes effect on the day on which the determination is made.

115G Excluded income amount—invalidity service pensions

- (1) The excluded income amount in respect of a veteran for a pension payday that occurs within the period (the *initial period*) that begins on the day after the veteran first commenced remunerative work as a result of undertaking the vocational rehabilitation program and ends immediately before the first CPI payday that is more than 2 years after the beginning of the initial period is half of the earnings of the veteran in the pension period that relates to the pension payday.
 - (2) The excluded income reduction amount in respect of a veteran for a pension payday that occurs within each consecutive 6 month period during the 5 years that begins immediately after the initial period is worked out using the following formula:
-

$$\left(0.5 - 0.05 \times \text{No. of 6 month periods}\right) \times \text{Earnings}$$

where:

no. of 6 month periods means the number of consecutive 6 month periods that have begun in the 5 year period.

earnings means salary, wages or earnings from remunerative work in the pension period that relates to the pension payday.

Division 3—Recovery of cost of rehabilitation

115H Recovery of cost of rehabilitation

- (1) In this section, *compensation*, in relation to a person who is undertaking, or has undertaken, a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme, means an amount that is by way of compensation or damages, or is, in the opinion of the Commission, in the nature of compensation or damages, in respect of the disease, disability or condition because of which the rehabilitation program is being, or has been, undertaken.
- (2) This section applies if a veteran who is undertaking, or has undertaken, a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme:
 - (a) has made a claim against another person for compensation, or may be, or may become, entitled to be paid compensation by another person, in relation to the disease, disability or condition because of which the rehabilitation program is being, or has been, undertaken; or
 - (b) is entitled, whether because of an order of a court, a settlement of a claim for compensation or otherwise, to be paid compensation by another person; or
 - (c) has been paid compensation by another person, whether because of an order of a court, a settlement of a claim for compensation or otherwise.

- (3) A reference in subsection (2) to another person includes a reference to the Commonwealth, a State, a Territory or an authority of the Commonwealth, a State or a Territory.
- (4) If this section applies, the Commission may give to the veteran a written notice requiring the veteran to pay for:
- (a) a rehabilitation program or any part of such a program that has been undertaken by the veteran under the Veterans' Vocational Rehabilitation Scheme before the day on which the notice was given to the veteran; and
 - (b) a rehabilitation program or any part of such a program undertaken at any time on or after the day on which the notice was given to the veteran;
- in relation to the disease, disability or condition.
- (5) On being given the notice, the veteran becomes, by force of this section, liable to pay to the Commonwealth an amount equal to the cost, or amounts equal to the sum of the costs, as determined by the Commission, of and incidental to:
- (a) a rehabilitation program or any part of such a program that has been undertaken by the veteran under the Veterans' Vocational Rehabilitation Scheme before the day on which the notice was given to the veteran; and
 - (b) a rehabilitation program or any part of such a program undertaken at any time on or after the day on which the notice was given to the veteran.
- (6) If the veteran is, under subsection (5), liable to make payment to the Commonwealth for a rehabilitation program provided by the Commission, the Commission may, by written notice given to a person who:
- (a) may be, or may become, liable; or
 - (b) is liable;
- to pay compensation to, or for the benefit of, the veteran in respect of the disease, disability or condition, inform the person that the veteran is liable to make payment to the Commonwealth for a rehabilitation program under the Veterans' Vocational

Rehabilitation Scheme, whether undertaken before or after the giving of the notice.

- (7) A reference in subsection (6) to a person includes a reference to an insurer who, under a contract of insurance, is liable to indemnify the person or is liable to pay compensation to, or for the benefit of, the veteran against that liability.

115J Where a person receives a notice under subsection 115H(6)

- (1) This section applies to a person if the person has been given a notice under subsection 115H(6).
- (2) If the person:
- (a) is, on being given the notice, liable to pay compensation to, or for the benefit of, the veteran to whom the notice relates in respect of the disease, disability or condition to which the notice relates; or
 - (b) becomes, after receiving the notice, so liable to pay compensation; or
- the person becomes liable, because of this subsection, to pay to the Commonwealth:
- (c) an amount equal to the cost of the rehabilitation program that the veteran is liable, or may become liable, under subsection 115H(5), to pay; or
 - (d) an amount equal to the amount of compensation that the person is liable, or becomes liable, so to pay;
- whichever is the less.
- (3) If, before the notice was given to the person, the person paid to, or for the benefit of, the veteran the whole of the compensation that the person was liable to pay in respect of the disease, disability or condition to which the notice relates, the notice has no effect.
- (4) If a person is liable, or becomes liable, to pay an amount to the Commonwealth under subsection (2), the person must not, without the permission of the Commission, pay the compensation, or any part of the compensation, to, or for the benefit of, the veteran.

- (5) Payment to the Commonwealth of an amount under subsection (2) operates, to the extent of the payment:
- (a) as a discharge to the person of his or her liability to pay compensation to the veteran entitled to receive the compensation; and
 - (b) as a discharge of the veteran's liability under subsection 115H(5).

115K Recovery of amount by the Commonwealth

The Commonwealth may recover in a court of competent jurisdiction an amount that a person is liable to pay to the Commonwealth under subsection 115H(5) or 115J(2).

115L Determination of amount of costs of rehabilitation programs

- (1) This section applies if the Commission determines, in writing, the amount of the cost of, or incidental to, a rehabilitation program under a Veterans' Vocational Rehabilitation Scheme for a veteran during a specified period in respect of a disease, disability or condition in relation to which a notice has been given under subsection 115H(4).
- (2) The Commission may give a notice to the veteran containing a copy of that determination, or notices to the veteran and the person referred to in subsection 115H(6) containing copies of that determination.
- (3) If the Commission gives a copy of a determination to a veteran or a person under subsection (2), the copy is, for all purposes, prima facie evidence:
 - (a) that the copy of the determination set out in the notice is a true copy of the determination of which it purports to be a copy; and
 - (b) that the determination was duly made by the Commission; and
 - (c) that the amount specified in the determination is the amount which the veteran is liable, by force of subsection 115H(5), to pay to the Commonwealth as the cost of and incidental to

the rehabilitation program under the Veterans' Vocational Rehabilitation Scheme during the period so specified for and in relation to that disease, disability or condition.

- (4) The giving of a notice, or notices, under subsection (2) does not prevent the making of a further determination or determinations, and the giving by the Commission of a further notice or further notices under that subsection.

Part 8—Miscellaneous

128 Section 5 (index)

Insert the following entry in its appropriate alphabetical position (determined on a letter-by-letter basis):

Defence Force 5C(1)

129 Subsection 5C(1)

Insert:

Defence Force has the same meaning as in the *Defence Act 1903*.

130 Paragraph 7A(1)(a)

Add at the end:

(iv) rendered warlike service; or

131 Subsection 68(1) (definition of *Peacekeeping Force*)

Repeal the definition, substitute:

Peacekeeping Force means a Peacekeeping Force described in an item of Schedule 3.

132 Subsection 68(3)

Repeal the subsection, substitute:

(3) The Peacekeeping Force described in an item of Schedule 3 is taken to have become a Peacekeeping Force for the purposes of this Part on the day specified in column 3 of that item.

133 Paragraphs 74(3A)(a) and (3B)(a)

Omit “*Commonwealth Employees*’”, substitute “*Safety*”.

134 Subsection 76(6)

Omit “*Commonwealth Employees*’”, substitute “*Safety*”.

135 Schedule 3

Repeal the Schedule, substitute:

Schedule 3—Peacekeeping Forces

Note: See subsections 68(1) and (3).

Peacekeeping Forces

Item	Description of Peacekeeping Force	Initial date as a Peacekeeping Force
1	Security Council Commission of Investigation on the Balkans	29 January 1947
2	Committee of Good Offices	25 August 1947
3	United Nations Special Commission on the Balkans	26 November 1947
4	United Nations Commission on Korea	1 January 1949
5	United Nations Military Observer Group in India and Pakistan	1 January 1949
6	United Nations Commission for Indonesia	28 January 1949
7	United Nations Truce Supervision Organisation	1 June 1956
8	United Nations Operations in the Congo	1 August 1960
9	United Nations Yemen Observation Mission	1 January 1963
10	United Nations Force in Cyprus	14 May 1964
11	United Nations India-Pakistan Observation Mission	20 September 1965
12	United Nations Disengagement Observer Force	1 January 1974
13	United Nations Emergency Force Two	1 July 1976
14	United Nations Interim Force in Lebanon	23 March 1978
15	Commonwealth Monitoring Force in Zimbabwe	24 December 1979
16	Sinai Multinational Force and Observers established by the Protocol between the Arab Republic of Egypt and the State of Israel dated 3 August 1981	18 February 1982
17	United Nations Iran/Iraq Military Observer Group	11 August 1988
18	United Nations Border Relief Operation in Cambodia	1 February 1989
19	United Nations Transition Assistance Group Namibia	18 February 1989
20	United Nations Mission for the Referendum in Western Sahara (Mission des Nations Unies pour un Referendum au Sahara Occidental)	27 June 1991

Peacekeeping Forces

Item	Description of Peacekeeping Force	Initial date as a Peacekeeping Force
21	The Australian Police Contingent of the United Nations Transitional Authority in Cambodia	18 May 1992
22	The Australian Police Contingent of the United Nations Operation in Mozambique	27 March 1994
23	Australian Defence Support to a Pacific Peacekeeping Force for a Bougainville Peace Conference	21 September 1994
24	The Australian Police Contingent of the Multi-National Force in Haiti	10 October 1994

Schedule 2—Amendment of the Defence Service Homes Act 1918

1 Subsection 4(1) (paragraph (f) of the definition of *Australian soldier*)

Omit “1st July, 1947”, substitute “1 July 1951”.

2 Subsection 4(1) (after paragraph (gb) of the definition of *Australian soldier*)

Insert:

- (gc) a member of the Defence Force who is taken, because of section 6D of the *Veterans’ Entitlements Act 1986*, to have rendered operational service (within the meaning of that Act);
- (gd) a member of the Defence Force:
 - (i) whose first service in the Defence Force began on or before 14 May 1985; and
 - (ii) who is taken, because of section 6E of the *Veterans’ Entitlements Act 1986*, to have rendered operational service (within the meaning of that Act);
- (ge) a member of the Defence Force:
 - (i) whose first service in the Defence Force began on or before 14 May 1985; and
 - (ii) who has rendered warlike service;

3 Subsection 4(1)

Insert:

warlike service has the same meaning as in the *Veterans’ Entitlements Act 1986*.

Schedule 3—Amendment of the Safety, Rehabilitation and Compensation Act 1988

1 Subsection 5(10)

Omit “and (10B)”, substitute “, (10B) and (10C)”.

2 After subsection 5(10B)

Insert:

(10C) Despite subsection (10), this Act applies to a claim lodged before the commencement of this subsection for compensation in respect of an injury of a member of the Defence Force that arose out of, or in the course of, any service that:

- (a) the member rendered before 13 May 1997; but
- (b) only became on that day service in respect of which provision for the payment of pension is made by the *Veterans’ Entitlements Act 1986* (because of the amendments made to that Act by Part 1 or 8 of Schedule 1 to the *Veterans’ Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*).

Schedule 4—Consequential amendments relating to the change of name from carer pension to carer payment

Veterans' Entitlements Act 1986

1 Sections 5F, 5H, 5Q, 36H, 37H, 38H, 45G, 45H and 98

Omit “carer pension” (wherever occurring), substitute “carer payment”.

Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986

2 Paragraph 10(4)(a)

Omit “carer pension”, substitute “carer payment”.

Schedule 5—Amendments relating to certain saved fringe benefits

Veterans’ Affairs Legislation Amendment Act 1992

1 Paragraph 83(a)

Repeal the paragraph, substitute:

- (a) a veteran was eligible for fringe benefits because of subsection 17(1) or (2) of the *Veterans’ Entitlements (Rewrite) Transition Act 1991* as in force immediately before the commencement of Schedule 5 to the *Veterans’ Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*; and

Note: The heading to section 83 is altered by omitting “are” and substituting “were”.

Veterans’ Entitlements Act 1986

2 Section 53A (notes 1 and 2)

Repeal the notes.

3 Subsection 53D(1) (note 4)

Omit “is” (first occurring), substitute “was”.

4 Subsection 53D(1) (note 4)

After “*Veterans’ Entitlements (Rewrite) Transition Act 1991*”, insert “as in force immediately before the commencement of Schedule 5 to the *Veterans’ Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*”.

5 Subsection 118Q(1) (note 1)

Omit “Note 1:”, substitute “Note:”.

6 Subsection 118Q(1) (note 2)

Repeal the note.

7 Subsection 118S(2) (note)

Repeal the note.

Veterans' Entitlements (Rewrite) Transition Act 1991

8 Division 3 of Part 2

Repeal the Division.

Schedule 6—Amendments of the Social Security Act 1991 relating to the payment of certain pensions

1 Subsection 57(1)

After “Subject to”, insert “subsections (2) and (3) and”.

2 At the end of section 57

Add:

(3) If:

- (a) an age pension is payable to a person; and
- (b) the person receives a veteran’s disability pension or the person’s partner receives an age pension and a veteran’s disability pension; and
- (c) the Secretary makes a determination for the purposes of this subsection in relation to the person that specifies pension paydays for the person; and
- (d) the determination referred to in paragraph (c) has not been revoked;

the instalments referred to in subsection (1) are to be paid to the person on such pension paydays.

(4) In this section:

veteran’s disability pension has the same meaning for the purposes of this section as paragraph (a), (b) or (c) of the definition of *disability pension* has in section 5Q of the *Veterans’ Entitlements Act 1986*.

3 After section 59

Insert:

59A Calculation of amount of a half instalment

(1) Despite any other provision of this Act, this section applies if:

-
- (a) the Secretary determines pension paydays under subsection 57(3); and
- (b) the first pension payday specified in the determination (the **first pension payday**) is 7 days after the pension payday that applies under subsection 57(1).
- (2) Subject to subsection (4), the rate at which age pension is payable to the person on the first pension payday in accordance with the determination is to be worked out using the following formula:

$$\frac{\text{Normal age pension instalment}}{2}$$

where:

normal age pension instalment means the amount of age pension the person would have received if the first pension payday were a pension payday under subsection 57(1) apart from this section.

- (3) The rate at which age pension is payable to the person on the first pension payday after the determination is revoked is to be worked out using the following formula:

$$\frac{\text{Normal age pension instalment}}{2}$$

where:

normal age pension instalment means the amount of age pension the person would have received on the pension payday under subsection 57(1) apart from this section.

- (4) If the Secretary determines pension paydays under subsection 57(3) in relation to a person before the person receives an instalment of age pension where:
- (a) the age pension has been granted to the person for the first time under this Act; or
- (b) the age pension has been granted to the person under this Act after the person's age pension has been cancelled;
- subsection (2) does not apply to the person.

4 Subsection 161(1)

After “Subject to”, insert “subsections (2) and (3) and”.

5 At the end of section 161

Add:

(3) If:

- (a) a person receives a wife pension; and
- (b) the person’s partner receives:
 - (i) an age pension; and
 - (ii) a veteran’s disability pension; and
- (c) the Secretary makes a determination for the purposes of this subsection in relation to the person that specifies pension paydays for the person; and
- (d) the determination referred to in paragraph (c) has not been revoked;

the instalments referred to in subsection (1) are to be paid to the person on such pension paydays.

(4) In this section:

veteran’s disability pension has the same meaning for the purposes of this section as paragraph (a), (b) or (c) of the definition of *disability pension* has in section 5Q of the *Veterans’ Entitlements Act 1986*.

6 After section 163

Insert:

163A Calculation of amount of a half instalment

- (1) Despite any other provision of this Act, this section applies if:
- (a) the Secretary determines pension paydays under subsection 161(3); and
 - (b) the first pension payday specified in the determination (the *first pension payday*) is 7 days after the pension payday that applies under subsection 161(1).

-
- (2) The rate at which wife pension is payable to the person on the first pension payday in accordance with the determination is to be worked out using the following formula:

$$\frac{\text{Normal wife pension instalment}}{2}$$

where:

normal wife pension instalment means the amount of wife pension the person would have received if the first pension payday were a pension payday under subsection 161(1) apart from this section.

- (3) The rate at which wife pension is payable to the person on the first pension payday after the determination is revoked is to be worked out using the following formula:

$$\frac{\text{Normal wife pension instalment}}{2}$$

where:

normal wife pension instalment means the amount of wife pension the person would have received on the pension payday under subsection 161(1) apart from this section.

Schedule 7—Amendment of the National Health Act 1953 in relation to the abolition of the modified income test

1 Subsection 84(1) (paragraphs (ba) and (bb) of the definition of *concessional beneficiary*)

Repeal the paragraphs.

Schedule 8—Other minor amendments

Part 1—Amendment of the Veterans' Affairs Legislation Amendment Act 1987

1 Schedule 1 (paragraph (a) of the amendment of Schedule 2 (item 8))

Repeal the paragraph, substitute:

- (a) Omit “161 kilometres” (in column 1, wherever occurring),
substitute “185.2 kilometres”.

Schedule 8 Other minor amendments

Part 2 Amendment of the Veterans' Affairs (1994-95 Budget Measures) Legislation
Amendment Act (No. 2) 1994

**Part 2—Amendment of the Veterans' Affairs (1994-95
Budget Measures) Legislation Amendment
Act (No. 2) 1994**

2 Paragraph 18(g) (new subsection 45V(2))

Renumber the second paragraph (c) as paragraph (e).

**Part 3—Amendment of the Veterans' Affairs
Legislation Amendment and Repeal Act 1995**

3 Item 4 of Schedule 1

Omit “in Point 43-A1”.

4 Item 107 of Schedule 1

Omit “income’s”, substitute “incomes”.

Schedule 8 Other minor amendments

Part 4 Amendment of the Veterans' Affairs (1995-96 Budget Measures) Legislation
Amendment Act 1995

**Part 4—Amendment of the Veterans' Affairs (1995-96
Budget Measures) Legislation Amendment
Act 1995**

5 Item 8 of Schedule 4 (new subparagraph 38(1)(c)(ia))

After “whose partner”, insert “or non-illness separated spouse,”.

**Part 5—Amendment of the Veterans' Affairs
Legislation Amendment (1995-96 Budget
Measures) Act (No. 2) 1995**

6 Item 11 of Schedule 6

Repeal the item, substitute:

11 Paragraph 52S(5)(eb)

Omit “section 52H”, substitute “sections 52H and 53AL”.

7 Item 12 of Schedule 6

Repeal the item, substitute:

12 Paragraph 52T(3)(cb)

Omit “section 52H”, substitute “sections 52H and 53AL”.

Schedule 8 Other minor amendments

Part 6 Amendment of the Social Security and Veterans' Affairs Legislation
Amendment Act 1995

**Part 6—Amendment of the Social Security and
Veterans' Affairs Legislation Amendment Act
1995**

8 Item 13 of Schedule 17

Repeal the item, substitute:

13 Subsection 52(1)

After “52H,” insert “52ZA, 52ZCA,”.

**Part 7—Amendment of the Veterans' Entitlements
Act 1986 (carer amendments commencing
on 1 July 1997)**

9 Subparagraph 39(2)(c)(i)

Omit “42”, substitute “52”.

10 Paragraph 39(2A)(b)

Omit “education or employment”, substitute “education, unpaid
voluntary work or paid employment”.

11 Paragraph 39(2A)(c)

Omit “10”, substitute “20”.

12 Subparagraph 45AB(2)(c)(i)

Omit “42”, substitute “52”.

13 Paragraph 45AB(4)(b)

Omit “education or employment”, substitute “education, unpaid
voluntary work or paid employment”.

14 Paragraph 45AB(4)(c)

Omit “10”, substitute “20”.

Part 8—Amendment of the Veterans' Entitlements Act 1986 relating to bereavement payments

15 Subdivision B of Division 12A of Part IIIB (heading)

Repeal the heading, substitute:

Subdivision B—Death of pensioner's partner (where partner was receiving a pension or a social security pension)

16 Section 53J (note 2)

Repeal the note, substitute:

Note 2: As regards people receiving carer service pension or income support supplement, note that:

- (a) this Subdivision does not apply to such a pension or supplement that is being received under section 53X; and
- (b) Subdivision E applies to the situation where the partner who dies was not receiving a pension or a social security pension.

17 Subdivision E of Division 12A of Part IIIB (heading)

Repeal the heading, substitute:

Subdivision E—Death of person being cared for (where the carer was not the person's partner or the person was not receiving a pension or a social security pension)

18 Section 53U (definition of *pension*)

Before "*pension*", insert "*carer*".

19 Paragraphs 53V(1)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) a person (the *pensioner*) is receiving a carer pension because he or she provides care for a person; and
- (b) the person being cared for dies; and
- (c) either:

- (i) the person being cared for was not the pensioner's partner; or
- (ii) the person being cared for was the pensioner's partner but was not receiving a pension or a social security pension immediately before his or her death.

20 Subsection 53V(1)

Omit "the pension", substitute "the carer pension".

21 Subsection 53V(4)

Before "pension" (wherever occurring), insert "carer".

22 Subsection 53V(6)

After "amount of the", insert "carer".

23 Subsection 53V(6) (note)

Before "pension", insert "carer".

24 Paragraph 53W(1)(a)

Before "pension", insert "carer".

25 After subsection 53W(1)

Insert:

- (1A) A lump sum is payable to a person (the *pensioner*) under this section if:
- (a) the pensioner is receiving a carer pension; and
 - (b) the person is caring for another person who is the pensioner's partner; and
 - (c) the person being cared for dies; and
 - (d) the person being cared for was not receiving a pension, a social security pension or a social security benefit immediately before his or her death.

26 Subsection 53W(2) (definition of *carer's current instalment*)

Schedule 8 Other minor amendments

Part 8 Amendment of the Veterans' Entitlements Act 1986 relating to bereavement payments

Before "pension", insert "carer".

Part 9—Amendment of the Veterans' Entitlements Act 1986 (minor technical amendments)

27 Paragraph 5H(8)(zb)

Repeal the paragraph, substitute:

- (zb) a payment to a veteran that is a bereavement payment under section 98A; or

28 Paragraph 5H(8)(zl) (last occurring)

Renumber as (zm).

29 Paragraph 5L(10A)(b)

Repeal the paragraph, substitute:

- (b) income support supplement; or
- (c) a social security pension;

30 Subsection 5L(12)

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

31 Subparagraph 36H(2)(a)(iii)

Repeal the subparagraph, substitute:

- (iii) income support supplement; or
- (iv) a social security pension; and

32 Subsection 36H(2) (note)

Omit “Note:”, substitute “Note 1:”.

33 At the end of subsection 36H(2)

Add:

Note 2: For *social security pension* see subsection 5Q(1).

34 Subparagraph 37H(2)(a)(iii)

Repeal the subparagraph, substitute:

- (iii) income support supplement; or
-

(iv) a social security pension; and

35 Subsection 37H(2) (note)

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

36 At the end of subsection 37H(2)

Add:

Note 2: For *social security pension* see subsection 5Q(1).

37 Paragraph 52FA(1)(a)

Omit "or a social security pension", substitute ", an income support supplement or a social security pension".

38 Paragraph 52GA(1)(b)

Omit "or a social security pension", substitute ", an income support supplement or a social security pension".

39 Subparagraph 52GA(1)(c)(ii)

Omit "or a social security pension", substitute ", an income support supplement or a social security pension".

40 Subsection 93B(4)

Omit "21", substitute "15B".

41 Paragraph 118E(2)(a)

Omit "paragraph 118JA(c)", substitute "paragraph 118A(1)(c)".

42 Paragraph 118E(2)(b)

Omit "paragraph 118JA(a) or (b)", substitute "paragraph 118A(1)(a) or (b)".

43 Subsection 128(6)

After "States,", insert "of the Australian Capital Territory,".

44 Schedule 5

Renumber the clauses in the Schedule as clauses 1 to 7.

[Minister's second reading speech made in—
House of Representatives on 25 June 1997
Senate on 21 October 1997]