



Veterans' Affairs Legislation Amendment (Omnibus) Act 2017

No. 128, 2017

**An Act to amend the law relating to veterans'
entitlements and military rehabilitation and
compensation, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	3
Schedule 1—Veterans’ Review Board		4
Part 1—Main amendments		4
	<i>Veterans’ Entitlements Act 1986</i>	4
Part 2—Consequential amendments		7
	<i>Military Rehabilitation and Compensation Act 2004</i>	7
Schedule 2—Specialist Medical Review Council		8
	<i>Veterans’ Entitlements Act 1986</i>	8
Schedule 3—International arrangements		14
Part 1—Main amendments		14
	<i>Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006</i>	14
	<i>Military Rehabilitation and Compensation Act 2004</i>	14
	<i>Veterans’ Entitlements Act 1986</i>	14
Part 2—Contingent amendments		17
	<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	17
	<i>Veterans’ Entitlements Act 1986</i>	17
Schedule 4—Employer Incentive Scheme payments		18
Part 1—Main amendments		18
	<i>Military Rehabilitation and Compensation Act 2004</i>	18
	<i>Veterans’ Entitlements Act 1986</i>	19
Part 2—Contingent amendments		20
	<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	20
Schedule 5—Disclosure of information		21
Part 1—Main amendments		21

<i>Military Rehabilitation and Compensation Act 2004</i>	21
Part 2—Contingent amendments	22
<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	22
Schedule 5A—Pharmaceutical benefits	24
<i>National Health Act 1953</i>	24
Schedule 6—Delegation	25
<i>Military Rehabilitation and Compensation Act 2004</i>	25
Schedule 7—Legislative instruments	26
<i>Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006</i>	26
<i>Military Rehabilitation and Compensation Act 2004</i>	27
<i>Veterans’ Entitlements Act 1986</i>	29
Schedule 8—Minor amendments	46
Part 1—Removal of spent veterans’ affairs payments	46
Division 1—Main amendments	46
<i>Veterans’ Entitlements Act 1986</i>	46
Division 2—Other amendments	47
<i>Income Tax Assessment Act 1997</i>	47
<i>Social Security Act 1991</i>	47
<i>Social Security (Administration) Act 1999</i>	48
Division 3—Saving provisions	48
Part 2—Removal of spent military rehabilitation and compensation payments	50
Division 1—Main amendments	50
<i>Military Rehabilitation and Compensation Act 2004</i>	50
Division 2—Other amendments	50
<i>Income Tax Assessment Act 1997</i>	50
Division 3—Saving provisions	51
Part 3—Other amendments	52
<i>Veterans’ Entitlements Act 1986</i>	52



Veterans' Affairs Legislation Amendment (Omnibus) Act 2017

No. 128, 2017

**An Act to amend the law relating to veterans'
entitlements and military rehabilitation and
compensation, and for related purposes**

[Assented to 30 November 2017]

The Parliament of Australia enacts:

1 Short title

This Act is the *Veterans' Affairs Legislation Amendment
(Omnibus) Act 2017*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	30 November 2017
2. Schedule 1	The day after this Act receives the Royal Assent.	1 December 2017
3. Schedule 2	The 28th day after this Act receives the Royal Assent.	28 December 2017
4. Schedule 3, Part 1	The day after this Act receives the Royal Assent.	1 December 2017
5. Schedule 3, Part 2	The later of: (a) immediately after the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Part 2 of Schedule 1 to the <i>Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Act 2017</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	1 December 2017 (paragraph (a) applies)
6. Schedule 4, Part 1	The day after this Act receives the Royal Assent.	1 December 2017
7. Schedule 4, Part 2	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Part 2 of Schedule 1 to the <i>Safety,</i>	1 December 2017 (paragraph (a) applies)

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
	<p><i>Rehabilitation and Compensation Legislation Amendment (Defence Force) Act 2017.</i></p> <p>However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	
8. Schedule 5, Part 1	The day after this Act receives the Royal Assent.	1 December 2017
9. Schedule 5, Part 2	<p>The later of:</p> <p>(a) the start of the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Part 2 of Schedule 1 to the <i>Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Act 2017.</i></p> <p>However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	<p>1 December 2017</p> <p>(paragraph (a) applies)</p>
10. Schedules 5A to 8	The day after this Act receives the Royal Assent.	1 December 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation 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—Veterans' Review Board

Part 1—Main amendments

Veterans' Entitlements Act 1986

1 Section 133A

Repeal the section, substitute:

133A Board's objective

In carrying out its functions, the Board must pursue the objective of providing a mechanism of review that:

- (a) is accessible; and
- (b) is fair, just, economical, informal and quick; and
- (c) is proportionate to the importance and complexity of the matter; and
- (d) promotes public trust and confidence in the decision-making of the Board.

2 After section 137

Insert:

137A Ongoing requirement for lodging material documents with Board

If:

- (a) an application for a review is made under section 135; and
- (b) before the Board determines the review:
 - (i) a party to the review obtains possession of a document; and
 - (ii) the document is relevant to the review; and
 - (iii) a copy of the document has not already been lodged with the Board;

the party must, subject to any directions given under subsection 142(2), lodge a copy of the document with the Board as soon as practicable after obtaining possession.

3 At the end of subsection 142(2)

Add:

- ; and (h) the provision of documents under section 137A, including documents that are or are not required to be lodged under that section.

4 At the end of section 145C

Add:

Variation or revocation of decision

- (4) The Board may vary or revoke so much of a decision as it made in accordance with subsection (2) or (3) if:
 - (a) the parties, or their representatives, reach agreement on the variation or revocation; and
 - (b) the terms of the agreement are reduced to writing, signed by or on behalf of the parties and lodged with the Board; and
 - (c) the variation or revocation appears appropriate to the Board; and
 - (d) in the case of a variation—the Board is satisfied that it would have been within the powers of the Board to have made the decision as varied.

5 Subsection 148(9)

Repeal the subsection, substitute:

- (9) A party to a review of a decision of the Commission, and any person representing such a party, must use their best endeavours to assist the Board to fulfil the objective in section 133A.

8 Application provisions

- (1) Section 137A of the *Veterans' Entitlements Act 1986*, as inserted by this Part, applies in relation to an application for review that is made on or after the commencement of this item.
- (2) Subsection 145C(4) of the *Veterans' Entitlements Act 1986*, as added by this Part, applies in relation to a decision the Board made on or after the commencement of this item.

Schedule 1 Veterans' Review Board

Part 1 Main amendments

- (3) Subsection 148(9) of the *Veterans' Entitlements Act 1986*, as substituted by this Part, applies in relation to an application for review that is made on or after the commencement of this item.

Part 2—Consequential amendments

Military Rehabilitation and Compensation Act 2004

9 Subsection 353(1)

After “137,” insert “137A,”.

10 Subsection 353(2) (after table item 8)

Insert:

8A	Section 137A	The reference to section 135 has effect as a reference to section 352 of this Act
----	--------------	---

Schedule 2—Specialist Medical Review Council

Veterans' Entitlements Act 1986

1 At the end of subsection 196V(1)

Add:

Note: All references in this Part to the Review Council are references to the Specialist Medical Review Council: see the definition of *Review Council* in subsection 5AB(1).

2 Paragraph 196Y(3)(a)

Repeal the paragraph.

3 Paragraph 196Y(3)(c)

Repeal the paragraph, substitute:

(c) be lodged with the Review Council in accordance with the directions of the Convener under section 196ZR.

4 Subsections 196Y(3A) and (4)

Repeal the subsections, substitute:

(4) The Review Council must notify the Secretary and the Repatriation Medical Authority of the request within 28 days of the request being lodged.

5 Paragraph 196Z(2)(a)

Repeal the paragraph.

6 Paragraph 196Z(2)(d)

Repeal the paragraph, substitute:

(d) be lodged with the Review Council in accordance with the directions of the Convener under section 196ZR.

7 Subsections 196Z(2A) and (3)

Repeal the subsections, substitute:

- (3) The Review Council must notify the Secretary and the Repatriation Medical Authority of the request within 28 days of the request being lodged.

8 Subsection 196ZB(2)

Repeal the subsection, substitute:

- (2) A notice must specify the date by which all submissions must be received by the Council.

9 Subsection 196ZE(3)

Omit “In respect of each of those branches, the Minister must ensure that, at any time, the number (not less than 2) of councillors having experience in that branch is sufficient for the proper exercise of the functions of the Council.”.

10 Subsection 196ZE(4)

Repeal the subsection, substitute:

- (4) One of the councillors must be a person having at least 5 years’ experience in the field of epidemiology.

11 Subsection 196ZN(1)

Omit “relevant documentary medical evidence obtained for the purposes of the review”, substitute “medical evidence relevant to, and obtained by the applicant for the purposes of, the review”.

12 Subsection 196ZN(2)

Repeal the subsection, substitute:

- (2) The applicant is not to be paid more than the amount prescribed by, or worked out in accordance with, the regulations.

13 Subsection 196ZN(3)

Omit “Commission” (wherever occurring), substitute “Review Council”.

14 Paragraph 196ZN(4)(a)

Repeal the paragraph.

15 Paragraph 196ZN(4)(b)

Omit “relevant documentary”.

16 Paragraph 196ZN(4)(d)

Repeal the paragraph, substitute:

(d) be lodged with the Review Council in accordance with the directions of the Convener under section 196ZR.

17 Subsections 196ZN(4A) and (5)

Repeal the subsections.

18 Subsection 196ZO(1)

Omit “relevant documentary medical evidence submitted to the Review Council”, substitute “medical evidence submitted to the Review Council as mentioned in subsection 196ZN(1)”.

19 Paragraph 196ZO(2)(b)

Omit “Commission”, substitute “Review Council”.

20 Subsection 196ZO(4)

Omit “Commission” (wherever occurring), substitute “Review Council”.

21 Paragraph 196ZO(5)(a)

Repeal the paragraph.

22 Subparagraph 196ZO(5)(b)(i)

Omit “12”, substitute “3”.

23 Subparagraph 196ZO(5)(b)(ii)

Omit “Commission” (wherever occurring), substitute “Review Council”.

24 Paragraph 196ZO(5)(d)

Repeal the paragraph, substitute:

(d) be lodged with the Review Council in accordance with the directions of the Convener under section 196ZR.

25 Subsection 196ZO(5A)

Repeal the subsection.

26 Section 196ZP (heading)

Repeal the heading, substitute:

196ZP Advance of travelling expenses for obtaining medical evidence

27 Subsection 196ZP(1)

Omit “Commission” (wherever occurring), substitute “Review Council”.

28 At the end of Division 4 of Part XIB

Add:

196ZQ Travelling expenses for making oral submissions

(1) If:

(a) either:

- (i) the Review Council is carrying out a review under subsection 196W(2) and an individual, or an organisation referred to in paragraph 196Y(1)(c), has made a written submission in relation to the review; or
- (ii) the Review Council is carrying out a review under subsection 196W(6) at the request of an individual or an organisation; and

(b) a person who is one of the following appears before the Review Council to make an oral submission in relation to the review:

- (i) the individual or his or her representative;
- (ii) a representative of the organisation;

the person is, subject to this section, entitled to be paid, for travel that the person undertook to appear, the travelling expenses that are prescribed.

(2) If:

(a) the person is accompanied by an attendant when travelling to appear before the Review Council; and

- (b) the Review Council is of the view that it is reasonable for the person to be so accompanied by an attendant;
the attendant is, subject to this section, entitled to be paid for that travel the travelling expenses that are prescribed.
- (3) Travelling expenses are not payable in respect of travel outside Australia.
- (4) Travelling expenses are not payable unless:
- (a) the person who has incurred the expenses; or
 - (b) any person approved by that person or by the Review Council;
- applies in writing to the Review Council for payment and the Review Council approves the application.
- (5) The application for payment must be:
- (a) made within 3 months after the completion of the travel; and
 - (b) accompanied by any document that the applicant considers relevant; and
 - (c) lodged with the Review Council in accordance with the directions of the Convener under section 196ZR.
- (6) The Commonwealth is to pay the travelling expenses to which a person is entitled under this section.

29 At the end of Part XIB

Add:

Division 5—Lodgement of requests and applications

196ZR Lodgement of requests and applications

- (1) The Convener may give written directions:
- (a) as to the manner of lodging requests or applications, including in electronic form, with the Review Council for the purposes of paragraphs 196Y(3)(c), 196Z(2)(d), 196ZN(4)(d), 196ZO(5)(d) and 196ZQ(5)(c); and
 - (b) as to the time at which such requests or applications are taken to have been lodged.
- (2) A direction under subsection (1) is not a legislative instrument.

30 Application provisions

- (1) The amendments of sections 196Y and 196Z of the *Veterans' Entitlements Act 1986* made by this Schedule apply in relation to requests made on or after the commencement of this item.
- (2) The amendment of section 196ZB of the *Veterans' Entitlements Act 1986* made by this Schedule applies in relation to notices published on or after the commencement of this item.
- (3) The amendments of section 196ZN of the *Veterans' Entitlements Act 1986* made by this Schedule apply in relation to applications made on or after the commencement of this item.
- (4) The amendments of section 196ZO of the *Veterans' Entitlements Act 1986* made by this Schedule apply in relation to travel undertaken on or after the commencement of this item.
- (5) The amendment of subsection 196ZP(1) of the *Veterans' Entitlements Act 1986* made by this Schedule applies in relation to authorisations given on or after the commencement of this item.
- (6) Section 196ZQ of the *Veterans' Entitlements Act 1986*, as added by this Schedule, applies in relation to travel undertaken on or after the commencement of this item.

Schedule 3—International arrangements

Part 1—Main amendments

Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006

1 At the end of subsection 7(1)

Add:

Note: Under section 203 of the *Veterans' Entitlements Act 1986*, the Minister may enter into an arrangement with a foreign country providing for the provision of treatment that is, or the making of payments that are, comparable to treatment or payments under this Act.

Military Rehabilitation and Compensation Act 2004

2 At the end of section 3

Add:

Note: Under section 203 of the *Veterans' Entitlements Act 1986*, the Minister may enter into an arrangement with a foreign country providing for the making of payments that are, or the provision of treatment or rehabilitation that is, comparable to payments or treatment or rehabilitation under this Act.

Veterans' Entitlements Act 1986

3 Paragraph 199(f)

Omit “(Arrangements with Governments of other countries)”, substitute “(International arrangements)”.

4 Section 203

Repeal the section, substitute:

203 International arrangements

- (1) The Minister may, on behalf of the Commonwealth, enter into an arrangement with a foreign country, being an arrangement:
 - (a) that relates to reciprocity in veterans' affairs matters; and
 - (b) that makes provision for and in relation to the making of payments, or the provision of treatment or rehabilitation, to or in relation to classes of persons specified in the arrangement.
- (2) Without limiting subsection (1), the arrangement may make provision for and in relation to the making of payments that are, or the provision of treatment or rehabilitation that is, comparable to payments or treatment or rehabilitation under any of the following:
 - (a) this Act;
 - (b) the *Military Rehabilitation and Compensation Act 2004*;
 - (c) the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*.

Provisions of arrangement have full effect

- (3) The provisions of an arrangement that is in force under this section have effect despite anything in any of the Acts referred to in subsection (2).

Administration of arrangement

- (4) The Commission, or the Military Rehabilitation and Compensation Commission, may give effect to and administer an arrangement that is in force under this section.

Variation or revocation of arrangement

- (5) An arrangement that is in force under this section may be varied or revoked by the Minister on behalf of the Commonwealth.

Publication of arrangement

- (6) The Minister must arrange for a copy of an arrangement entered into under subsection (1), or of any variations to such an arrangement, to be published on the Department's website.

Arrangement is not a legislative instrument

- (7) An arrangement entered into under subsection (1) is not a legislative instrument.

5 Transitional provisions

- (1) An arrangement that:
- (a) was entered into under section 203 of the *Veterans' Entitlements Act 1986* before the commencement of this item (including an arrangement having effect as if it were entered into under that section because of section 56 of the *Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986*); and
 - (b) was in force immediately before the commencement of this item;
- continues in force on and after that commencement as if it were an arrangement entered into under section 203 of the *Veterans' Entitlements Act 1986* as substituted by this Part.
- (2) Subitem (1) does not prevent a variation or revocation, on or after the commencement of this item, of an arrangement continued in force under this item.

Part 2—Contingent amendments

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988

6 At the end of subsection 4AA(5)

Add:

Note: Under section 203 of the *Veterans' Entitlements Act 1986*, the Minister may enter into an arrangement with a foreign country providing for the making of payments that are, or the provision of treatment or rehabilitation that is, comparable to payments or treatment or rehabilitation under this Act.

Veterans' Entitlements Act 1986

7 At the end of subsection 203(2)

Add:

; (d) the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

Schedule 4—Employer Incentive Scheme payments

Part 1—Main amendments

Military Rehabilitation and Compensation Act 2004

1 At the end of section 60

Add:

The employers providing civilian work may be entitled to payments under a scheme determined by the Commission.
--

2 At the end of Part 4 of Chapter 3

Add:

62A Scheme may provide for payments to employers

- (1) The Commission may, in writing, determine a scheme for and in relation to the making of payments to employers in respect of the provision by the employers of suitable civilian work to persons as mentioned in paragraph 61(3)(c) and subsection 62(3).

Scheme must be approved by the Minister

- (2) The scheme has no effect unless the Minister has approved it in writing.

Variation or revocation of scheme

- (3) The Commission may, by written determination, vary or revoke the scheme that is in force under this section.
- (4) A determination under subsection (3) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (5) A determination under subsection (1) or (3) made by the Commission and approved by the Minister is a legislative

instrument made by the Minister on the day on which the determination is approved.

3 After paragraph 423(b)

Insert:

(ba) payments under the scheme referred to in section 62A;

Veterans' Entitlements Act 1986

4 At the end of subsection 115B(5)

Add:

; and (h) the payment of financial assistance, under the scheme, to specified employers in respect of the provision by the employers of employment to veterans as mentioned in subsection (1).

5 After paragraph 199(d)

Insert:

(da) payments under the Veterans' Vocational Rehabilitation Scheme; and

Part 2—Contingent amendments

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988

6 After section 40

Insert:

40A Scheme may provide for payments to employers

- (1) The MRCC may, in writing, determine a scheme for and in relation to the making of payments to employers in respect of the provision by the employers of suitable employment to employees as mentioned in subsection 40(1).

Scheme must be approved by the Minister

- (2) The scheme has no effect unless the Minister has approved it in writing.

Variation or revocation of scheme

- (3) The MRCC may, by written determination, vary or revoke the scheme that is in force under this section.
- (4) A determination under subsection (3) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (5) A determination under subsection (1) or (3) made by the MRCC and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

7 After subsection 160(1)

Insert:

- (1A) The Consolidated Revenue Fund is appropriated for the purposes of making payments under the scheme referred to in section 40A.

Schedule 5—Disclosure of information

Part 1—Main amendments

Military Rehabilitation and Compensation Act 2004

1 Subsection 409(2) (after table item 2)

Insert:

- | | | |
|----|---|--|
| 2A | The Commonwealth
Superannuation
Corporation | A purpose relating to the performance of a
function, or the exercise of a power, by that
Corporation under:
(a) an Act administered by CSC; or
(b) an instrument under an Act administered by
CSC |
|----|---|--|

2 At the end of section 409

Add:

- (5) In this section:

Act administered by CSC has the meaning given by the
*Governance of Australian Government Superannuation Schemes
Act 2011*.

3 Application provision

The amendment of subsection 409(2) of the *Military Rehabilitation and Compensation Act 2004* made by this Part applies in relation to the provision of information on or after the commencement of this item (whether the information was obtained before, on or after that commencement).

Part 2—Contingent amendments

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988

4 Subsection 151A(1)

Repeal the subsection, substitute:

- (1) The MRCC (or a staff member assisting the MRCC) may provide any information obtained in the performance of duties under this Act to a person specified in the following table for the purposes specified in the table:

Giving information	
Person	Purpose
1 The Secretary of the Department administered by the Minister who administers the <i>National Health Act 1953</i>	The purposes of that Department
2 The Secretary of the Department administered by the Minister who administers the <i>Aged Care Act 1997</i>	The purposes of that Department
3 The Secretary of the Department administered by the Minister who administers the <i>Human Services (Centrelink) Act 1997</i>	The purposes of that Department
4 The Chief Executive Centrelink (within the meaning of the <i>Human Services (Centrelink) Act 1997</i>)	The purposes of Centrelink
5 The Chief Executive Medicare (within the meaning of the <i>Human Services (Medicare) Act 1973</i>)	The purposes of Medicare

Giving information

Person	Purpose
6 The Commonwealth Superannuation Corporation	A purpose relating to the performance of a function, or the exercise of a power, by that Corporation under: (a) an Act administered by CSC; or (b) an instrument under an Act administered by CSC

5 Subsection 151A(2)

Omit “The Secretary or Chief Executive”, substitute “The person”.

6 At the end of section 151A

Add:

(4) In this section:

Act administered by CSC has the meaning given by the *Governance of Australian Government Superannuation Schemes Act 2011*.

7 Application provision

The repeal and substitution of subsection 151A(1) of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* made by this Part applies in relation to the provision of information on or after the commencement of this item (whether the information was obtained before, on or after that commencement).

Schedule 5A—Pharmaceutical benefits

National Health Act 1953

1 Subsection 84(1) (subparagraph (c)(ii) of the definition of concessional beneficiary)

Repeal the subparagraph, substitute:

- (ii) who is eligible for fringe benefits under section 53A of the *Veterans' Entitlements Act 1986*; or

Schedule 6—Delegation

Military Rehabilitation and Compensation Act 2004

1 After section 437

Insert:

437A Delegation by Minister

The Minister may, by writing, delegate any of his or her functions or powers under this Act, under the regulations or under any other legislative instrument made under this Act to:

- (a) a Commission member; or
- (b) an SES employee, or acting SES employee, in the Department.

Schedule 7—Legislative instruments

Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006

1 Subsection 4(1) (definition of *approved pharmaceutical scheme*)

Repeal the definition.

2 Subsection 4(1)

Insert:

Repatriation Pharmaceutical Benefits Scheme means the Repatriation Pharmaceutical Benefits Scheme in force under section 91 of the *Veterans' Entitlements Act 1986*.

3 Section 18 (heading)

Repeal the heading, substitute:

18 Application and modification of Repatriation Pharmaceutical Benefits Scheme

4 Subsection 18(1)

Omit “An approved pharmaceutical scheme, or, if such a scheme”, substitute “The Repatriation Pharmaceutical Benefits Scheme, or, if that scheme”.

5 Subsection 18(2)

Omit “an approved pharmaceutical scheme”, substitute “the Repatriation Pharmaceutical Benefits Scheme”.

6 Transitional provisions

- (1) An approved pharmaceutical scheme as modified and applying under section 18 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* immediately before the commencement of this item continues to apply

on and after that commencement as if it were the Repatriation Pharmaceutical Benefits Scheme as modified and applying under that section as amended by this Schedule.

- (2) Subitem (1) does not prevent the exercise of powers under that section in relation to the Repatriation Pharmaceutical Benefits Scheme on or after the commencement of this item.

Military Rehabilitation and Compensation Act 2004

7 Subsection 5(1)

Insert:

pharmaceutical benefits determination: see subsection 286(3).

treatment determination: see subsection 286(4).

8 At the end of section 67

Add:

- (5) Despite subsection 14(2) of the *Legislation Act 2003*, the guide, or an amendment of the guide, may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

9 Section 286 (heading)

Repeal the heading, substitute:

286 Determination for providing treatment or pharmaceutical benefits

10 Subsections 286(2) to (6)

Repeal the subsections, substitute:

Determination must be approved by the Minister

- (2) A determination under subsection (1) has no effect unless the Minister has approved it in writing.

- (3) A determination under subsection (1), so far as it relates to paragraph (1)(c), approved by the Minister and as in force from time to time is a ***pharmaceutical benefits determination***.
- (4) Any other determination under subsection (1) approved by the Minister and as in force from time to time is a ***treatment determination***.

Variation or revocation of determinations

- (5) The Commission may, by written determination, vary or revoke a pharmaceutical benefits determination or treatment determination.
- (6) A determination under subsection (5) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (6A) A determination under subsection (1) or (5) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

Incorporation of other instruments

- (6B) Despite subsection 14(2) of the *Legislation Act 2003*:
 - (a) a determination under subsection (1); or
 - (b) a determination under subsection (5) varying a pharmaceutical benefits determination or treatment determination;may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

11 Transitional provisions

- (1) A determination in force under section 286 of the *Military Rehabilitation and Compensation Act 2004* immediately before the commencement of this item continues in force on and after that commencement as if it were:

-
- (a) if the determination related to paragraph 286(1)(c) of that Act—a pharmaceutical benefits determination in force under that section; or
 - (b) otherwise—a treatment determination in force under that section.
- (2) Subitem (1) does not prevent a variation or revocation of a pharmaceutical benefits determination or treatment determination on or after the commencement of this item.

12 Paragraph 287(1)(b)

Omit “the determination made under section 286”, substitute “a treatment determination under section 286”.

13 Paragraph 287(2A)(b)

Omit “determined under subparagraph 286(1)(h)(i)”, substitute “mentioned in subparagraph 286(1)(h)(i) and specified in a treatment determination”.

14 Subsection 287(2A)

After “in accordance with”, insert “the treatment determination as it relates to”.

Veterans’ Entitlements Act 1986**15 Subsection 5Q(1) (definition of *approved Guide to the Assessment of Rates of Veterans’ Pensions*)**

Repeal the definition.

16 Subsection 5Q(1)

Insert:

Approved Guide to the Assessment of Rates of Veterans’ Pensions: see subsection 29(3).

17 Subsection 5Q(1) (definition of *approved Treatment Principles*)

Repeal the definition.

18 Subsection 5Q(1)

Insert:

Repatriation Pharmaceutical Benefits Scheme: see subsection 91(3).

19 Subsection 5Q(1) (definition of *Repatriation Private Patient Principles*)

Repeal the definition, substitute:

Repatriation Private Patient Principles: see subsection 90A(4).

20 Subsection 5Q(1)

Insert:

Treatment Principles: see subsection 90(4).

Vehicle Assistance Scheme: see subsection 105(9).

Veterans' Children Education Scheme: see subsection 117(7).

Veterans' Vocational Rehabilitation Scheme: see subsection 115B(7).

21 Paragraph 13(7)(h)

Omit “scheme known as the”.

22 Subsection 21A(1)

Omit “approved”, substitute “Approved”.

23 Paragraph 22(4)(c)

Omit “approved”, substitute “Approved”.

24 Section 29 (heading)

Repeal the heading, substitute:

29 Approved Guide to the Assessment of Rates of Veterans' Pensions**25 Subsection 29(1)**

Omit all the words from and including “from time to time” to and including “setting out”, substitute “in writing, determine a guide setting out”.

26 Subsections 29(2) and (3)

Repeal the subsections, substitute:

Determination must be approved by the Minister

- (2) A determination under subsection (1) has no effect unless the Minister has approved it in writing.
- (3) A determination under subsection (1) approved by the Minister and as in force from time to time is the *Approved Guide to the Assessment of Rates of Veterans' Pensions*.

Variation or revocation of Approved Guide to the Assessment of Rates of Veterans' Pensions

- (3A) The Commission may, by written determination, vary or revoke the Approved Guide to the Assessment of Rates of Veterans' Pensions.
- (3B) A determination under subsection (3A) has no effect unless the Minister has approved it in writing.

Guide is binding

27 Subsection 29(4)

Omit “approved” (wherever occurring), substitute “Approved”.

28 Before subsection 29(5)

Insert:

Extent of incapacity

29 Subsections 29(8), (9) and (10)

Repeal the subsections, substitute:

Legislative instruments

- (10) A determination under subsection (1) or (3A) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

30 Subsection 29(11)

Omit “the document or instrument”, substitute “the legislative instrument”.

31 At the end of section 29

Add:

Incorporation of other instruments

- (12) Despite subsection 14(2) of the *Legislation Act 2003*:
- (a) a determination under subsection (1); or
 - (b) a determination under subsection (3A) varying the Approved Guide to the Assessment of Rates of Veterans’ Pensions;
- may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

32 Transitional provisions

- (1) The approved Guide to the Assessment of Rates of Veterans’ Pensions in force under section 29 of the *Veterans’ Entitlements Act 1986* immediately before the commencement of this item continues in force on and after that commencement as if it were the Approved Guide to the Assessment of Rates of Veterans’ Pensions in force under that section as amended by this Schedule.
- (2) Subitem (1) does not prevent a variation or revocation of the Approved Guide to the Assessment of Rates of Veterans’ Pensions on or after the commencement of this item.

33 Paragraph 52(1)(m)

Omit “the scheme administered by the Commonwealth known as”.

34 Paragraph 70(10A)(e)

Omit “scheme known as the”.

35 Paragraph 84(3A)(b)

Omit “specified under paragraph 90(1B)(a)”, substitute “mentioned in paragraph 90(1B)(a) and specified in the Treatment Principles”.

36 Subsection 84(3A)

After “in accordance with”, insert “the Treatment Principles as they relate to”.

37 Section 90 (heading)

Repeal the heading, substitute:

90 Treatment Principles**38 Subsection 90(1)**

Omit all the words from and including “from time to time” to and including “setting out”, substitute “in writing, determine principles setting out”.

39 At the end of subsection 90(1)

Add:

Note: For *eligible person*, see subsection (8).

40 Subsections 90(1A) and (1B)

Omit “The Treatment Principles”, substitute “A determination under subsection (1)”.

41 Subsection 90(2)

Omit “document referred to in”, substitute “determination under”.

42 Subsection 90(2)

Omit “the document”, substitute “the determination”.

43 Subsections 90(3) to (7)

Repeal the subsections, substitute:

Determination must be approved by the Minister

- (3) A determination under subsection (1) has no effect unless the Minister has approved it in writing.
- (4) A determination under subsection (1) approved by the Minister and as in force from time to time is the ***Treatment Principles***.

Variation or revocation of Treatment Principles

- (5) The Commission may, by written determination, vary or revoke the Treatment Principles.
- (6) A determination under subsection (5) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (7) A determination under subsection (1) or (5) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

Incorporation of other instruments

- (7A) Despite subsection 14(2) of the *Legislation Act 2003*:
 - (a) a determination under subsection (1); or
 - (b) a determination under subsection (5) varying the Treatment Principles;may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

Treatment Principles are binding on the Commission

- (7B) The Treatment Principles are binding on the Commission in the exercise of its powers and discretions under this Part.

Eligible person

44 Transitional provisions

- (1) The approved Treatment Principles in force under section 90 of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item continue in force on and after that commencement as if they were the Treatment Principles in force under that section as amended by this Schedule.
- (2) Subitem (1) does not prevent a variation or revocation of the Treatment Principles on or after the commencement of this item.
- (3) The amendments made by this Schedule do not affect the continuity of any modifications of the Treatment Principles, being modifications in force under section 16 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* immediately before the commencement of this item.

45 Section 90A (heading)

Repeal the heading, substitute:

90A Repatriation Private Patient Principles

46 At the end of subsection 90A(1)

Add:

Note: For *eligible person*, see subsection (9).

47 Subsection 90A(2)

Omit "The principles", substitute "A determination under subsection (1)".

48 Subsections 90A(3) to (5)

Repeal the subsections, substitute:

Determination must be approved by the Minister

- (3) A determination under subsection (1) has no effect unless the Minister has approved it in writing.

- (4) A determination under subsection (1) approved by the Minister and as in force from time to time is the *Repatriation Private Patient Principles*.

Variation or revocation of Repatriation Private Patient Principles

- (5) The Commission may, by written determination, vary or revoke the Repatriation Private Patient Principles.
- (5A) A determination under subsection (5) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (5B) A determination under subsection (1) or (5) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

Incorporation of other instruments

- (5C) Despite subsection 14(2) of the *Legislation Act 2003*:
(a) a determination under subsection (1); or
(b) a determination under subsection (5) varying the Repatriation Private Patient Principles;
may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

49 Subsection 90A(6)

Omit “an instrument referred to in subsection (5)”, substitute “a determination referred to in subsection (5B)”.

50 Subsection 90A(6)

Omit “approves it”, substitute “approved the determination”.

51 Subsection 90A(7)

Repeal the subsection.

52 Before subsection 90A(8)

Insert:

When treatment is provided as a private patient

53 Before subsection 90A(9)

Insert:

Eligible person

54 Transitional provisions

- (1) The Repatriation Private Patient Principles in force under section 90A of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item continue in force on and after that commencement as if they were the Repatriation Private Patient Principles in force under that section as amended by this Schedule.
- (2) Subitem (1) does not prevent a variation or revocation of the Repatriation Private Patient Principles on or after the commencement of this item.
- (3) The amendments made by this Schedule do not affect the continuity of a notice in force under subsection 90B(1) of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item.
- (4) The amendments made by this Schedule do not affect the continuity of any modifications of the Repatriation Private Patient Principles, being modifications in force under section 17 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006* immediately before the commencement of this item.

55 Section 91 (heading)

Repeal the heading, substitute:

91 Repatriation Pharmaceutical Benefits Scheme**56 Subsection 91(1)**

Omit “from time to time, by instrument in writing, prepare”, substitute “in writing, determine”.

57 At the end of subsection 91(1)

Add:

Note: For *pharmaceutical benefits*, see subsection (9).

58 Subsection 91(1A)

Omit “an instrument”, substitute “a determination”.

59 Subsection 91(1A)

Omit “the instrument” (wherever occurring), substitute “the determination”.

60 Subsections 91(2) to (5)

Repeal the subsections, substitute:

Determination must be approved by the Minister

- (2) A determination under subsection (1) has no effect unless the Minister has approved it in writing.
- (3) A determination under subsection (1) approved by the Minister and as in force from time to time is the ***Repatriation Pharmaceutical Benefits Scheme***.

Variation or revocation of Repatriation Pharmaceutical Benefits Scheme

- (4) The Commission may, by written determination, vary or revoke the Repatriation Pharmaceutical Benefits Scheme.
- (5) A determination under subsection (4) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (5A) A determination under subsection (1) or (4) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

Incorporation of other instruments

- (5B) Despite subsection 14(2) of the *Legislation Act 2003*:
-

- (a) a determination under subsection (1); or
- (b) a determination under subsection (4) varying the Repatriation Pharmaceutical Benefits Scheme;

may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

Inquiry by Pharmaceutical Benefits Remuneration Tribunal

61 Subsection 91(6)

Omit “an approved scheme or a determination under paragraph 286(1)(c) of the MRCA”, substitute “the Repatriation Pharmaceutical Benefits Scheme under this section or a pharmaceutical benefits determination under section 286 of the MRCA”.

62 Paragraph 91(8)(a)

Omit “prepare an instrument under subsection (2) varying the approved scheme”, substitute “, under subsection (4), vary the Repatriation Pharmaceutical Benefits Scheme”.

63 Paragraph 91(8)(b)

Omit “vary the determination under paragraph 286(1)(c) of the MRCA”, substitute “, under subsection 286(5) of the MRCA, vary the pharmaceutical benefits determination under section 286 of the MRCA”.

64 Before subsection 91(9)

Insert:

Pharmaceutical benefits

65 Subsection 91(9) (definition of *approved scheme*)

Repeal the definition.

66 Transitional provisions

- (1) The scheme in force under section 91 of the *Veterans’ Entitlements Act 1986* immediately before the commencement of this item continues in force on and after that commencement as if it were the Repatriation

Pharmaceutical Benefits Scheme in force under that section as amended by this Schedule.

- (2) Subitem (1) does not prevent a variation or revocation of the Repatriation Pharmaceutical Benefits Scheme on or after the commencement of this item.

67 Subsection 93K(1) (definition of *pharmaceutical benefits scheme*)

Repeal the definition.

68 Subsection 93L(1)

Omit “pharmaceutical benefits scheme”, substitute “Repatriation Pharmaceutical Benefits Scheme”.

69 Section 93N

Omit “pharmaceutical benefits scheme”, substitute “Repatriation Pharmaceutical Benefits Scheme”.

70 Section 105 (heading)

Repeal the heading, substitute:

105 Vehicle Assistance Scheme

71 Subsection 105(1)

Omit “by instrument in writing, prepare a scheme, called the Vehicle Assistance Scheme,”, substitute “in writing, determine a scheme”.

72 Subsections 105(2) to (4)

Repeal the subsections.

73 Subsection 105(5)

Omit “Vehicle Assistance Scheme”, substitute “scheme”.

74 Subsection 105(6)

Repeal the subsection.

75 Paragraph 105(7)(b)

Omit “locomotion; and”, substitute “locomotion.”.

76 Paragraph 105(7)(c)

Repeal the paragraph.

77 At the end of section 105

Add:

Determination must be approved by the Minister

- (8) A determination under subsection (1) has no effect unless the Minister has approved it in writing.
- (9) A determination under subsection (1) approved by the Minister and as in force from time to time is the ***Vehicle Assistance Scheme***.

Variation or revocation of Vehicle Assistance Scheme

- (10) The Commission may, by written determination, vary or revoke the Vehicle Assistance Scheme.
- (11) A determination under subsection (10) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (12) A determination under subsection (1) or (10) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

Provision of benefits

- (13) The Commission may provide benefits for veterans referred to in subsection (5) under and in accordance with the provisions of the Vehicle Assistance Scheme.

78 Transitional provisions

- (1) The scheme in force under section 105 of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item continues in force on and after that commencement as if it were the Vehicle Assistance Scheme in force under that section as amended by this Schedule.

- (2) Subitem (1) does not prevent a variation or revocation of the Vehicle Assistance Scheme on or after the commencement of this item.

79 Subsection 115A(1) (definition of *Veterans' Vocational Rehabilitation Scheme*)

Repeal the definition.

80 Section 115B (heading)

Repeal the heading, substitute:

115B Veterans' Vocational Rehabilitation Scheme

81 Subsection 115B(1)

Omit "from time to time, by instrument in writing, make a scheme, to be called the Veterans' Vocational Rehabilitation Scheme," substitute "in writing, determine a scheme".

82 Subsections 115B(2) to (4)

Repeal the subsections.

83 Subsection 115B(5)

Omit "Scheme" (wherever occurring), substitute "scheme".

84 Subsection 115B(6)

Repeal the subsection, substitute:

Determination must be approved by the Minister

- (6) A determination under subsection (1) has no effect unless the Minister has approved it in writing.
- (7) A determination under subsection (1) approved by the Minister and as in force from time to time is the *Veterans' Vocational Rehabilitation Scheme*.

Variation or revocation of Veterans' Vocational Rehabilitation Scheme

- (8) The Commission may, by written determination, vary or revoke the Veterans' Vocational Rehabilitation Scheme.

-
- (9) A determination under subsection (8) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (10) A determination under subsection (1) or (8) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

Consultation

- (11) Before making a determination under subsection (1) or (8), the Commission must consult such organisations and associations, representing the interests of the veteran community, as the Commission thinks appropriate.

85 Transitional provisions

- (1) The scheme in force under section 115B of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item continues in force on and after that commencement as if it were the Veterans' Vocational Rehabilitation Scheme in force under that section as amended by this Schedule.
- (2) Subitem (1) does not prevent a variation or revocation of the Veterans' Vocational Rehabilitation Scheme on or after the commencement of this item.

86 Subsection 116(1) (definition of Scheme)

Repeal the definition.

87 Section 117 (heading)

Repeal the heading, substitute:

117 Veterans' Children Education Scheme

88 Subsection 117(1)

Omit "from time to time, by instrument in writing, prepare a scheme, to be called the Veterans' Children Education Scheme," substitute "in writing, determine a scheme".

89 Subsections 117(2) to (4)

Repeal the subsections.

90 Subsection 117(5)

Omit “Scheme” (wherever occurring), substitute “scheme”.

91 At the end of section 117

Add:

Determination must be approved by the Minister

- (6) A determination under subsection (1) has no effect unless the Minister has approved it in writing.
- (7) A determination under subsection (1) approved by the Minister and as in force from time to time is the ***Veterans’ Children Education Scheme***.

Variation or revocation of Veterans’ Children Education Scheme

- (8) The Commission may, by written determination, vary or revoke the Veterans’ Children Education Scheme.
- (9) A determination under subsection (8) has no effect unless the Minister has approved it in writing.

Legislative instruments

- (10) A determination under subsection (1) or (8) made by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination is approved.

92 Transitional provisions

- (1) The scheme in force under section 117 of the *Veterans’ Entitlements Act 1986* immediately before the commencement of this item continues in force on and after that commencement as if it were the Veterans’ Children Education Scheme in force under that section as amended by this Schedule.
- (2) Subitem (1) does not prevent a variation or revocation of the Veterans’ Children Education Scheme on or after the commencement of this item.

93 Section 118 (heading)

Repeal the heading, substitute:

**118 Commission may provide benefits under Veterans' Children
Education Scheme**

94 Subsection 118(1)

Omit "Scheme", substitute "Veterans' Children Education Scheme".

95 Subsection 118(2)

Omit "scheme", substitute "Veterans' Children Education Scheme".

96 Paragraph 118A(1)(c)

Omit "scheme known as the".

Schedule 8—Minor amendments

Part 1—Removal of spent veterans' affairs payments

Division 1—Main amendments

Veterans' Entitlements Act 1986

1 Paragraphs 5H(8)(zzaa) to (zzag)

Repeal the paragraphs.

2 Paragraph 5H(8)(zzai)

Repeal the paragraph.

3 Paragraph 5H(8)(zzb)

Omit “initiative;”, substitute “initiative.”.

4 Paragraphs 5H(8)(zzc) to (zzg)

Repeal the paragraphs.

5 Paragraph 5H(8)(zzh)

Repeal the paragraph (not including the note).

6 Subsection 5Q(1) (definition of *clean energy advance*)

Repeal the definition.

7 Subsection 5Q(1) (paragraph (a) of the definition of *clean energy bonus*)

Repeal the paragraph.

8 Subsection 5Q(1) (paragraph (a) of the definition of *clean energy payment*)

Repeal the paragraph.

9 Division 1 of Part III E

Repeal the Division.

10 Parts VIID to VIIH

Repeal the Parts.

Division 2—Other amendments

Income Tax Assessment Act 1997

11 Section 11-15 (table item headed “social security or like payments”)

Omit:

economic security strategy payment under the
Veterans' Entitlements Act 1986 52-65

12 Section 11-15 (table item headed “social security or like payments”)

Omit:

ETR payment under the *Veterans' Entitlements Act*
1986..... 52-65

13 Paragraphs 52-65(1)(d) and (da)

Repeal the paragraphs.

14 Subsections 52-65(1D) and (1H)

Repeal the subsections.

15 Section 52-75 (table items 5B and 5C)

Repeal the items.

Social Security Act 1991

16 Subparagraph 8(8)(y)(ia)

Repeal the subparagraph.

17 Paragraphs 8(8)(yb), (yd), (yf), (yh) and (yhb)

Repeal the paragraphs.

Social Security (Administration) Act 1999

18 Section 123TC (paragraph (b) of the definition of *clean energy income-managed payment*)

Repeal the paragraph.

Division 3—Saving provisions

19 Saving provisions

- (1) Despite the amendments made by this Part, Subdivision D of Division 1 of Part III E of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of any payment of clean energy advance made on or after that commencement.
 - (2) Despite the amendments made by this Part, Subdivision E of Division 1 of Part III E of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of clean energy advance made before, on or after that commencement.
 - (3) Despite the amendments made by this Part, section 118ZZVH of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of any payment of ETR payment made on or after that commencement.
 - (4) Despite the amendments made by this Part, sections 205 to 206 of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment under Part VIID, VIIE, VIIF, VIIG or VIHH of that Act made before, on or after that commencement.
 - (5) Despite the amendments made by this Part, subsection 52-65(1G) of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of clean energy advance under the *Veterans' Entitlements Act 1986* made before, on or after that commencement.
 - (6) Despite the amendments made by this Part, subsection 52-65(1H) of the *Income Tax Assessment Act 1997*, as in force immediately before the
-

commencement of this item, continues to apply on and after that commencement in relation to an ETR payment made before, on or after that commencement.

- (7) Despite the amendments made by this Part, paragraph 5H(8)(zzai) of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an ETR payment made before, on or after that commencement.
- (8) Despite the amendments made by this Part, paragraph 5H(8)(zzh) of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment under the scheme determined under Part 2 of Schedule 1 to the *Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Act 2012*, being a payment made before, on or after that commencement.
- (9) Despite the amendments made by this Part, paragraph 8(8)(yhb) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an ETR payment made before, on or after that commencement.
- (10) Despite the amendments made by this Part, Subdivision DE of Division 5 of Part 3B of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a clean energy advance under the *Veterans' Entitlements Act* for service pension, being an advance payable before, on or after that commencement.

Part 2—Removal of spent military rehabilitation and compensation payments

Division 1—Main amendments

Military Rehabilitation and Compensation Act 2004

20 Subsection 5(1) (definition of *clean energy advance*)

Repeal the definition.

21 Subsection 5(1) (paragraph (a) of the definition of *clean energy bonus*)

Repeal the paragraph.

22 Subsection 5(1) (definition of *clean energy payment*)

Omit “clean energy advance or”.

23 Subsection 415(2)

Omit “, 317 and 424K”, substitute “and 317”.

24 Subsection 415(2) (note)

Repeal the note, substitute:

Note: Chapter 6 has its own recovery provisions (see sections 315, 316 and 317).

25 Divisions 1 to 5 of Part 5A of Chapter 11

Repeal the Divisions.

Division 2—Other amendments

Income Tax Assessment Act 1997

26 Section 52-114 (table item 22)

Omit “and Part 5A of Chapter 11”.

Division 3—Saving provisions

27 Saving provisions

- (1) Despite the amendments made by this Part, Division 4 of Part 5A of Chapter 11 of the *Military Rehabilitation and Compensation Act 2004*, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of any payment of clean energy advance made on or after that commencement.
- (2) Despite the amendments made by this Part, Division 5 of Part 5A of Chapter 11 of the *Military Rehabilitation and Compensation Act 2004*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of clean energy advance made before, on or after that commencement.
- (3) Despite the amendments made by this Part, table item 22 in section 52-114 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of clean energy advance under Part 5A of Chapter 11 of the *Military Rehabilitation and Compensation Act 2004* made before, on or after that commencement.

Part 3—Other amendments

Veterans' Entitlements Act 1986

28 Subsection 52B(4)

Omit “Commission”, substitute “Minister”.

29 Transitional provision

A determination in force for the purposes of subsection 52B(4) of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item continues in force on and after that commencement as if it were a determination made under that subsection as amended by this Part.

30 Subsection 213(2)

After “for the purposes of this Act or the regulations”, insert “or the other legislative instrument made under this Act”.

31 Subsection 213(4)

Omit “under this Act”.

32 Subsection 214(2)

After “for the purposes of this Act or the regulations”, insert “or the other legislative instrument made under this Act”.

33 Subsection 214(4)

Omit “under this Act”.

[*Minister's second reading speech made in—
House of Representatives on 30 March 2017
Senate on 13 November 2017*]

(56/17)
