Social Security (Pension Bonus Scheme — Non-accruing Members) Declaration 2018

I, Kathryn Campbell, Secretary of the Department of Social Services, make this Declaration under subsection 92Q(1) of the *Social Security Act 1991*.

Dated 27 March 2018

Kathryn Campbell
Secretary of the Department of Social Services

1 Name of Declaration

This instrument is the *Social Security (Pension Bonus Scheme — Non-accruing Members) Declaration 2018*.

2 Commencement

This Declaration commences on 1 April 2018.

3 Authority

This Declaration is made under subsection 92Q(1) of the *Social Security Act 1991*.

4 Definitions

(1)   In this Declaration:

Act means the *Social Security Act 1991*.

pass the work test:

(a) For a member of the pension bonus scheme — has the meanings given by sections 92U and 92V of the Act; and

(b) For the partner of a member of the pension bonus scheme who is a member of the corresponding scheme under Part IIIAB of the *Veterans' Entitlements Act 1986* — has the meanings given by sections 45TS and 45TT of the *Veterans' Entitlements Act 1986*.

Note The following expressions used in this Declaration are defined in the Act (see subsections 4(2) and 23(1)):
- CDEP Scheme participant
- major disaster
- member of a couple
- partner
- pension bonus
- Veterans' Entitlements Act

(2)   For this Declaration, the period during which a major disaster affects a person's ability to pass the work test may include a period during which preparations are made to cope with an impending disaster, for example, by evacuation of an area shortly before a cyclone is predicted to reach the area.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Kinds of non-accruing members

A member of the pension bonus scheme who is a member of any of the following kinds is a non-accruing member:

(a)   a member who is a CDEP Scheme participant;

(b)   a member who is in gaol, within the meaning of subsection 23(5) of the Act;

(c)   a member who is undergoing psychiatric confinement, within the meaning of subsections 23(8) and (9) of the Act, because the member has been charged with committing an offence;

(d)   a member who, at any time before 1 July 2014, was a person who was not a participant in the workforce and was a person whose partner:

   (i)   was a participant in the workforce; and

   (ii)   was not a registered member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act; and

   (iii)   had intended to become a registered member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act;

(e)   a member who is on paid or unpaid leave of any kind, or combination of kinds, from gainful work and who would not pass the work test for a bonus period during which any part of the leave is taken;

(f)   a member whose partner is on paid or unpaid leave of any kind, or combination of kinds, from gainful work and whose partner would not pass the work test for a bonus period during which any part of the leave is taken;

(g)   a member who is:

   (i)   the surviving member of a couple; and

   (ii)   undergoing a period of bereavement; and

   (iii)   unable to pass the work test for a bonus period during which the period of bereavement occurs;

(h)   a member who is unable to pass the work test for a bonus period because the amount of gainful work available to him or her in the bonus period is reduced by a major disaster;

(i)   a member whose partner:

   (i)   is a member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act; and

   (ii)   is unable to pass the work test for a bonus period because the amount of gainful work available to him or her in the bonus period is reduced by a major disaster.

Note for paragraphs (h) and (i): For the application of this Declaration in relation to Cyclone Larry, a major disaster that occurred in 2006, see section 8.

7 Period for which member is non-accruing member

(1) A member of the pension bonus scheme to whom a paragraph of section 6 applies is a non-accruing member throughout the period during which the member is a member of the kind mentioned in the paragraph.

(2) A non-accruing period can begin prior to the registration of this Declaration.

(3) However, for a member to whom a paragraph of section 6 mentioned in the following table applies, subsection (1) is subject to the time limit shown.

Item	Paragraph of section 6	Time limit
1	(e), (f)	26 weeks
2	(g), (h), (i)	13 weeks

8 Special provisions in relation to Cyclone Larry

(1) This section applies to a member of the pension bonus scheme:

(a) who was unable to pass the work test for a bonus period because the amount of gainful work available to him or her in the bonus period had been reduced by the effects of Cyclone Larry; or

(b) whose partner:

(i) was a member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act; and

(ii) was unable to pass the work test for a bonus period because the amount of gainful work available to him or her in the bonus period had been reduced by the effects of Cyclone Larry.

(2) The member is a non-accruing member throughout the period during which the member was a member of the kind mentioned in subsection (1):

(a) From the date, not before 1 March 2006, that:

(i) for a member mentioned in paragraph (1) (a) — the member was unable to pass the work test due to the effects of Cyclone Larry; or

(ii) for a member mentioned in paragraph (1) (b) — the member's partner was unable to pass the work test due to the effects of Cyclone Larry; and

(b) up to a maximum of 13 weeks.

Schedule 1—Repeals

Social Security (Pension Bonus Scheme — Non-accruing Members) Declaration 2007

1 The whole of the instrument

Repeal the instrument