

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***:

1. For a member of the pension bonus scheme — has the meanings given by sections 92U and 92V of the Act; and
2. 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
1. 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

1. a member who is a CDEP Scheme participant;
2. a member who is in gaol, within the meaning of subsection 23(5) of the Act;
3. 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;
4. 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:
	1. was a participant in the workforce; and
	2. was not a registered member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans’ Entitlements Act; and
	3. had intended to become a registered member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans’ Entitlements Act;
5. 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;
6. 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;
7. a member who is:
	* 1. the surviving member of a couple; and
		2. undergoing a period of bereavement; and
		3. unable to pass the work test for a bonus period during which the period of bereavement occurs;
8. 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;
9. a member whose partner:
	* 1. is a member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans’ Entitlements Act; and
		2. 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.

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| --- | --- | --- |
| 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:
	1. 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
	2. whose partner:
2. was a member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans’ Entitlements Act; and
3. 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.
4. The member is a non-accruing member throughout the period during which the member was a member of the kind mentioned in subsection (1):
	1. From the date, not before 1 March 2006, that:
		1. 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
		2. 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
	2. up to a maximum of 13 weeks.

*Note* 1 March 2006 is the date from which people are taken to be affected by preparation for Cyclone Larry

Schedule 1—Repeals

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

1 The whole of the instrument

Repeal the instrument