# Social Security (Dependants—Concession Cards) Declaration 2018

made under subsection 240B(5) of the

*Social Security (Administration) Act 1999*

## Compilation No. 1

**Compilation date:**     19 March 2024

**Includes amendments:**   F2024L00320

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Prepared by the Office of Parliamentary Counsel, Canberra

# About this compilation

## This compilation

This is a compilation of the *Social Security (Dependants—Concession Cards) Declaration 2018* that shows the text of the law as amended and in force on 19 March 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

## Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

## Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

## Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

## Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

## Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

# Contents

# Part 1—Preliminary

### 1. Name of declaration

This declaration is the *Social Security (Dependants—Concession Cards) Declaration 2018*.

### 3. Authority

This declaration is made under subsection 240B(5) of the *Social Security (Administration) Act 1999*.

### 4. Interpretation

*Administration Act* means the *Social Security (Administration) Act 1999*;

*dependant* has the same meaning as in Part 2A.1 of the *Social Security Act 1991*;

*member of a couple* has the meaning given by subsection 4(1) of the *Social Security Act 1991*;

*member of the family unit* has the same meaning as in the *Migration Act 1958*;

*partner* has the meaning given by subsection 4(1) of the *Social Security Act 1991*;

*permanent visa* has the meaning given by subsection 30(1) of the *Migration Act 1958*;

*protection visa* has the meaning given by section 35A of the *Migration Act 1958*;

*temporary visa* has the meaning given by subsection 30(2) of the *Migration Act 1958*.

# Part 2—Dependants for Holders of Pensioner Concession Card or Health Care Card

## 5.  Dependants for pensioner concession card or health care card purposes

*Temporary visa holder*

(1)  A person who:
   (a)  is the holder of a temporary visa; and
   (b)  has applied for a permanent visa and the application has not been withdrawn or otherwise finally determined; and
   (c)  has not made an application for a protection visa (whether or not the person has applied for any other visa), other than an application that has been withdrawn or otherwise finally determined; and
   (d)  is, or has been, in Australia as the holder of a temporary visa
is declared to be a person to whom subparagraph 240B(4)(a)(iii) of the Administration Act applies.

*Other visa holders*

(2)  A person who:
   (a)  is the holder of any of a:
      (i)  subclass 449 (Humanitarian Stay (Temporary)) visa;
      (ii)  subclass 785 (Temporary Protection) visa;
      (iii)  subclass 786 (Temporary (Humanitarian Concern)) visa; or
      (iv)  subclass 790 (Safe Haven Enterprise) visa; and
   (b)  is, or has been, in Australia as the holder of a relevant visa
is declared to be a person to whom subparagraph 240B(4)(a)(iii) of the Administration Act applies.

*Visa holders connected with the Pacific Australia Labour Mobility scheme*

(3)  A person who is, or has been, in Australia as the holder of a visa granted on the basis that the person is a member of the family unit of another person (*the other person*), where the other person:
   (a)  is, or has been, in Australia as the holder of a visa granted on the basis that the other person is a participant, as a worker, in the scheme known as the Pacific Australia Labour Mobility scheme; and
   (b)  has been approved by a Department, in the course of administering the Pacific Australia Labour Mobility scheme, to bring members of the family unit of the other person to Australia;
is declared to be a person to whom subparagraph 240B(4)(a)(iii) of the Administration Act applies.

# Endnotes

## Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

### Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

**Endnotes**

## Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
|---|---|---|---|
| Social Security (Dependants—Concession Cards) Declaration 2018 | 28 June 2018 (F2018L00928) | 1 April 2017 (s 2(1) item 1) | |
| Social Security (Dependants–Concession Cards) Amendment (Visa Holders Connected with the Pacific Australia Labour Mobility Scheme) Declaration 2024 | 18 Mar 2024 (F2024L00320) | 19 Mar 2024 (s 2(1) item 1) | — |

**Endnote 4—Amendment history**

| Provision affected | How affected |
| --- | --- |
| **Part 1** | |
| s 2.................................................. | rep LA s 48D |
| s 4.................................................. | am F2024L00320 |
| **Part 2** | |
| s 5.................................................. | am F2024L00320 |