





**Social Security and Veterans'  
Entitlements Legislation Amendment  
(One-off Payments and Other Budget  
Measures) Act 2008**

**No. 19, 2008**

**An Act to amend the law relating to social security  
and veterans' entitlements, and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# **Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008**

**No. 19, 2008**

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**An Act to amend the law relating to social security  
and veterans' entitlements, and for other purposes**

*[Assented to 26 May 2008]*

**The Parliament of Australia enacts:**

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## 1 Short title

This Act may be cited as the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	26 May 2008
2. Schedule 1, Part 1	Immediately after the commencement of the provision(s) covered by table item 3.	26 May 2008
3. Schedule 1, Part 2	The day on which this Act receives the Royal Assent.	26 May 2008
4. Schedule 2	The day on which this Act receives the Royal Assent.	26 May 2008
5. Schedule 3, Part 1	Immediately after the commencement of the provision(s) covered by table item 6.	26 May 2008
6. Schedule 3, Part 2	The day on which this Act receives the Royal Assent.	26 May 2008
7. Schedule 4	The day on which this Act receives the Royal Assent.	26 May 2008
8. Schedule 5, Part 1	1 July 2008.	1 July 2008
9. Schedule 5, Part 2, Division 1	Immediately after the commencement of item 38 of Schedule 2 to the <i>Veterans' Entitlements Legislation Amendment (2007 Election Commitments) Act 2008</i> .  However, the provision(s) do not commence	Does not commence

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
	at all if the <i>Veterans' Entitlements Legislation Amendment (2007 Election Commitments) Act 2008</i> does not receive the Royal Assent on or before the day on which this Act receives the Royal Assent.	
10. Schedule 5, item 23	1 July 2008. However, the provision(s) do not commence at all if the <i>Veterans' Entitlements Legislation Amendment (2007 Election Commitments) Act 2008</i> receives the Royal Assent on or before the day on which this Act receives the Royal Assent.	1 July 2008
11. Schedule 5, item 24	Immediately before the commencement of section 2 of the <i>Veterans' Entitlements Legislation Amendment (2007 Election Commitments) Act 2008</i> . However, the provision(s) do not commence at all if that Act receives the Royal Assent on or before the day on which this Act receives the Royal Assent.	
12. Schedule 5, Part 3	1 July 2008.	1 July 2008

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### 3 Schedule(s)

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—2008 one-off payments to older Australians**

### **Part 1—Main amendments**

#### *Social Security Act 1991*

##### **1 At the end of Part 2.2B**

Add:

#### **Division 4—2008 one-off payment to older Australians**

##### **93ZC 2008 one-off payment to older Australians**

###### *Qualified if this section applies*

- (1) A person is qualified for a 2008 one-off payment to older Australians if subsection (2), (3) or (4) applies to the person.

###### *Qualified because of income support payments*

- (2) This subsection applies to a person if:
- (a) the person has reached pension age on or before 13 May 2008; and
  - (b) the person was receiving an income support payment, other than service pension or income support supplement, in respect of an instalment period that includes 13 May 2008; and
  - (c) the person was receiving that payment because of a claim the person made on or before 13 May 2008; and
  - (d) on 13 May 2008, the person:
    - (i) was in Australia; or
    - (ii) was temporarily absent from Australia and had been so for a continuous period not exceeding 13 weeks.

###### *Qualified because qualified for seniors concession allowance*

- (3) This subsection applies to a person if:

- (a) on 13 May 2008, the person was qualified for seniors concession allowance under section 1061U; or
- (b) both:
  - (i) on or before 13 May 2008, the person made a claim for a seniors health card under Division 1 of Part 3 of the Administration Act and had not withdrawn that claim on or before 13 May 2008; and
  - (ii) on 13 May 2008, the person either was qualified for the card or would have been so qualified but for being temporarily absent from Australia for a continuous period not exceeding 13 weeks.

*Qualified because receiving certain allowances*

- (4) This subsection applies to a person if:
  - (a) the person was receiving a widow allowance, mature age allowance, partner allowance, wife pension or widow B pension in respect of an instalment period that includes 13 May 2008; and
  - (b) the person was receiving that allowance or pension because of a claim the person made on or before 13 May 2008; and
  - (c) on 13 May 2008, the person:
    - (i) was in Australia; or
    - (ii) was temporarily absent from Australia and had been so for a continuous period not exceeding 13 weeks.

*One one-off payment only*

- (5) A person may receive one payment only under this section, regardless of how many times the person qualifies under this section.
- (6) Despite anything else in this section, a person is not qualified for a payment under this section if the person is eligible for a payment under section 118ZZL of the Veterans' Entitlements Act.

**93ZD Amount of the one-off payment**

The amount of the one-off payment under section 93ZC is \$500.

**2 Certain claims that would otherwise be taken to have been made on or before 13 May 2008**

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For the purposes of the provisions inserted by item 1, the following are to be disregarded:

- (a) the effect of section 12 of the *Social Security (Administration) Act 1999*, so far as it relates to a determination under that section that is made after 13 May 2008;
- (b) the effect of section 15 of the *Social Security (Administration) Act 1999*, so far as it relates to the Secretary becoming satisfied of a matter, as mentioned in that section, after 13 May 2008.

**3 At the end of subsection 1223ABAA(1)**

Add:

- ; or (c) 2008 one-off payment to older Australians under Division 4 of Part 2.2B.

**4 Subsection 1223ABAA(2)**

Omit “or 93ZA(2)”, substitute “, 93ZA(2) or 93ZC(2)”.

**5 Subsection 1223ABAA(2)**

Omit “or 93ZA(2)(b)”, substitute “, 93ZA(2)(b) or 93ZC(2)(b)”.

**6 Subsection 1223ABAA(3)**

Omit “or 93ZA(3)”, substitute “, 93ZA(3) or 93ZC(3)”.

**7 Subsection 1223ABAA(4)**

Omit “or 93ZA(4)”, substitute “, 93ZA(4) or 93ZC(4)”.

**8 Subsection 1223ABAA(4)**

Omit “or 93ZA(4)(a)”, substitute “, 93ZA(4)(a) or 93ZC(4)(a)”.

**9 At the end of subsection 1223ABAA(4A)**

Add:

- ; or (c) for a payment of 2008 one-off payment to older Australians—13 May 2008.

**10 Paragraph 1223ABAA(6)(a)**

Omit “or 93ZA(3)”, substitute “, 93ZA(3) or 93ZC(3)”.

## ***Social Security (Administration) Act 1999***

### **11 At the end of section 12AAA**

Add:

; or (c) 2008 one-off payment to older Australians.

### **12 Subsection 47(1) (after paragraph (gb) of the definition of *lump sum benefit*)**

Insert:

(gc) 2008 one-off payment to older Australians; or

### **13 Sections 47AA and 47AB**

Repeal the sections, substitute:

#### **47AA Payment of one-off payments to older Australians**

- (1) If an individual is qualified for one of the payments mentioned in subsection (2), the Secretary must pay the payment to the individual in a single lump sum:
  - (a) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
  - (b) in such manner as the Secretary considers appropriate.
- (2) The payments are the following:
  - (a) 2006 one-off payment to older Australians;
  - (b) 2007 one-off payment to older Australians;
  - (c) 2008 one-off payment to older Australians.

### **14 Application**

To avoid doubt, the amendment made by item 13 does not entitle a person to a payment of 2006 one-off payment to older Australians or 2007 one-off payment to older Australians if such a payment has already been paid to the person under section 47AA or 47AB of the *Social Security (Administration) Act 1999* (as in force before the commencement of this item).

## ***Veterans' Entitlements Act 1986***

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## 15 After Part VIIE

Insert:

# Part VIIF—2008 one-off payment to older Australians

## 118ZZL 2008 one-off payment to older Australians

*Eligible if this section applies*

- (1) A person is eligible for a 2008 one-off payment to older Australians if subsection (2) or (3) applies to the person.

*Eligible because of income support payments*

- (2) This subsection applies to a person if:
  - (a) the person has reached qualifying age within the meaning of subsection 5Q(1) on or before 13 May 2008; and
  - (b) a service pension or an income support supplement was payable to the person in respect of an instalment period that includes 13 May 2008; and
  - (c) the pension or supplement was payable because of a claim the person made on or before 13 May 2008; and
  - (d) on 13 May 2008, the person:
    - (i) was in Australia; or
    - (ii) was temporarily absent from Australia and had been so for a continuous period not exceeding 13 weeks.

*Eligible because eligible for seniors concession allowance*

- (3) This subsection applies to a person if:
  - (a) on 13 May 2008, the person was eligible for seniors concession allowance under section 118PA; or
  - (b) both:
    - (i) on or before 13 May 2008, the person made a claim for a seniors health card under Division 2 of Part VIIC and had not withdrawn that claim on or before 13 May 2008; and

- (ii) on 13 May 2008, the person either was eligible for the card or would have been so eligible but for being temporarily absent from Australia for a continuous period not exceeding 13 weeks.

*One one-off payment only*

- (4) A person may receive one payment only under this section, regardless of how many times the person becomes eligible under this section.

#### **118ZZM Amount of the one-off payment**

The amount of the one-off payment under section 118ZZL is \$500.

#### **118ZZN Claim not required for 2008 one-off payment to older Australians**

A claim is not required for 2008 one-off payment to older Australians.

#### **118ZZO Payment of 2008 one-off payment to older Australians**

If an individual is eligible for a 2008 one-off payment to older Australians, the Commission must pay the payment to the individual in a single lump sum:

- (a) on the date that the Commission considers to be the earliest date on which it is reasonably practicable for the payment to be made; and  
(b) in such manner as the Commission considers appropriate.

#### **118ZZP Debts arising in respect of 2008 one-off payment to older Australians**

- (1) This section applies in relation to an individual who has been paid a 2008 one-off payment to older Australians (the *relevant payment*) under this Part.
- (2) If the individual was eligible for the relevant payment because of subsection 118ZZL(2), a *relevant determination* is a determination made under Part III or Part IIIA because of which the pension or supplement referred to in paragraph 118ZZL(2)(b) was payable.

- (3) If the individual was eligible for the relevant payment because of subsection 118ZZL(3) and because of holding or having held a seniors health card, a **relevant determination** is a determination made under this Act because of which the person became the holder of the card.
- (4) If:
- (a) after the relevant payment was made to the individual, a relevant determination in relation to the individual, at least so far as it relates to 13 May 2008 or to a period that includes that day, is or was (however described) changed, revoked, set aside or superseded by another determination; and
  - (b) the decision to change, revoke, set aside or supersede the relevant determination is or was made for the reason, or for reasons including the reason, that the individual knowingly made a false or misleading statement, or knowingly provided false information; and
  - (c) had the change, revocation, setting aside or superseding occurred on or before 13 May 2008, the relevant payment would not have been made;
- the amount of the relevant payment is a debt due to the Commonwealth by the individual.
- (5) If:
- (a) an individual was eligible for the relevant payment because of subsection 118ZZL(3) and because of having claimed a seniors health card; and
  - (b) the individual knowingly made a false or misleading statement, or knowingly provided false information, in relation to the claim; and
  - (c) but for that statement or information, the relevant payment would not have been paid to the individual;
- the amount of the relevant payment is a debt due to the Commonwealth by the individual.
- (6) If:
- (a) an individual was eligible for the relevant payment because of subsection 118ZZL(3) and because of holding or having held a gold card; and
  - (b) the individual knowingly made a false or misleading statement, or knowingly provided false information, that
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resulted (directly or indirectly) in the individual becoming the holder of the gold card; and

(c) but for that statement or information, the relevant payment would not have been paid to the individual;

the amount of the relevant payment is a debt due to the Commonwealth by the individual.

- (7) The other provisions of this Act under which debts arise do not apply in relation to payments to which this section applies.
- (8) A debt that arises under this section is a ***recoverable amount*** within the meaning of subsection 205(8).

## Part 2—Related amendments

### *Income Tax Assessment Act 1936*

#### **16 Subsection 159J(6) (after paragraph (adad) of the definition of *separate net income*)**

Insert:

(adae) does not include 2008 one-off payment to older Australians under the *Social Security Act 1991* or the *Veterans' Entitlements Act 1986*; and

(adaf) does not include payments to older Australians under a scheme determined under Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*; and

### *Income Tax Assessment Act 1997*

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

After:

payments under the scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*..... 52-65

insert:

2008 one-off payment to older Australians under the *Social Security Act 1991* ..... 52-10

payments under a scheme determined under item 1 of Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*..... 52-10

2008 one-off payment to older Australians under the *Veterans' Entitlements Act 1986*..... 52-65

payments under the scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*..... 52-65

**18 After paragraph 52-10(1)(baa)**

Insert:

(bab) 2008 one-off payment to older Australians; or

**19 Subsection 52-10(1B)**

After “aged under”, insert “Division 1 of”.

**20 Subsections 52-10(1CA) and (1CAA)**

Repeal the subsections, substitute:

(1CA) The following payments under the *Social Security Act 1991* are exempt from income tax:

- (a) 2006 one-off payment to older Australians (see Division 2 of Part 2.2B of that Act);
- (b) 2007 one-off payment to older Australians (see Division 3 of Part 2.2B of that Act);
- (c) 2008 one-off payment to older Australians (see Division 4 of Part 2.2B of that Act).

**21 At the end of subsection 52-10(1CB)**

Add:

; (c) a scheme determined under item 1 of Schedule 2 to the *Social Security and Veterans’ Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*.

**22 After paragraph 52-65(1)(ba)**

Insert:

(bb) 2008 one-off payment to older Australians; or

**23 Subsections 52-65(1B) and (1BA)**

Repeal the subsections, substitute:

(1B) The following one-off payments under the *Veterans’ Entitlements Act 1986* are exempt from income tax:

- (a) 2006 one-off payment to older Australians under Part VIID;
- (b) 2007 one-off payment to older Australians under Part VIIE;
- (c) 2008 one-off payment to older Australians under Part VIIF.

**24 At the end of subsection 52-65(1C)**

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Add:

- ; (c) a scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*.

## **25 Section 52-75 (after table item 1B)**

Insert:

1C	2008 one-off payment to older Australians	Part VIIF	Not applicable
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## ***Social Security Act 1991***

### **26 After paragraph 8(8)(ye)**

Insert:

- (yf) 2008 one-off payment to older Australians under the Veterans' Entitlements Act;
- (yg) a payment under a scheme determined under Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*;

### **27 Part 2.2B (heading)**

Repeal the heading, substitute:

## **Part 2.2B—One-off payments to the aged and older Australians**

### **28 Before section 93X**

Insert:

## **Division 1—One-off payment to the aged**

### **29 Part 2.2C (heading)**

Repeal the heading.

### **30 Before section 93Y**

Insert:

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## **Division 2—2006 one-off payment to older Australians**

### **31 Part 2.2D (heading)**

Repeal the heading.

### **32 Before section 93ZA**

Insert:

## **Division 3—2007 one-off payment to older Australians**

### **33 Paragraph 1223ABAA(1)(a)**

Omit “Part 2.2C”, substitute “Division 2 of Part 2.2B”.

### **34 Paragraph 1223ABAA(1)(b)**

Omit “Part 2.2D”, substitute “Division 3 of Part 2.2B”.

## ***Social Security and Veterans’ Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007***

### **35 Paragraph 1(2)(a) of Schedule 2**

Omit “Part 2.2D”, substitute “Division 3 of Part 2.2B”.

## ***Social Security and Veterans’ Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006***

### **36 Paragraph 1(2)(a) of Schedule 2**

Omit “Part 2.2C”, substitute “Division 2 of Part 2.2B”.

## ***Veterans’ Entitlements Act 1986***

### **37 After paragraph 5H(8)(zzad)**

Insert:

(zzae) 2008 one-off payment to older Australians under Part VIIF;

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(zzaf) a payment under a scheme determined under Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*;

## Schedule 2—Administrative schemes for 2008 one-off payments to older Australians

### 1 Administrative scheme for 2008 one-off payments to older Australians (social security)

- (1) Subject to this item, a Minister administering provisions of the *Social Security Act 1991* may, by legislative instrument, determine a scheme under which one-off payments may be made to older Australians in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.

Note: Because there is more than one Minister administering provisions of the *Social Security Act 1991*, there may be more than one scheme.

- (2) The circumstances in which the scheme provides for payments must be circumstances:
- (a) in which the Minister considers that Division 4 of Part 2.2B of the *Social Security Act 1991* does not produce appropriate results; and
  - (b) occurring in the financial year starting on 1 July 2007.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
- (a) the circumstances in which payments are to be made;
  - (b) the amount of the payments;
  - (c) what a person has to do to get a payment;
  - (d) debt recovery in circumstances similar to those provided for in section 1223ABAA of the *Social Security Act 1991*;
  - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

### 2 Administrative scheme for 2008 one-off payments to older Australians (veterans)

- (1) Subject to this item, the Minister administering the *Veterans' Entitlements Act 1986* may, by legislative instrument, determine a scheme under which one-off payments may be made to older
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Australians in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.

- (2) The circumstances in which the scheme provides for payments must be circumstances:
  - (a) in which the Minister considers that Part VIIF of the *Veterans' Entitlements Act 1986* does not produce appropriate results; and
  - (b) occurring in the financial year starting on 1 July 2007.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
  - (a) the circumstances in which payments are to be made;
  - (b) the amount of the payments;
  - (c) what a person has to do to get a payment;
  - (d) debt recovery in circumstances similar to those provided for in section 118ZZP of the *Veterans' Entitlements Act 1986*;
  - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

## **Schedule 3—2008 one-off payments to carers**

### **Part 1—Main amendments**

#### *Social Security Act 1991*

#### **1 At the end of Part 2.5A**

Add:

### **Division 12—2008 one-off payment to carers eligible for carer payment**

#### **269 2008 one-off payment to carers (carer payment related)**

A person (the *qualified person*) is qualified for a 2008 one-off payment to carers (carer payment related) if:

- (a) the person has been paid an instalment of carer payment in respect of a period that includes 13 May 2008; and
- (b) the person was paid that instalment because of a claim the person made on or before 13 May 2008.

#### **270 Amount of the one-off payment**

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

### **Division 13—2008 one-off payment to carers eligible for wife pension**

#### **271 2008 one-off payment to carers (wife pension related)**

A person (the *qualified person*) is qualified for a 2008 one-off payment to carers (wife pension related) if:

- (a) the person:
  - (i) has been paid an instalment of wife pension in respect of a period that includes 13 May 2008; and

- (ii) was paid that instalment because of a claim the person made on or before 13 May 2008; and
- (b) the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:
  - (i) the instalment was in respect of a period that includes 13 May 2008;
  - (ii) the reason why that instalment covered 13 May 2008 was not only because of clause 16 or 17 of Schedule 2 to the Administration Act;
  - (iii) the person was paid that instalment because of a claim the person made on or before 13 May 2008.

### **272 Amount of the one-off payment**

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

## **Division 14—2008 one-off payment to carers eligible for partner service pension**

### **273 2008 one-off payment to carers (partner service pension related)**

A person (the *qualified person*) is qualified for a 2008 one-off payment to carers (partner service pension related) if:

- (a) the person:
  - (i) has been paid an instalment of partner service pension under Part III of the Veterans' Entitlements Act in respect of a period that includes 13 May 2008; and
  - (ii) was paid that instalment because of a claim the person made on or before 13 May 2008; and
- (b) the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:
  - (i) the instalment was in respect of a period that includes 13 May 2008;

- (ii) the reason why that instalment covered 13 May 2008 was not only because of clause 16 or 17 of Schedule 2 to the Administration Act;
- (iii) the person was paid that instalment because of a claim the person made on or before 13 May 2008.

#### **274 Amount of the one-off payment**

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

### **Division 15—2008 one-off payment to carers eligible for carer service pension**

#### **275 2008 one-off payment to carers (carer service pension related)**

A person (the *qualified person*) is qualified for a 2008 one-off payment to carers (carer service pension related) if:

- (a) the person has been paid an instalment of carer service pension as a result of the operation of subclause 8(2) or (4) of Schedule 5 to the Veterans' Entitlements Act in respect of a period that includes 13 May 2008; and
- (b) the person was paid that instalment because of a claim the person made on or before 13 May 2008.

#### **276 Amount of the one-off payment**

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

## **2 At the end of Part 2.19A**

Add:

## **Division 5—2008 one-off payment to carers eligible for carer allowance**

### **992WD 2008 one-off payment to carers (carer allowance related)**

- (1) A person (the *qualified person*) is qualified for a 2008 one-off payment to carers (carer allowance related) if the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:
  - (a) the instalment was in respect of a period that includes 13 May 2008;
  - (b) the reason why that instalment covered 13 May 2008 was not only because of clause 16 or 17 of Schedule 2 to the Administration Act;
  - (c) the person was paid that instalment because of a claim the person made on or before 13 May 2008.
- (2) For the purposes of this Part, the instalment, or each instalment, in relation to which paragraphs (1)(a), (b) and (c) are satisfied is a *qualifying instalment*.

### **992WE Eligible care receivers**

- (1) Subject to subsection (2), each person to whose care a qualifying instalment relates is an *eligible care receiver* in relation to the qualified person.
- (2) If subsection 953(2) applied in relation to a qualifying instalment, the 2 disabled children to whom the instalment relates are to be treated as if they were a single *eligible care receiver* in relation to the qualified person.

### **992WF Amount of the one-off payment**

*Add together the amounts applicable under this section for each eligible care receiver*

- (1) The amount of the one-off payment to the qualified person is worked out by adding together the amounts applicable under this section for each eligible care receiver.

*Amount is \$600 unless subsection (3) applies*

- (2) Subject to subsection (3), the amount applicable for an eligible care receiver is \$600.

*Reduced amount if instalment rate took account of a subsection 981(1) determination*

- (3) If the rate at which a qualifying instalment was paid took account of a determination under subsection 981(1) of a particular share (being a percentage or proportion) in relation to an eligible care receiver, the amount applicable for the eligible care receiver is that share of \$600.

### **3 Certain claims that would otherwise be taken to have been made on or before 13 May 2008**

For the purposes of the provisions inserted by items 1 and 2, the following are to be disregarded:

- (a) the effect of section 12 of the *Social Security (Administration) Act 1999*, so far as it relates to a determination under that section that is made after 13 May 2008;
- (b) the effect of section 15 of the *Social Security (Administration) Act 1999*, so far as it relates to the Secretary becoming satisfied of a matter, as mentioned in that section, after 13 May 2008.

### **4 At the end of subsection 1223ABA(1)**

Add:

- ; or (p) 2008 one-off payment to carers (carer payment related); or  
(q) 2008 one-off payment to carers (wife pension related); or  
(r) 2008 one-off payment to carers (partner service pension related); or  
(s) 2008 one-off payment to carers (carer service pension related); or  
(t) 2008 one-off payment to carers (carer allowance related).

### **5 After subsection 1223ABA(3CJ)**

Insert:

- (3CK) If the relevant payment is a payment of 2008 one-off payment to carers (carer payment related), a **relevant determination** is a determination made under Part 3 of the Administration Act because of which the instalment of carer payment referred to in section 269 of this Act was paid.
- (3CL) If the relevant payment is a payment of 2008 one-off payment to carers (wife pension related), a **relevant determination** is:
- (a) a determination made under Part 3 of the Administration Act because of which the instalment of wife pension referred to in section 271 of this Act was paid; or
  - (b) a determination made under Part 3 of the Administration Act because of which the, or an, instalment of carer allowance referred to in section 271 of this Act was paid.
- (3CM) If the relevant payment is a payment of 2008 one-off payment to carers (partner service pension related), a **relevant determination** is:
- (a) a determination made under the Veterans' Entitlements Act because of which the instalment of partner service pension referred to in section 273 of this Act was paid; or
  - (b) a determination made under Part 3 of the Administration Act because of which the, or an, instalment of carer allowance referred to in section 273 of this Act was paid.
- (3CN) If the relevant payment is a payment of 2008 one-off payment to carers (carer service pension related), a **relevant determination** is a determination made under the Veterans' Entitlements Act because of which the instalment of carer service pension referred to in section 275 of this Act was paid.
- (3CO) If the relevant payment is a payment of 2008 one-off payment to carers (carer allowance related), a **relevant determination** is a determination made under Part 3 of the Administration Act because of which the, or an, instalment of carer allowance referred to in section 992WD of this Act was paid.

## 6 At the end of subsection 1223ABA(3D)

Add:

- ; or (e) 13 May 2008, if the relevant payment is a payment of:
- (i) 2008 one-off payment to carers (carer payment related);  
or

- (ii) 2008 one-off payment to carers (wife pension related);  
or
- (iii) 2008 one-off payment to carers (partner service pension related); or
- (iv) 2008 one-off payment to carers (carer service pension related); or
- (v) 2008 one-off payment to carers (carer allowance related).

## ***Social Security (Administration) Act 1999***

### **7 Sections 12AA to 12AD**

Repeal the sections, substitute:

#### **12AA One-off payments to carers**

A claim is not required for the following:

- (a) one-off payment to carers (carer allowance related);
- (b) one-off payment to carers (carer payment related);
- (c) 2005 one-off payment to carers (carer payment related);
- (d) 2005 one-off payment to carers (carer service pension related);
- (e) 2005 one-off payment to carers (carer allowance related);
- (f) 2006 one-off payment to carers (carer payment related);
- (g) 2006 one-off payment to carers (wife pension related);
- (h) 2006 one-off payment to carers (partner service pension related);
- (i) 2006 one-off payment to carers (carer service pension related);
- (j) 2006 one-off payment to carers (carer allowance related);
- (k) 2007 one-off payment to carers (carer payment related);
- (l) 2007 one-off payment to carers (wife pension related);
- (m) 2007 one-off payment to carers (partner service pension related);
- (n) 2007 one-off payment to carers (carer service pension related);
- (o) 2007 one-off payment to carers (carer allowance related);
- (p) 2008 one-off payment to carers (carer payment related);

- (q) 2008 one-off payment to carers (wife pension related);
- (r) 2008 one-off payment to carers (partner service pension related);
- (s) 2008 one-off payment to carers (carer service pension related);
- (t) 2008 one-off payment to carers (carer allowance related).

### **8 Subsection 47(1) (after paragraph (hn) of the definition of lump sum benefit)**

Insert:

- (ho) 2008 one-off payment to carers (carer payment related); or
- (hp) 2008 one-off payment to carers (wife pension related); or
- (hq) 2008 one-off payment to carers (partner service pension related); or
- (hr) 2008 one-off payment to carers (carer service pension related); or
- (hs) 2008 one-off payment to carers (carer allowance related); or

### **9 Sections 47B to 47E**

Repeal the sections, substitute:

#### **47B Payment of one-off payments to carers**

- (1) If an individual is qualified for one of the payments mentioned in subsection (2), the Secretary must pay the payment to the individual in a single lump sum:
  - (a) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
  - (b) in such manner as the Secretary considers appropriate.
- (2) The payments are the following:
  - (a) one-off payment to carers (carer allowance related);
  - (b) one-off payment to carers (carer payment related);
  - (c) 2005 one-off payment to carers (carer payment related);
  - (d) 2005 one-off payment to carers (carer service pension related);
  - (e) 2005 one-off payment to carers (carer allowance related);
  - (f) 2006 one-off payment to carers (carer payment related);

- (g) 2006 one-off payment to carers (wife pension related);
- (h) 2006 one-off payment to carers (partner service pension related);
- (i) 2006 one-off payment to carers (carer service pension related);
- (j) 2006 one-off payment to carers (carer allowance related);
- (k) 2007 one-off payment to carers (carer payment related);
- (l) 2007 one-off payment to carers (wife pension related);
- (m) 2007 one-off payment to carers (partner service pension related);
- (n) 2007 one-off payment to carers (carer service pension related);
- (o) 2007 one-off payment to carers (carer allowance related);
- (p) 2008 one-off payment to carers (carer payment related);
- (q) 2008 one-off payment to carers (wife pension related);
- (r) 2008 one-off payment to carers (partner service pension related);
- (s) 2008 one-off payment to carers (carer service pension related);
- (t) 2008 one-off payment to carers (carer allowance related).

## 10 Application

To avoid doubt, the amendment made by item 9 does not entitle a person to a payment mentioned in paragraphs 47B(2)(a) to (o) of the *Social Security (Administration) Act 1999* (as inserted by item 9) if such a payment has already been paid to the person under section 47B, 47C, 47D or 47E of the that Act (as in force before the commencement of this item).

## Part 2—Related amendments

### *Income Tax Assessment Act 1936*

**11 Subsection 159J(6) (subparagraph (ad)(xvi) of the definition of *separate net income*)**

Omit “and”.

**12 Subsection 159J(6) (at the end of paragraph (ad) of the definition of *separate net income*)**

Add:

- (xvii) 2008 one-off payment to carers (carer payment related);
- (xviii) 2008 one-off payment to carers (wife pension related);
- (xix) 2008 one-off payment to carers (partner service pension related);
- (xx) 2008 one-off payment to carers (carer service pension related);
- (xxi) 2008 one-off payment to carers (carer allowance related); and

**13 Subsection 159J(6) (after paragraph (add) of the definition of *separate net income*)**

Insert:

- (ade) does not include payments to carers under the scheme determined under Schedule 4 to the *Social Security and Veterans’ Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*; and

### *Income Tax Assessment Act 1997*

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

After:

payments under the scheme determined under  
Schedule 4 to the *Social Security and Veterans’  
Affairs Legislation Amendment (One-off Payments  
and Other 2007 Budget Measures) Act*  
2007..... 52-10

insert:

2008 one-off payment to carers (carer payment related),  
2008 one-off payment to carers (wife pension  
related), 2008 one-off payment to carers (partner  
service pension related), 2008 one-off payment to  
carers (carer service pension related) or 2008 one-off  
payment to carers (carer allowance related)..... 52-10

payments under the scheme determined under  
Schedule 4 to the *Social Security and Veterans’  
Entitlements Legislation Amendment (One-off  
Payments and Other Budget Measures) Act 2008*..... 52-10

**15 Paragraph 52-10(1)(r)**

Repeal the paragraph, substitute:

- (r) 2008 one-off payment to carers (carer payment related); or
- (s) 2008 one-off payment to carers (wife pension related); or
- (t) 2008 one-off payment to carers (partner service pension related); or
- (u) 2008 one-off payment to carers (carer service pension related); or
- (v) 2008 one-off payment to carers (carer allowance related); or
- (w) payments under a scheme referred to in subsection (1E).

**16 Paragraph 52-10(1D)(a)**

Omit “Part 2.5A”, substitute “Division 1 of Part 2.5A”.

**17 Paragraph 52-10(1D)(b)**

Omit “Part 2.19A”, substitute “Division 1 of Part 2.19A”.

**18 Paragraph 52-10(1D)(c)**

Omit “Part 2.5B”, substitute “Division 2 of Part 2.5A”.

**19 Paragraph 52-10(1D)(d)**

Omit “Part 2.5C”, substitute “Division 3 of Part 2.5A”.

**20 Paragraph 52-10(1D)(e)**

Omit “Part 2.19B”, substitute “Division 2 of Part 2.19A”.

**21 Paragraph 52-10(1D)(f)**

Omit “Part 2.5D”, substitute “Division 4 of Part 2.5A”.

**22 Paragraph 52-10(1D)(g)**

Omit “Part 2.5E”, substitute “Division 5 of Part 2.5A”.

**23 Paragraph 52-10(1D)(h)**

Omit “Part 2.5F”, substitute “Division 6 of Part 2.5A”.

**24 Paragraph 52-10(1D)(i)**

Omit “Part 2.5G”, substitute “Division 7 of Part 2.5A”.

**25 Paragraph 52-10(1D)(j)**

Omit “Part 2.19C”, substitute “Division 3 of Part 2.19A”.

**26 Paragraph 52-10(1D)(k)**

Omit “Part 2.5H”, substitute “Division 8 of Part 2.5A”.

**27 Paragraph 52-10(1D)(l)**

Omit “Part 2.5J”, substitute “Division 9 of Part 2.5A”.

**28 Paragraph 52-10(1D)(m)**

Omit “Part 2.5K”, substitute “Division 10 of Part 2.5A”.

**29 Paragraph 52-10(1D)(n)**

Omit “Part 2.5L”, substitute “Division 11 of Part 2.5A”.

**30 Paragraph 52-10(1D)(o)**

Omit “Part 2.19D”, substitute “Division 4 of Part 2.19A”.

**31 At the end of subsection 52-10(1D)**

Add:

; (p) 2008 one-off payment to carers (carer payment related) (see Division 12 of Part 2.5A of that Act);

- (q) 2008 one-off payment to carers (wife pension related) (see Division 13 of Part 2.5A of that Act);
- (r) 2008 one-off payment to carers (partner service pension related) (see Division 14 of Part 2.5A of that Act);
- (s) 2008 one-off payment to carers (carer service pension related) (see Division 15 of Part 2.5A of that Act);
- (t) 2008 one-off payment to carers (carer allowance related) (see Division 5 of Part 2.19A of that Act).

**32 At the end of subsection 52-10(1E)**

Add:

- ; (e) a scheme determined under Schedule 4 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*.

***Social Security Act 1991***

**33 After paragraph 8(8)(jae)**

Insert:

- (jaf) a payment under the scheme determined under Schedule 4 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*;

**34 Part 2.5A (heading)**

Repeal the heading, substitute:

**Part 2.5A—One-off payments to carers eligible for carer payment**

**35 Before section 247**

Insert:

**Division 1—One-off payment to carers eligible for carer payment**

**36 Section 247 (note)**

Omit “Part 2.19A”, substitute “Division 1 of Part 2.19A”.

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**37 Part 2.5B (heading)**

Repeal the heading.

**38 Before section 249**

Insert:

**Division 2—2005 one-off payment to carers eligible for carer payment**

**39 Section 249 (note)**

Omit “Part 2.19B”, substitute “Division 2 of Part 2.19A”.

**40 Part 2.5C (heading)**

Repeal the heading.

**41 Before section 251**

Insert:

**Division 3—2005 one-off payment to carers eligible for carer service pension**

**42 Part 2.5D (heading)**

Repeal the heading.

**43 Before section 253**

Insert:

**Division 4—2006 one-off payment to carers eligible for carer payment**

**44 Part 2.5E (heading)**

Repeal the heading.

**45 Before section 255**

Insert:

**Division 5—2006 one-off payment to carers eligible for wife pension**

**46 Part 2.5F (heading)**

Repeal the heading.

**47 Before section 257**

Insert:

**Division 6—2006 one-off payment to carers eligible for partner service pension**

**48 Part 2.5G (heading)**

Repeal the heading.

**49 Before section 259**

Insert:

**Division 7—2006 one-off payment to carers eligible for carer service pension**

**50 Part 2.5H (heading)**

Repeal the heading.

**51 Before section 261**

Insert:

**Division 8—2007 one-off payment to carers eligible for carer payment**

**52 Part 2.5J (heading)**

Repeal the heading.

**53 Before section 263**

Insert:

**Division 9—2007 one-off payment to carers eligible for wife pension**

**54 Part 2.5K (heading)**

Repeal the heading.

**55 Before section 265**

Insert:

**Division 10—2007 one-off payment to carers eligible for partner service pension**

**56 Part 2.5L (heading)**

Repeal the heading.

**57 Before section 267**

Insert:

**Division 11—2007 one-off payment to carers eligible for carer service pension**

**58 Part 2.19A (heading)**

Repeal the heading, substitute:

**Part 2.19A—One-off payments to carers eligible for carer allowance**

**59 Before section 992N**

Insert:

**Division 1—One-off payment to carers eligible for carer allowance**

**60 Subsection 992N(2) (note)**

Omit “Part 2.5A”, substitute “Division 1 of Part 2.5A”.

**61 Part 2.19B (heading)**

---

Repeal the heading.

**62 Before section 992Q**

Insert:

**Division 2—2005 one-off payment to carers eligible for  
carer allowance**

**63 Subsection 992Q(2) (note)**

Omit “Part 2.5B”, substitute “Division 2 of Part 2.5A”.

**64 Part 2.19C (heading)**

Repeal the heading.

**65 Before section 992T**

Insert:

**Division 3—2006 one-off payment to carers eligible for  
carer allowance**

**66 Part 2.19D (heading)**

Repeal the heading.

**67 Before section 992WA**

Insert:

**Division 4—2007 one-off payment to carers eligible for  
carer allowance**

***Social Security and Veterans’ Affairs Legislation Amendment  
(One-off Payments and Other 2007 Budget  
Measures) Act 2007***

**68 Paragraph 1(2)(a) of Schedule 4**

Omit “Parts 2.5H, 2.5J, 2.5K, 2.5L and 2.19D”, substitute “Divisions 8,  
9, 10 and 11 of Part 2.5A and Division 4 of Part 2.19A”.

***Social Security and Veterans' Entitlements Legislation  
Amendment (One-off Payments to Increase  
Assistance for Older Australians and Carers and  
Other Measures) Act 2006***

**69 Paragraph 1(2)(a) of Schedule 2**

Omit "Parts 2.5D, 2.5E, 2.5F, 2.5G and 2.19C", substitute "Divisions 4, 5, 6 and 7 of Part 2.5A and Division 3 of Part 2.19A".

***Social Security Legislation Amendment (One-off Payments  
for Carers) Act 2005***

**70 Paragraph 1(2)(a) of Schedule 4**

Omit "Parts 2.5B, 2.5C and 2.19B", substitute "Divisions 2 and 3 of Part 2.5A and Division 2 of Part 2.19A".

***Veterans' Entitlements Act 1986***

**71 At the end of subsection 5H(8) (before the note)**

Add:

; (zze) a payment under the scheme determined under Schedule 4 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008*.

## Schedule 4—Administrative scheme for 2008 one-off payments to carers

### 1 Administrative scheme for 2008 one-off payments to carers

- (1) Subject to this item, the Minister administering Part 2.5 of the *Social Security Act 1991* may, by legislative instrument, determine a scheme under which one-off payments may be made to carers in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.
- (2) The circumstances in which the scheme provides for payments must be circumstances:
  - (a) in which the Minister considers that Divisions 12 to 15 of Part 2.5A and Division 5 of Part 2.19A of the *Social Security Act 1991* do not produce appropriate results; and
  - (b) occurring in the financial year starting on 1 July 2007.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
  - (a) the circumstances in which payments are to be made;
  - (b) the amount of the payments;
  - (c) what a person has to do to get a payment;
  - (d) debt recovery in circumstances similar to those provided for in section 1223ABA of the *Social Security Act 1991*;
  - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

## **Schedule 5—Non-cancellation of concession cards for temporary overseas absences**

### **Part 1—Main amendments**

#### *Social Security Act 1991*

##### **1 Subsection 6A(1)**

Insert:

*concession card* means:

- (a) a pensioner concession card; or
- (b) a health care card; or
- (c) a seniors health card.

##### **2 At the end of subsections 1061ZA(3) and (4)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

##### **3 At the end of subsection 1061ZB(2)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

##### **4 At the end of subsections 1061ZC(2) and (4)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

##### **5 At the end of subsections 1061ZD(4) and (6)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

## **6 At the end of subsections 1061ZE(4) and (6)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

## **7 At the end of subsections 1061ZEA(3) and (5)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

## **8 At the end of subsection 1061ZEB(3)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 13 weeks (see Division 4).

## **9 At the end of subsection 1061ZG(1)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a seniors health card for a maximum period of up to 13 weeks (see Division 4).

## **10 At the end of subsection 1061ZN(1)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a health care card for a maximum period of up to 13 weeks (see Division 4).

## **11 At the end of subsections 1061ZO(2), (3) and (4)**

Add:

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a health care card for a maximum period of up to 13 weeks (see Division 4).

## **12 At the end of Part 2A.1**

Add:

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## **Division 4—Non-cancellation of concession cards for temporary overseas absences**

### **1061ZUA Persons to whom Division applies**

- (1) This Division applies to a person if:
  - (a) the person leaves Australia temporarily (see subsection (2)); and
  - (b) the person is continuously absent from Australia during a period (the *period of absence*) beginning on the day the person leaves Australia; and
  - (c) any of the following applies:
    - (i) immediately before the period of absence commences, the person was the holder of a concession card;
    - (ii) during the period of absence, the person's claim for a seniors health card or a health care card is granted under the Administration Act;
    - (iii) during the period of absence, the person is issued an automatic issue card.
- (2) For the purposes of paragraph (1)(a), in determining if an absence is temporary, regard must be had to:
  - (a) the purpose of the absence; and
  - (b) the intended duration of the absence.

### **1061ZUB Non-cancellation of concession cards for temporary overseas absences**

- (1) Throughout the person's maximum non-cancellation period (see subsection (3)), the person's qualification for the concession card is not affected merely by the absence.
- (2) Throughout so much (if any) of the period of absence as occurs after the end of the period of 13 weeks beginning on the day the person leaves Australia, the person is not qualified for the concession card.
- (3) For the purposes of subsection (1), a person's *maximum non-cancellation period* is the shorter of the following periods:
  - (a) the person's period of absence;

- (b) the period of 13 weeks beginning on the day the person leaves Australia.

### **1061ZUC Extension cards**

- (1) This section applies if:
  - (a) a person qualifies for a concession card under the following section (the *qualification section*):
    - (i) section 1061ZB, 1061ZC, 1061ZD, 1061ZE, 1061ZEB or 1061ZM;
    - (ii) section 1061ZEA as a result of the operation of subsection 1061ZEA(2A); and
  - (b) as a result of subsection 1061ZUB(1), the person's qualification for the card is not affected by a period of absence; and
  - (c) at the end of the period of 13 weeks mentioned in subsection 1061ZUB(2), the card is cancelled; and
  - (d) after that time, the person returns to Australia; and
  - (e) the person qualifies again for the card under the qualification section (and in the case of section 1061ZEA, the person qualifies as a result of the operation of subsection 1061ZEA(2A)); and
  - (f) the period for which the person was qualified under the qualification section has not yet ended.
- (2) To avoid doubt, the person continues to qualify for the concession card until the end of the period for which the person was qualified under the qualification section (unless the person ceases to be qualified for the card at an earlier time).

## ***Social Security (Administration) Act 1999***

### **13 Subclause 1(1) of Schedule 1 (definition of *concession card*)**

Repeal the definition.

## ***Veterans' Entitlements Act 1986***

### **14 Paragraphs 118PA(1)(a) and (b)**

Repeal the paragraphs, substitute:

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- (a) the person is the holder of a seniors health card; or

### **15 Paragraph 118V(1)(e)**

Repeal the paragraph, substitute:

- (e) is either:
- (i) in Australia; or
  - (ii) temporarily absent from Australia and has been so for a continuous period not exceeding 13 weeks; and

### **16 At the end of subsection 118V(1)**

Add:

Note 5: For *temporarily* see section 5Q.

### **17 Paragraph 118V(1A)(d)**

Repeal the paragraph, substitute:

- (d) is either:
- (i) in Australia; or
  - (ii) temporarily absent from Australia and has been so for a continuous period not exceeding 13 weeks; and

### **18 Paragraph 118V(2)(e)**

Repeal the paragraph, substitute:

- (e) the person:
- (i) is in Australia; or
  - (ii) is temporarily absent from Australia and has been so for a continuous period not exceeding 13 weeks; and

### **19 At the end of subsection 118V(2)**

Add:

Note 6: For *temporarily* see section 5Q.

### **20 Paragraph 118V(3)(e)**

Repeal the paragraph, substitute:

- (e) the person:
- (i) is in Australia; or
  - (ii) is temporarily absent from Australia and has been so for a continuous period not exceeding 13 weeks; and

**21 At the end of subsection 118V(3)**

Add:

Note 6: For *temporarily* see section 5Q.

**Part 2—Amendments contingent on the Veterans'  
Entitlements Legislation Amendment (2007  
Election Commitments) Act 2008**

**Division 1—Amendments if the Veterans' Entitlements  
Legislation Amendment (2007 Election  
Commitments) Act 2008 receives the Royal  
Assent on the same day or earlier**

*Veterans' Entitlements Act 1986*

**22 At the end of subsection 118V(1A)**

Add:

Note 5: For *temporarily* see section 5Q.

**Division 2—Amendments if the Veterans' Entitlements  
Legislation Amendment (2007 Election  
Commitments) Act 2008 does not receive the  
Royal Assent on the same day or earlier**

*Veterans' Entitlements Act 1986*

**23 At the end of subsection 118V(1A)**

Add:

Note 3A: For *temporarily* see section 5Q.

*Veterans' Entitlements Legislation Amendment (2007  
Election Commitments) Act 2008*

**24 Section 2**

Repeal the section, substitute:

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	26 May 2008
2. Schedule 1	1 July 2008.	1 July 2008
3. Schedule 2, items 1 to 37	1 July 2008.	1 July 2008
4. Schedule 2, item 38	Immediately after the commencement of item 23 of Schedule 5 to the <i>Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008</i> .	
5. Schedule 2, item 39	1 July 2008.	1 July 2008
6. Schedule 3	1 July 2008.	1 July 2008

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## **Part 3—Application**

### **25 Application**

The amendments made by this Schedule apply in relation to a person who leaves Australia on or after 1 July 2008.

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*[Minister's second reading speech made in—  
House of Representatives on 14 May 2008  
Senate on 15 May 2008]*

(76/08)

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