



Veterans' Affairs Legislation Amendment Act 1993

No. 27 of 1993

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Veterans' Affairs Legislation Amendment Act 1993

No. 27 of 1993

**An Act to amend the law relating to veterans' affairs,
and for related purposes**

[Assented to 9 June 1993]

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

5 **1.** This Act may be cited as the *Veterans' Affairs Legislation Amendment Act 1993*.

Commencement

2.(1) Subject to subsections (2), (3), (4) and (5), this Act commences on the day on which it receives the Royal Assent.

(2) Division 2 of Part 2 commences on 20 September 1993.

10 (3) Division 3 of Part 2 is taken to have commenced on 20 October 1991.

(4) Division 4 of Part 2 and subsection 19(1) are taken to have commenced on 12 January 1992.

(5) Division 5 of Part 2 and subsection 19(2) are taken to have commenced on 20 October 1992.

Application

3.(1) The amendments made by section 17, to the extent to which they relate to service in the former Yugoslavia, apply to any compensation for an incapacity, impairment or death resulting from an occurrence if the occurrence happened or happens on or after 12 January 1992.

(2) The amendments made by section 17, to the extent to which they relate to service in Somalia, apply to any compensation for an incapacity, impairment or death resulting from an occurrence if the occurrence happened or happens on or after 20 October 1992.

(3) Subsections (1) and (2) apply regardless of when the compensation is received.

PART 2—AMENDMENTS OF THE VETERANS' ENTITLEMENTS ACT 1986

Division 1—Preliminary

Principal Act

4. In this Part, “Principal Act” means the *Veterans' Entitlements Act 1986*¹.

Division 2—Assets test

Service Pension Rate Calculator Where There Are No Dependent Children

5. The Rate Calculator in section 41 of the Principal Act is amended by omitting from Table F-2 in point 41-F4 “26” (wherever occurring) and substituting “19.50”.

Service Pension Rate Calculator Where There Are Dependent Children

6. The Rate Calculator in section 42 of the Principal Act is amended:
- (a) by omitting from Table G-2 in point 42-G4 “26” (wherever occurring) and substituting “19.50”;
 - (b) by omitting from Table G-2 in point 42-G4 “52” and substituting “39.00”;
 - (c) by omitting from paragraph 42-G6(b) “52” and substituting “39.00”.

Service Pension Rate Calculator for Widows, Widowers and Non-illness Separated Spouses

7. The Rate Calculator in section 44 of the Principal Act is amended:
- (a) by omitting from Table F-2 in point 44-F4 "26" (wherever occurring) and substituting "19.50";
 - (b) by omitting from paragraph 44-F6(b) "52" and substituting "39.00".

Application of financial hardship rules

8. Section 52Z of the Principal Act is amended by omitting from paragraph (3)(d) "\$26" and substituting "\$19.50".

Division 3—Peacekeeping service in Cambodia

Schedule 2

9. Schedule 2 to the Principal Act is amended by inserting in item 12 "and the areas in Laos and Thailand that are not more than 50 kilometres from the border with Cambodia" after "Cambodia".

Division 4—Peacekeeping service in the former Yugoslavia

War and operational area related definitions

10. Section 5B of the Principal Act is amended by omitting from paragraph (2)(b) "or 12" and substituting ", 12 or 13".

Qualifying service

11. Section 7A of the Principal Act is amended by omitting from subparagraph (1)(a)(iii) "or 12" and substituting ", 12 or 13".

Schedule 2

12. Schedule 2 to the Principal Act is amended by adding at the end the following item:

- | | |
|--|---|
| "13. The area comprising the former Yugoslavia | The period from and including 12 January 1992". |
|--|---|

Division 5—Peacekeeping service in Somalia

War and operational area related definitions

13. Section 5B of the Principal Act is amended by omitting from paragraph (2)(b) "or 13" and substituting ", 13 or 14".

Qualifying service

14. Section 7A of the Principal Act is amended by omitting from subparagraph (1)(a)(iii) "or 13" and substituting ", 13 or 14".

Schedule 2

15. Schedule 2 to the Principal Act is amended by adding at the end the following item:

- | | |
|----------------------------------|--|
| “14. The area comprising Somalia | The period from and including
20 October 1992”. |
|----------------------------------|--|

PART 3—AMENDMENTS OF THE INCOME TAX ASSESSMENT ACT 1936

Principal Act

16. In this Part, “**Principal Act**” means the *Income Tax Assessment Act 1936*².

Income of certain persons serving with an armed force under the control of the United Nations

17. Section 23AB of the Principal Act is amended:

- (a) by inserting in paragraph (5)(a) “is made” after “1988”;
- (b) by omitting from paragraph (5)(c) “or 12” and substituting “, 12, 13 or 14”.

PART 4—AMENDMENTS OF THE PUBLIC SERVICE ACT 1922

Principal Act

18. In this Part, “**Principal Act**” means the *Public Service Act 1922*³.

Interpretation

19.(1) Section 7 of the Principal Act is amended by omitting from the definition of “Returned Soldier” in subsection (1) “or 12” and substituting “, 12 or 13”.

(2) Section 7 of the Principal Act is amended by omitting from the definition of “Returned Soldier” in subsection (1) “or 13” and substituting “, 13 or 14”.

NOTES

1. No. 27, 1986, as amended. For previous amendments see No. 106, 1986 (as amended by Nos. 78 and 130, 1987); No. 130, 1986; No. 78, 1987 (as amended by No. 164, 1989); No. 88, 1987; No. 130, 1987 (as amended by No. 133, 1988); No. 13, 1988 (as amended by No. 83, 1989; and No. 73, 1991); Nos. 35 and 79, 1988; No. 134, 1988 (as amended by No. 164, 1989); No. 135, 1988 (as amended by Nos. 84 and 164, 1989; and No. 73, 1991); Nos. 59, 83, 84, 93 and 163, 1989; No. 164, 1989 (as amended by No. 56, 1990; and No. 73, 1991); Nos. 59, 83, 84, 93 and 163, 1989; No. 164, 1989 (as amended by No. 56, 1990; and No. 73, 1991); Nos. 56, 84 and 119, 1990; No. 2, 1991 (as amended by No. 73, 1991); No. 72, 1991; No. 73, 1991 (as amended by No. 74, 1991); Nos. 74, 122, 175 and 208, 1991; and Nos. 12, 51, 70, 94 and 228, 1992.

NOTES—continued

2. No. 27, 1936, as amended. For previous amendments, see No. 88, 1936; No. 5, 1937; No. 46, 1938; No. 30, 1939; Nos. 17 and 65, 1940; Nos. 58 and 69, 1941; Nos. 22 and 50, 1942; No. 10, 1943; Nos. 3 and 28, 1944; Nos. 4 and 37, 1945; No. 6, 1946; Nos. 11 and 63, 1947; No. 44, 1948; No. 66, 1949; No. 48, 1950; No. 44, 1951; Nos. 4, 28 and 90, 1952; Nos. 1, 28, 45 and 81, 1953; No. 43, 1954; Nos. 18 and 62, 1955; Nos. 25, 30 and 101, 1956; Nos. 39 and 65, 1957; No. 55, 1958; Nos. 12, 70 and 85, 1959; Nos. 17, 18, 58 and 108, 1960; Nos. 17, 27 and 94, 1961; Nos. 39 and 98, 1962; Nos. 34 and 69, 1963; Nos. 46, 68, 110 and 115, 1964; Nos. 33, 103 and 143, 1965; Nos. 50 and 83, 1966; Nos. 19, 38, 76 and 85, 1967; Nos. 4, 70, 87 and 148, 1968; Nos. 18, 93 and 101, 1969; No. 87, 1970; Nos. 6, 54 and 93, 1971; Nos. 5, 46, 47, 65 and 85, 1972; Nos. 51, 52, 53, 164 and 165, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 26 and 126, 1974; Nos. 80 and 117, 1975; Nos. 50, 53, 56, 98, 143, 165 and 205, 1976; Nos. 57, 126 and 127, 1977; Nos. 36, 57, 87, 90, 123, 171 and 172, 1978; Nos. 12, 19, 27, 43, 62, 146, 147 and 149, 1979; Nos. 19, 24, 57, 58, 124, 133, 134 and 159, 1980; Nos. 61, 92, 108, 109, 110, 111, 154 and 175, 1981; Nos. 29, 38, 39, 76, 80, 106 and 123, 1982; Nos. 14, 25, 39, 49, 51, 54 and 103, 1983; Nos. 14, 42, 47, 63, 76, 115, 124, 165 and 174, 1984; No. 123, 1984 (as amended by No. 65, 1985); Nos. 47, 49, 104, 123, 168 and 174, 1985; No. 173, 1985 (as amended by No. 49, 1986); Nos. 41, 46, 48, 51, 109, 112 and 154, 1986; No. 49, 1986 (as amended by No. 141, 1987); No. 52, 1986 (as amended by No. 141, 1987); No. 90, 1986 (as amended by No. 141, 1987); Nos. 23, 58, 61, 120, 145 and 163, 1987; No. 62, 1987 (as amended by No. 108, 1987); No. 108, 1987 (as amended by No. 138, 1987); No. 138, 1987 (as amended by No. 11, 1988); No. 139, 1987 (as amended by Nos. 11 and 78, 1988); Nos. 8, 11, 59, 75, 78, 80, 87, 95, 97, 127 and 153, 1988; Nos. 2, 11, 56, 70, 73, 105, 107, 129, 163 and 167, 1989; No. 97, 1989 (as amended by No. 105, 1989); Nos. 20, 35, 45, 57, 58, 60, 61, 87, 119 and 135, 1990; Nos. 4, 5, 6, 48, 55, 100, 203, 208 and 216, 1991; and Nos. 3, 35, 70, 80, 81, 92, 98 and 101, 1992; and 17, 1993.
3. No. 21, 1922, as amended. For previous amendments, see No. 46, 1924 (as amended by No. 80, 1950); No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 11, 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; No. 6, 1972; Nos. 21, 71, 73 and 209, 1973; No. 59, 1974; No. 40, 1975; No. 193, 1976 (as amended by No. 170, 1978); Nos. 6 and 80, 1977; No. 36, 1978 (as amended by No. 111, 1982); Nos. 52 and 155, 1979; No. 177, 1980 (as amended by No. 63, 1984; and 166, 1985); No. 61, 1981; Nos. 26 and 80, 1982; No. 111, 1982 (as amended by No. 39, 1983; and No. 63, 1984); Nos. 39, 56, 92 and 115, 1983; No. 63, 1984 (as amended by No. 165, 1984; and No. 166, 1985); No. 165, 1984; Nos. 65, 166 and 187, 1985; Nos. 28, 29 and 76, 1986; No. 153, 1986 (as amended by No. 141, 1987); Nos. 92, 99 and 141, 1987; Nos. 75, 87, 99, 109 and 150, 1988; Nos. 150 and 153, 1989; Nos. 2, 73, 122, 199, 205 and 208, 1991; and Nos. 70, 94, 196 and 215, 1992.

*[Minister's second reading speech made in—
House of Representatives on 5 May 1993
Senate on 13 May 1993]*