



**Veterans' Affairs Legislation
Amendment (Miscellaneous Measures)
Act 2014**

No. 5, 2014

**An Act to amend the law relating to veterans'
affairs and military rehabilitation and
compensation, and for other purposes**

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

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No. 5, 2014

**An Act to amend the law relating to veterans'
affairs and military rehabilitation and
compensation, and for other purposes**

[Assented to 28 February 2014]

The Parliament of Australia enacts:

No. 5, 2014

*Veterans' Affairs Legislation Amendment (Miscellaneous Measures)
Act 2014*

1

1 Short title

This Act may be cited as the *Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Act 2014*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Australian Participants in British Nuclear Tests (Treatment) Act 2006

1 Subsection 19(2)

Omit “the person”, substitute “the attendant”.

2 After subsection 19(2)

Insert:

(2A) An approval under paragraph (1)(b) or an authorisation under paragraph (2)(b) may be given before or after the travel is completed.

3 Paragraph 20(1)(a)

Omit “this section”, substitute “section 19”.

Defence Service Homes Act 1918

4 Subsection 4(1) (paragraph (gb) of the definition of *Australian Soldier*)

Omit “or 14”, substitute “, 14 or 15”.

5 Application provision

The amendment made by item 4 applies for the purposes of determining a person’s status as an eligible person for the purposes of the *Defence Service Homes Act 1918* on or after the commencement of that item.

Military Rehabilitation and Compensation Act 2004

6 Subsection 8(4)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

7 Subsection 11(2)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

8 Section 65

Omit:

Part 7 provides for additional compensation and benefits to be provided, such as compensation to modify vehicles, and compensation for household and attendant care services and damage to a member’s medical aid. Part 7 also provides for an allowance to pay for a current or former member’s home phone.

substitute:

Part 7 provides for additional compensation and benefits to be provided, such as compensation to modify vehicles, and compensation for household and attendant care services and damage to a member’s medical aid. Part 7 also provides for the payment of MRCA supplement.

9 Subsection 67(4)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

10 Subsection 79(3)

Omit “in writing by the Minister”, substitute “by the Minister by legislative instrument”.

11 Subsection 79(4)

Repeal the subsection.

12 Subsection 210(4)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

13 Section 211

Omit:

An allowance to pay for a home phone is provided under Division 4 for those who have suffered a serious impairment from a service injury or disease.

substitute:

MRCA supplement is provided under Division 4.

14 Subsection 212(4)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

15 Section 232

Omit:

The partner might be entitled to an allowance to pay for his or her home phone under Division 5.

substitute:

The partner might be entitled to MRCA supplement under Division 5.

16 Subsection 258(5)

After “the determination”, insert “, variation or revocation”.

17 Subsection 258(6)

Omit “that has been approved by the Minister is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “prepared by the Commission and approved by the Minister is a legislative instrument made by the Minister on the day on which the determination, variation or revocation is approved”.

18 Section 288

Omit:

Division 4 provides for an allowance to pay for pharmaceutical benefits for those who are entitled to treatment under Part 3 of this Chapter.

substitute:

Division 4 provides for MRCA supplement for those who are entitled to treatment under Part 3 of this Chapter.

19 Subsection 328(6)

Omit “notice in writing”, substitute “legislative instrument”.

20 Subsection 328(7)

Repeal the subsection.

21 Subsection 340(4) (heading)

Repeal the heading, substitute:

Determination is a legislative instrument

22 Subsection 340(4)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

23 Subsection 424(1)

Omit “prescribed by the regulations”, substitute “prescribed in a legislative instrument made by the Commission for the purposes of this subsection”.

24 Subsection 431(4)

Omit “disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*”, substitute “legislative instrument”.

Social Security Act 1991

25 Paragraphs 87(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

26 Paragraphs 146L(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

27 Paragraphs 514F(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

28 Paragraphs 567E(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

29 Paragraphs 592E(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

30 Paragraphs 660LF(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

31 Paragraphs 728PF(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

32 Paragraphs 768F(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

33 Paragraphs 771NZ(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

34 Paragraphs 827(1)(b) and (2)(b)

After “Part III”, insert “or IIIA”.

Veterans’ Entitlements Act 1986

35 Section 5 (index of definitions, entry dealing with capitalised maintenance income)

Repeal the entry.

36 Section 5 (index of definitions, entry dealing with cash maintenance)

Repeal the entry.

37 Section 5 (index of definitions, entry dealing with child support)

Repeal the entry.

38 Section 5 (index of definitions, entry dealing with disability expenses maintenance)

Omit “5K(5)”, substitute “5K”.

39 Section 5 (index of definitions, entry dealing with in-kind housing maintenance)

Repeal the entry.

40 Section 5 (index of definitions, entry dealing with investment)

Omit “5J(6), (6A)”, substitute “5J(1), (6), (6A) and (6B)”.

41 Section 5 (index of definitions, entry dealing with maintained child)

Repeal the entry.

42 Section 5 (index of definitions, entry dealing with maintenance)

Omit “5K(1)”, substitute “5K”.

43 Section 5 (index of definitions, entry dealing with maintenance agreement)

Repeal the entry.

44 Section 5 (index of definitions, entry dealing with maintenance income)

Omit “5K(1)”, substitute “5K”.

45 Section 5 (index of definitions)

Insert:

social security law 5Q(1)

46 Section 5 (index of definitions, entry dealing with special maintenance income)

Repeal the entry.

47 Subsection 5H(1) (note 1 at the end of the definition of *ordinary income*)

Omit “subsection 5K(1)”, substitute “section 5K”.

48 Paragraph 5H(12)(a)

Omit “subsection 5K(1A)”, substitute “subsection (13)”.

49 At the end of section 5H

Add:

- (13) An amount is a *periodic amount* if it is:
- (a) the amount of one payment in a series of related payments, even if the payments are irregular in time and amount; or
 - (b) the amount of a payment making up for arrears in such a series.

50 Section 5K

Repeal the section, substitute:

5K Maintenance income definitions

In this Act, the expressions *disability expenses maintenance*, *maintenance* and *maintenance income* have the same respective meanings as in the Family Assistance Act.

51 Subsection 5Q(1)

Insert:

social security law means:

- (a) the *Social Security Act 1991*; and

- (b) the *Social Security (Administration) Act 1999*; and
- (c) any other Act that is expressed to form part of the social security law.

52 Division 10 of Part IIIB

Repeal the Division.

53 Subsection 86(5)

After “for that injury”, insert “or disease”.

54 Paragraph 98(4B)(b)

Repeal the paragraph, substitute:

- (b) would be payable to a person because the person is caring for the veteran, apart from:
 - (i) the payment being suspended under the social security law; or
 - (ii) the rate of the payment being nil because of action taken in relation to the payment under Chapter 5 of the *Social Security Act 1991* (about overpayments and debt recovery).

55 Subsection 106(1)

Omit “prescribed”, substitute “prescribed in a legislative instrument made by the Commission for the purposes of this subsection”.

56 Paragraph 110(2)(b)

Omit “authorizes”, substitute “authorises”.

57 After subsection 110(2)

Insert:

- (2A) An approval under subsection (1) or an authorisation under paragraph (2)(b) may be given before or after the travel is completed.

58 Subsection 110(4)

Omit “authorize”, substitute “authorise”.

59 Paragraph 205(1)(a)

Omit “a provision of this Act or of the Regulations”, substitute “this Act, the regulations or any other legislative instrument made under this Act”.

60 Point SCH6-C13 of Schedule 6 (method statement, step 6)

Omit “0.4”, substitute “0.5”.

61 Application and saving provisions

- (1) The amendment made by item 54 applies in relation to working out if attendant allowance is payable to a veteran in respect of days occurring on or after the day that item commences.
- (2) Regulations in force for the purposes of subsection 106(1) of the *Veterans' Entitlements Act 1986* immediately before the commencement of this item have effect after that commencement as if they were a legislative instrument made by the Commission under that subsection.
- (3) The amendment made by item 59 applies in relation to failures or omissions occurring on or after the day after that item commences.

War Precautions Act Repeal Act 1920**62 Title**

Omit “repeal the *War Precautions Act 1914–1918* and to provide for certain matters arising out of such repeal, and for other purposes”, substitute “provide for the protection of the word ‘Anzac’, and for related purposes”.

63 Section 1

Omit “*War Precautions Act Repeal Act 1920*”, substitute “*Protection of Word ‘Anzac’ Act 1920*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act's previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

64 Section 2

Repeal the section.

65 Before section 11

Omit:

Amendments of Crimes Act 1914–1915

66 Sections 11 to 13

Repeal the sections.

67 Before section 22

Omit:

Loans

Miscellaneous

*[Minister's second reading speech made in—
House of Representatives on 12 December 2013
Senate on 12 February 2014]*

(237/13)
