



Social Security and Veterans' Affairs Legislation Amendment (Enhanced Allowances) Act 2008

No. 5, 2008

**An Act to amend the law relating to social security,
veterans' entitlements and military rehabilitation
and compensation, and for related purposes**

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

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**An Act to amend the law relating to social security,
veterans' entitlements and military rehabilitation
and compensation, and for related purposes**

[Assented to 20 March 2008]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Security and Veterans' Affairs
Legislation Amendment (Enhanced Allowances) 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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
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.	20 March 2008
2. Schedules 1, 2 and 3	The earlier of: (a) the day on which this Act receives the Royal Assent; and (b) 20 March 2008.	20 March 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Utilities allowance

Part 1—Amendments

Social Security Act 1991

1 Subparagraph 1061T(a)(ii)

Omit “or a partner allowance”, substitute “, a partner allowance, a disability support pension, a carer payment, a wife pension, a widow B pension or a bereavement allowance”.

2 Paragraph 1061TA(2)(b)

Repeal the paragraph, substitute:

- (b) either of the following are payable in relation to that day:
 - (i) seniors concession allowance under this Act;
 - (ii) seniors concession allowance under the Veterans’ Entitlements Act; or

3 Subsection 1061TA(3) (definition of *utilities allowance test day*)

Repeal the definition, substitute:

utilities allowance test day means:

- (a) 20 March; and
- (b) 20 June; and
- (c) 20 September; and
- (d) 20 December.

4 Section 1061TB (table items 1 to 4)

Omit “\$100”, substitute “\$500”.

Social Security (Administration) Act 1999

5 Subsection 48A(3)

Omit “2”, substitute “4”.

6 Subsection 48A(4) (definition of *utilities allowance test day*)

Repeal the definition, substitute:

utilities allowance test day means:

- (a) 20 March; and
- (b) 20 June; and
- (c) 20 September; and
- (d) 20 December.

Veterans' Entitlements Act 1986

7 Section 118O (definition of *utilities allowance test day*)

Repeal the definition, substitute:

utilities allowance test day means:

- (a) 20 March; and
- (b) 20 June; and
- (c) 20 September; and
- (d) 20 December.

8 Subsection 118OA(1)

Omit "(1)".

9 Paragraph 118OA(1)(a)

Repeal the paragraph.

10 Subsection 118OA(2)

Repeal the subsection.

11 Paragraph 118OB(2)(a)

Repeal the paragraph, substitute:

- (a) either of the following are payable in relation to that day:
 - (i) seniors concession allowance under this Act;
 - (ii) seniors concession allowance under the Social Security Act; or

12 Section 118OC (table items 1 to 3)

Omit "\$100", substitute "\$500".

13 Subsection 118OD(3)

Omit “2”, substitute “4”.

Part 2—Transitional provisions

14 No indexation of rates of utilities allowance for the 20 March 2008 indexation day

- (1) Despite Division 2 of Part 3.16 of Chapter 3 of the *Social Security Act 1991*, there is to be no indexation of the rates of utilities allowance under that Division for the indexation day that occurs on 20 March 2008.
- (2) Despite section 198E of the *Veterans' Entitlements Act 1986*, there is to be no indexation of the rates of utilities allowance under that section for the indexation day that occurs on 20 March 2008.

Schedule 2—Seniors concession allowance

Part 1—Amendments

Social Security Act 1991

1 Paragraph 1061UA(2)(a)

Repeal the paragraph.

2 Subsection 1061UA(3) (definition of *seniors concession allowance test day*)

Repeal the definition, substitute:

seniors concession allowance test day means:

- (a) 20 March; and
- (b) 20 June; and
- (c) 20 September; and
- (d) 20 December.

3 Section 1061UB

Omit “\$200”, substitute “\$500”.

4 Subsection 1191(1) (after table item 33AD)

Insert:

33AE	SCA	(a) 20 March	(a) December	highest June or	\$0.40
		(b) 20 September	(b) June	December	
				quarter before	
				reference quarter	
				(but not earlier	
				than June quarter	
				1991)	

5 Subsection 1191(1) (table item 33AE) (the table item 33AE inserted by item 8 of Schedule 2 to the *Family and Community Services and Veterans’ Affairs Legislation Amendment (2004 Election Commitments) Act 2004*)

Repeal the item.

Social Security (Administration) Act 1999

6 Subsection 48B(3)

Omit “2”, substitute “4”.

7 Subsection 48B(4) (definition of *seniors concession allowance test day*)

Repeal the definition, substitute:

seniors concession allowance test day means:

- (a) 20 March; and
- (b) 20 June; and
- (c) 20 September; and
- (d) 20 December.

Veterans’ Entitlements Act 1986

8 Section 5

Insert:
qualifying age 5Q(1)

9 Subsection 5Q(1)

Insert:

qualifying age for a person means:

- (a) if the person is a veteran—the pension age for that person; or
- (b) if the person is not a veteran—the age that would be the pension age for that person if he or she were a veteran.

10 Section 118P (definition of *seniors concession allowance test day*)

Repeal the definition, substitute:

seniors concession allowance test day means:

- (a) 20 March; and
 - (b) 20 June; and
 - (c) 20 September; and
-

(d) 20 December.

11 Paragraph 118PA(2)(b)

Omit “(within the meaning of section 118OA)”.

12 After subsection 118PA(2)

Insert:

(2A) If:

- (a) on the seniors concession allowance test day, a person satisfies all of the conditions specified in paragraph (2)(c); and
- (b) after that day, a determination is made under this Act or the *Social Security (Administration) Act 1999*; and
- (c) that determination takes effect on or before that day; and
- (d) as a result of that determination, the person no longer satisfies all of those conditions on that day;

then, for the purposes of subsection (2), the person is taken to have satisfied all of those conditions on that day.

13 Paragraph 118PB(2)(a)

Repeal the paragraph.

14 Section 118PC

Omit “\$200”, substitute “\$500”.

15 Subsection 118PD(3)

Omit “2”, substitute “4”.

16 Subsection 198E(1) (table item 4)

Repeal the item, substitute:

Schedule 2 Seniors concession allowance
Part 1 Amendments

4	Rate of seniors concession allowance under section 118PC	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1991)	\$0.40
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Part 2—Transitional provisions

17 No indexation of rate of seniors concession allowance for the 20 March 2008 indexation day

- (1) Despite Division 2 of Part 3.16 of Chapter 3 of the *Social Security Act 1991* (as amended by this Schedule), there is to be no indexation of the rate of seniors concession allowance under that Division for the indexation day that occurs on 20 March 2008.
- (2) Despite section 198E of the *Veterans' Entitlements Act 1986* (as amended by this Schedule), there is to be no indexation of the rate of seniors concession allowance under that section for the indexation day that occurs on 20 March 2008.

Schedule 3—Telephone allowance

Part 1—Amendments

Military Rehabilitation and Compensation Act 2004

1 Before section 221

Insert:

220A Definition of *telephone allowance payday*

In this Division:

telephone allowance payday has the same meaning as in section 118T of the *Veterans' Entitlements Act 1986*.

2 Subsection 222(4)

Repeal the subsection, substitute:

Persons receiving other allowances etc.

- (4) Even though a person is eligible for a telephone allowance, the allowance is not payable to the person if:
- (a) he or she is receiving a telephone allowance under:
 - (i) the *Veterans' Entitlements Act 1986*; or
 - (ii) the *Social Security Act 1991*; or
 - (iii) this Act; or
 - (b) on or before the telephone allowance payday, the person had not given written notice to the Commission about the telephone connection to which the telephone allowance relates.

3 Subsection 222(6)

Repeal the subsection.

4 Section 223

Repeal the section, substitute:

223 Annual rate of telephone allowance

The annual rate of telephone allowance that is payable to a person under section 221 is the rate that is payable from time to time under:

- (a) if section 223A of this Act does not apply to the person—
subsection 118S(1) of the *Veterans' Entitlements Act 1986*;
or
- (b) if section 223A of this Act does apply to the person—
subsection 118SA(1) of the *Veterans' Entitlements Act 1986*.

223A Rate of telephone allowance increased for home Internet

- (1) This section applies to a person if the person satisfies the conditions in this section.

Note: A person is eligible for an increased rate of telephone allowance if this section applies to him or her.

First condition

- (2) The first condition is that an Internet carriage service (within the meaning of the *Broadcasting Services Act 1992*) is connected in Australia in the person's name or jointly in the person's name and someone else's name.

Second condition

- (3) The second condition is that the person is able to access that Internet carriage service at the person's principal home.

Third condition

- (4) The third condition is that, on or before the telephone allowance payday, the person gave written notice to the Commission about the connection of the Internet carriage service mentioned in subsection (2).

5 Section 224

Omit "(within the meaning of section 118T of the *Veterans' Entitlements Act 1986*)".

6 Before section 245

Insert:

244A Definition of *telephone allowance payday*

In this Division:

telephone allowance payday has the same meaning as in section 118T of the *Veterans' Entitlements Act 1986*.

7 Subsection 246(4)

Repeal the subsection, substitute:

Persons receiving other allowances etc.

- (4) Even though a wholly dependent partner is eligible for a telephone allowance, the allowance is not payable to the partner if:
- (a) he or she is receiving a telephone allowance under:
 - (i) the *Veterans' Entitlements Act 1986*; or
 - (ii) the *Social Security Act 1991*; or
 - (iii) this Act; or
 - (b) on or before the telephone allowance payday, the partner had not given written notice to the Commission about the telephone connection to which the telephone allowance relates.

8 Subsection 246(6)

Repeal the subsection.

9 Section 247

Repeal the section, substitute:

247 Annual rate of telephone allowance

The annual rate of telephone allowance that is payable to a wholly dependent partner under section 245 is the rate that is payable from time to time under:

- (a) if section 247A of this Act does not apply to the partner—
subsection 118S(1) of the *Veterans' Entitlements Act 1986*;
or
 - (b) if section 247A of this Act does apply to the partner—
subsection 118SA(1) of the *Veterans' Entitlements Act 1986*.
-

247A Increased rate of telephone allowance for home Internet

- (1) This section applies to a wholly dependent partner if the partner satisfies the conditions in this section.

Note: A wholly dependent partner is eligible for an increased rate of telephone allowance if this section applies to him or her.

First condition

- (2) The first condition is that an Internet carriage service (within the meaning of the *Broadcasting Services Act 1992*) is connected in Australia in the partner's name or jointly in the partner's name and someone else's name.

Second condition

- (3) The second condition is that the partner is able to access that Internet carriage service at the partner's principal home.

Third condition

- (4) The third condition is that, on or before the telephone allowance payday, the partner gave written notice to the Commission about the connection of the Internet carriage service mentioned in subsection (2).

10 Section 248

Omit "(within the meaning of section 118T of the *Veterans' Entitlements Act 1986*)".

Social Security Act 1991

11 Subsection 1061S(1)

Omit "A person's rate of telephone allowance", substitute "The rate of telephone allowance for a person to whom section 1061SB (increased rate for home Internet) does not apply".

Note: The heading to section 1061S is replaced by the heading "*Standard rate of telephone allowance*".

12 Subsection 1061S(1) (table heading)

Omit "**Telephone allowance rate table**", substitute "**Standard rate of telephone allowance**".

13 Subsection 1061S(1) (table item 1)

Omit “\$51.80”, substitute “\$88.00”.

14 Subsection 1061S(1) (table item 3)

Omit “\$25.90”, substitute “\$44.00”.

15 Subsection 1061S(1) (table item 4)

Omit “\$51.80”, substitute “\$88.00”.

16 Subsection 1061S(1) (table item 5)

Omit “\$25.90”, substitute “\$44.00”.

17 Subsection 1061S(1) (table item 6)

Omit “\$51.80”, substitute “\$88.00”.

18 Subsection 1061S(1) (table item 7)

Omit “\$51.80”, substitute “\$88.00”.

19 Subsection 1061S(1) (table item 8)

Omit “\$25.90”, substitute “\$44.00”.

20 Subsection 1061S(1) (table item 9)

Omit “\$56.00”, substitute “\$88.00”.

21 After subsection 1061S(1)

Insert:

(1A) Item 7 does not apply to a person if any other item applies to the person.

22 Subsection 1061S(2)

Omit “item 7 or”, substitute “item”.

23 At the end of Part 2.25 of Chapter 2

Add:

1061SA Increased rate of telephone allowance

- (1) The rate of telephone allowance for a person to whom section 1061SB (increased rate for home Internet) applies is worked out using the following table:

Increased rate of telephone allowance		
Column 1 Item	Column 2 Person's situation	Column 3 Rate per year
1.	Not member of a couple	\$132.00
2.	Partnered (partner getting neither social security pension nor social security benefit), partner not a holder of a seniors health card and person getting pension or benefit before 12 March 1992	\$95.80
3.	Partnered (partner getting neither social security pension nor social security benefit), partner not a holder of a seniors health card and person not getting pension or benefit before 12 March 1992	\$66.00
4.	Either: (a) partnered (partner getting pension or benefit); or (b) partnered and partner is a holder of a seniors health card; and partner not getting telephone allowance	\$132.00
5.	Either: (a) partnered (partner getting pension or benefit); or (b) partnered and partner is a holder of a seniors health card; and partner getting telephone allowance at the increased rate	\$66.00

Schedule 3 Telephone allowance**Part 1 Amendments**

Increased rate of telephone allowance		
Column 1 Item	Column 2 Person's situation	Column 3 Rate per year
6.	Member of an illness separated, temporarily separated or respite care couple	\$132.00
7.	Partnered (partner not getting telephone allowance under the VEA or MRCA)	\$132.00
8.	Partnered (partner getting telephone allowance under the VEA or MRCA at the increased rate)	\$66.00
9.	Partnered (partner in gaol)	\$132.00
10.	Either: (a) partnered (partner getting pension or benefit); or (b) partnered and partner is a holder of a seniors health card; and partner getting telephone allowance at the standard rate	\$88.00
11.	Partnered (partner getting telephone allowance under the VEA or MRCA at the standard rate)	\$88.00

Note: The amounts in column 3 (except the item 2 amount) are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194).

- (2) Item 7 does not apply to a person if any other item applies to the person.
- (3) If item 8 or 11 applies to a person, neither item 2 nor 3 applies to the person.
- (4) Item 2 does not apply to a person if the rate of telephone allowance that would be payable to the person if item 2 applied is less than the rate that would otherwise be payable.

Note: Because the item 2 rate is not indexed, it may eventually become a lower rate than other rates in the table.

- (5) For the purposes of working out a person's rate of telephone allowance under subsection (1), the person's partner is taken to be the holder of a seniors health card if the partner:
- (a) is temporarily absent from Australia for a continuous period not exceeding 13 weeks; and
 - (b) was the holder of a seniors health card immediately before leaving Australia.

- (6) In this section:

person getting pension or benefit before 12 March 1992 means a person to whom clause 41 of Schedule 1A applies.

person not getting pension or benefit before 12 March 1992 means a person to whom clause 41 of Schedule 1A does not apply.

Note: Clause 41 of Schedule 1A applies to people who were receiving social security pension or benefit before 12 March 1992 and who meet certain other conditions.

1061SB Increased rate of telephone allowance for home Internet

- (1) This section applies to a person if the person satisfies the conditions in this section.

Note: A person is eligible for an increased rate of telephone allowance if this section applies to him or her: see section 1061SA.

First condition

- (2) The first condition is that the person:
- (a) is the holder of a seniors health card; or
 - (b) is temporarily absent from Australia for a continuous period not exceeding 13 weeks and was the holder of a seniors health card immediately before leaving Australia; or
 - (c) has reached pension age and is receiving an income support payment; or
 - (d) is receiving a disability support pension or carer payment.

Second condition

- (3) The second condition is that an Internet carriage service (within the meaning of the *Broadcasting Services Act 1992*) is connected in Australia either:
- (a) in the person's name; or
-

Schedule 3 Telephone allowance
Part 1 Amendments

- (b) if the person is a member of a couple (other than an illness separated, temporarily separated or respite care couple)—in the person’s partner’s name.

Third condition

- (4) The third condition is that the person is able to access that Internet carriage service at the person’s principal home.

Fourth condition

- (5) The fourth condition is that, on or before the telephone allowance payday, the person gave oral or written notice to the Secretary about the connection of the Internet carriage service mentioned in subsection (3).

Definition

- (6) In this section:

telephone allowance payday has the same meaning as in subsection 48(4) of the Administration Act.

24 Section 1190 (after table item 56)

Insert:

56AA.	Rate of telephone allowance for a person with a partner where the partner is in gaol	TA “partnered” (item 9) rate	section 1061S—Table—column 3—item 9
56AB.	Increased rate of telephone allowance for a person who is not a member of a couple and has home Internet	TA (Internet) “single” rate	section 1061SA—Table—column 3—item 1

56AC.	Increased rate of telephone allowance for a person with a partner where the partner is getting neither pension nor benefit and the person has home Internet	TA (Internet) “partnered” (item 3) rate	section 1061SA— Table—column 3—item 3
56AD.	Increased rate of telephone allowance for a person with a partner where the partner is getting pension or benefit but not getting telephone allowance and the person has home Internet	TA (Internet) “partnered” (item 4) rate	section 1061SA— Table—column 3—item 4
56AE.	Increased rate of telephone allowance for a person with a partner where the partner is getting pension or benefit and getting telephone allowance at the increased rate and the person has home Internet	TA (Internet) “partnered” (item 5) rate	section 1061SA— Table—column 3—item 5
56AF.	Increased rate of telephone allowance for a member of an illness separated or respite care couple and the person has home Internet	TA (Internet) “partnered” (item 6) rate	section 1061SA— Table—column 3—item 6

Schedule 3 Telephone allowance
Part 1 Amendments

56AG.	Increased rate of telephone allowance for a person with a partner where the partner is not getting telephone allowance under the Veterans' Entitlements Act or the Military Rehabilitation and Compensation Act and the person has home Internet	TA (Internet) "partnered" (item 7) rate	section 1061SA— Table—column 3—item 7
56AH.	Increased rate of telephone allowance for a person with a partner where the partner is getting telephone allowance at the increased rate under the Veterans' Entitlements Act or the Military Rehabilitation and Compensation Act and the person has home Internet	TA (Internet) "partnered" (item 8) rate	section 1061SA— Table—column 3—item 8
56AI.	Increased rate of telephone allowance for a person with a partner where the partner is in gaol and the person has home Internet	TA (Internet) "partnered" (item 9) rate	section 1061SA— Table—column 3—item 9

56AJ.	Increased rate of telephone allowance for a person with a partner where the partner is getting pension or benefit and getting telephone allowance at the standard rate and the person has home Internet	TA (Internet) “partnered” (item 10) rate	section 1061SA— Table—column 3— item 10
56AK.	Increased rate of telephone allowance for a person with a partner where the partner is getting telephone allowance at the standard rate under the Veterans’ Entitlements Act or the Military Rehabilitation and Compensation Act and the person has home Internet	TA (Internet) “partnered” (item 11) rate	section 1061SA— Table—column 3— item 11

25 Subsection 1191 (after table item 33)

Insert:

33AAA.	TA (Internet) “single” rate	20 September	June	most recent June quarter before reference quarter	\$0.80
33AAB.	TA (Internet) “partnered” (item 10) rate	20 September	June	most recent June quarter before reference quarter	\$0.80

Schedule 3 Telephone allowance
Part 1 Amendments

33AAC.	TA (Internet) “partnered” (item 11) rate	20 September	June	most recent June quarter before reference quarter	\$0.80
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26 After paragraph 1206B(1)(c)

Insert:

and (d) TA “partnered” (item 9) rate;

27 Subsection 1206B(1) (note 1)

Omit “and TA “*partnered*” (item 7) rate see items 52, 54 and 55”, substitute “, TA “*partnered*” (item 7) rate and TA “*partnered*” (item 9) rate see items 52, 54, 55 and 56AA”.

28 At the end of section 1206B

Add:

(3) This Act has effect as if, on 20 September each year, there were substituted for:

- (a) the TA (Internet) “partnered” (item 4) rate; and
- (b) the TA (Internet) “partnered” (item 6) rate; and
- (c) the TA (Internet) “partnered” (item 7) rate; and
- (d) the TA (Internet) “partnered” (item 9) rate; and

the amount of the current figure, as at 20 September, for the TA (Internet) “single” rate.

Note 1: for TA (Internet) “*partnered*” (item 4) rate, TA (Internet) “*partnered*” (item 6) rate, TA (Internet) “*partnered*” (item 7) rate and TA (Internet) “*partnered*” (item 9) rate see items 56AD, 56AF, 56AG and 56AI of the Indexed and Adjusted Amounts Table in section 1190.

Note 2: for *current figure* see subsection 20(1).

Note 3: for TA (Internet) “*single*” rate see item 56AB of the Indexed and Adjusted Amounts Table in section 1190.

(4) This Act has effect as if, on 20 September each year, there were substituted for:

- (a) the TA (Internet) “partnered” (item 3) rate; and
- (b) the TA (Internet) “partnered” (item 5) rate; and

(c) the TA (Internet) “partnered” (item 8) rate;
the amount worked out using the following formula:

$$\frac{\text{TA (Internet) “single” rate}}{2}$$

where:

TA (Internet) “single” rate is the current figure, as at 20 September, for the TA (Internet) “single” rate.

Note 1: for **TA (Internet) “partnered” (item 3) rate**, **TA (Internet) “partnered” (item 5) rate** and **TA (Internet) “partnered” (item 8) rate** see items 56AC, 56AE and 56AH of the Indexed and Adjusted Amounts Table in section 1190.

Note 2: for **TA (Internet) “single” rate** see item 56AB of the Indexed and Adjusted Amounts Table in section 1190.

Note 3: for **current figure** see subsection 20(1).

Veterans’ Entitlements Act 1986

29 Section 118R

Before “Even”, insert “(1)”.

30 After paragraph 118R(a)

Insert:

- (aa) if, on or before the telephone allowance payday, the person had not given oral or written notice to the Secretary about the telephone connection mentioned in paragraphs (b) and (c) of the definition of **telephone subscriber** in subsection 118Q(4);
or

31 At the end of section 118R

Add:

- (2) Written notice under paragraph (1)(aa):
- (a) must be by document lodged at an office of the Department in Australia in accordance with section 5T; and
 - (b) is taken to have been given on a day determined under that section.

32 Subsection 118S(1)

Schedule 3 Telephone allowance
Part 1 Amendments

Repeal the subsection, substitute:

- (1) Subject to this section, the rate of telephone allowance for a person to whom section 118SB (increased rate for home Internet) does not apply is \$88.00 per year.

Note: The amount specified in subsection (1) is indexed annually in line with CPI increases under section 198F.

Note: The heading to section 118S is replaced by the heading “*Standard rate of telephone allowance*”.

33 Subsections 118S(2) and (4)

Omit “is half the amount of the rate specified in”, substitute “to whom section 118SB (increased rate for home Internet) does not apply is half the amount of the rate payable under”.

34 At the end of Division 2 of Part VIIB

Add:

118SA Increased rate of telephone allowance

- (1) Subject to this section, the rate of telephone allowance for a person to whom section 118SB (increased rate for home Internet) applies is \$132.00 per year.

Note: The amount specified in subsection (1) is indexed annually in line with CPI increases under section 198F.

- (2) The rate of telephone allowance for a person to whom section 118SB applies is half the amount of the rate payable under subsection (1) if:
- (a) the person is a service pensioner; and
 - (b) the person is eligible for fringe benefits under section 53A; and
 - (c) the person is a member of a couple; and
 - (d) the person’s partner is receiving a telephone allowance at the increased rate; and
 - (e) the person is living with the person’s partner in the same home.
- (3) The rate of telephone allowance for a person to whom section 118SB applies is half the amount of the rate payable under subsection (1) if:

- (a) the person is the holder of a seniors health card; and
 - (b) the person is a member of a couple; and
 - (c) the person's partner is receiving a telephone allowance at the increased rate; and
 - (d) the person is living with the person's partner in the same home.
- (4) The rate of telephone allowance for a person to whom section 118SB applies is \$88.00 if:
- (a) the person is a service pensioner; and
 - (b) the person is eligible for fringe benefits under section 53A; and
 - (c) the person is a member of a couple; and
 - (d) the person's partner is receiving a telephone allowance at the standard rate; and
 - (e) the person is living with the person's partner in the same home.

Note: The amount specified in subsection (4) is indexed annually in line with CPI increases under section 198F.

- (5) The rate of telephone allowance for a person to whom section 118SB applies is \$88.00 if:
- (a) the person is the holder of a seniors health card; and
 - (b) the person is a member of a couple; and
 - (c) the person's partner is receiving a telephone allowance at the standard rate; and
 - (d) the person is living with the person's partner in the same home.

Note: The amount specified in subsection (5) is indexed annually in line with CPI increases under section 198F.

- (6) In this section:

telephone allowance at the increased rate, in relation to the partner of a person, means:

- (a) telephone allowance that is payable to the partner under this Act at the rate payable under subsection (2) or (3); or
- (b) telephone allowance that is payable to the partner under the MRCA at the rate payable under paragraph 223(b) or 247(b) of that Act; or

- (c) telephone allowance that is payable to the partner under the Social Security Act at the rate payable under table item 3, 5 or 8 of the table in section 1061SA of that Act.

telephone allowance at the standard rate, in relation to the partner of a person, means:

- (a) telephone allowance that is payable to the partner under this Act at the rate payable under subsection 118S(2) or (4); or
- (b) telephone allowance that is payable to the partner under the MRCA at the rate payable under paragraph 223(a) or 247(a) of that Act; or
- (c) telephone allowance that is payable to the partner under the Social Security Act at the rate payable under table item 3, 5 or 8 of the table in section 1061S of that Act.

118SB Increased rate of telephone allowance for home Internet

- (1) This section applies to a person if the person satisfies the conditions in this section.

Note: A person is eligible for an increased rate of telephone allowance if this section applies to him or her: see section 118SA.

First condition

- (2) The first condition is that an Internet carriage service (within the meaning of the *Broadcasting Services Act 1992*) is connected in Australia either:
 - (a) in the person's name; or
 - (b) if paragraph (a) does not apply to the person and the person is a non-illness separated spouse—in the name of the person to whom the person is legally married; or
 - (c) if neither paragraph (a) nor (b) applies to the person and the person is a member of a couple—in the name of the person's partner.

Second condition

- (3) The second condition is that the person is able to access that Internet carriage service at the person's principal home.

Third condition

- (4) The third condition is that, on or before the telephone allowance payday, the person gave oral or written notice to the Secretary about the connection of the Internet carriage service mentioned in subsection (2).
- (5) Written notice under subsection (4):
 - (a) must be by document lodged at an office of the Department in Australia in accordance with section 5T; and
 - (b) is taken to have been given on a day determined under that section.

Definition

- (6) In this section:

telephone allowance payday has the same meaning as in subsection 118T(2).

35 Subsection 198F(1) (definition of *relevant rate*)

Repeal the definition, substitute:

relevant rate means each of the following:

- (a) the rate payable under subsection 118S(1);
- (b) the rate payable under subsection 118SA(1);
- (c) the rate payable under subsection 118SA(4);
- (d) the rate payable under subsection 118SA(5).

Part 2—Transitional provisions

36 Telephone allowance under the *Military Rehabilitation and Compensation Act 2004*

- (1) If, immediately before the commencement of this item, telephone allowance is payable to a person under Division 4 of Part 7 of Chapter 4 of the *Military Rehabilitation and Compensation Act 2004* in relation to a telephone connection, the person is taken to have given notice, in relation to that telephone connection, in accordance with subsection 222(4) of that Act (as amended by this Schedule).
- (2) If, immediately before the commencement of this item, telephone allowance is payable to a person under Division 5 of Part 2 of Chapter 5 of the *Military Rehabilitation and Compensation Act 2004* in relation to a telephone connection, the person is taken to have given notice, in relation to that telephone connection, in accordance with subsection 246(4) of that Act (as amended by this Schedule).

37 Telephone allowance under the *Veterans' Entitlements Act 1986*

If, immediately before the commencement of this item, telephone allowance is payable to a person under Part VIIB of the *Veterans' Entitlements Act 1986* in relation to a telephone connection, the person is taken to have given notice, in relation to that telephone connection, in accordance with section 118R of that Act (as amended by this Schedule).

*[Minister's second reading speech made in—
House of Representatives on 14 February 2008
Senate on 11 March 2008]*

(24/08)