



# **Veterans' Affairs Legislation Amendment (2002 Budget Measures) Act 2002**

**No. 72, 2002**

**An Act to amend the *Veterans' Entitlements Act 1986*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## **An Act to amend the *Veterans' Entitlements Act 1986*, and for related purposes**

*[Assented to 6 September 2002]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Veterans' Affairs Legislation Amendment (2002 Budget Measures) Act 2002*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<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	6 September 2002
2. Schedule 1, items 1 and 2	The day on which this Act receives the Royal Assent	6 September 2002
3. Schedule 1, items 3 to 5	20 September 2002	20 September 2002
4. Schedule 1, item 6	The day on which this Act receives the Royal Assent	6 September 2002

Note: This table relates only to the provisions of this Act as originally passed by 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 is for additional information that is not part of this Act. This information may be included 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Veterans' Entitlements Act 1986**

### **1 At the end of section 45C**

Add:

- (3) Subsections (1) and (2) have effect subject to subsection 45R(2).

### **2 At the end of section 45R**

Add:

- (2) Despite paragraph (1)(a), if:

- (a) a pension is payable to a person under Part II or IV at a rate determined under or by reference to subsection 30(1) from a particular day (the *pension receipt day*); and
- (b) as a result, a social security pension or a social security benefit that was payable to the person immediately before the pension receipt day is no longer payable; and
- (c) the person makes a claim for income support supplement on a day (the *ISS claim day*) after the pension receipt day; and
- (d) had the person made a claim for income support supplement on the pension receipt day, he or she would have been eligible for income support supplement throughout the period beginning on the pension receipt day and ending on the ISS claim day;

the determination takes effect on, and income support supplement is payable to the person on and from, the pension receipt day.

### **3 Section 59A (after table item 2)**

Insert:

<b>Ceiling Rate</b>		
3.	Ceiling rate for war widow/war widower—pensioner	ceiling rate *Rate Calculator—point SCH6-A4

### **4 At the end of Subdivision C of Division 18 of Part IIIB**

Add:

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**59LA Adjustment of ceiling rate**

- (1) This Act has effect as if, on each adjustment day, the amount worked out in accordance with the following formula, and rounded up to the nearest multiple of \$2.60, were substituted for the ceiling rate:

Previous ceiling rate × Pension MBR factor

where:

*pension MBR factor* is:

$$\frac{\text{Current single pension MBR amount}}{\text{Previous single pension MBR amount}}$$

worked out to 3 decimal places.

*previous ceiling rate* is the ceiling rate applicable on the day before the adjustment day.

- (2) In subsection (1):

*current single pension MBR amount* means the pension MBR amount applicable, on the adjustment day, to a person who is not a member of a couple.

*previous single pension MBR amount* means the pension MBR amount applicable, on the day before the adjustment day, to a person who is not a member of a couple.

- (3) In this section:

*adjustment day* means the following:

- (a) 20 March;
- (b) 20 September.

**5 At the end of point SCH6-A4**

Add:

Note: The ceiling rate is adjusted 6 monthly in line with service pensions (see section 59LA).

**6 Point SCH6-B2**

Repeal the point.

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*[Minister's second reading speech made in—  
House of Representatives on 20 June 2002  
Senate on 28 August 2002]*

(132/02)