



**Veterans' Affairs Legislation
Amendment (2015 Budget Measures) Act
2015**

No. 174, 2015

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

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

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Veterans' Affairs Legislation Amendment (2015 Budget Measures) Act 2015

No. 174, 2015

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

[Assented to 11 December 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Veterans' Affairs Legislation Amendment (2015 Budget Measures) Act 2015*.

No. 174, 2015 Veterans' Affairs Legislation Amendment (2015 Budget Measures) Act 2015 1

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
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	11 December 2015
2. Schedule 1	20 March 2016.	20 March 2016
4. Schedule 3	The day after this Act receives the Royal Assent.	12 December 2015

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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' Vocational Rehabilitation Scheme

Veterans' Entitlements Act 1986

1 Subsection 23(5)

Omit "The rate", substitute "Subject to subsection (6), the rate".

2 Subsection 24(4)

Omit "subsections (5) and (6)", substitute "subsections (5), (5A) and (6)".

3 Subsection 24(5)

Omit "The rate", substitute "Subject to subsections (5A) and (6), the rate".

4 After subsection 24(5)

Insert:

(5A) If:

- (a) section 115D applies to a veteran because of subsection 115D(1A); and
- (b) the veteran is engaged in remunerative work of more than 8 hours, but less than 20 hours, per week as a result of undertaking a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme;

then, subject to subsection (6) of this section, the rate at which pension is payable to the veteran is the higher of the following amounts:

- (c) the amount worked out under subsection (5) of this section;
- (d) the amount under subsection 23(4).

5 Subsection 24(6)

Omit "subsection (4) or (5)", substitute "subsection (4), (5) or (5A)".

6 Subsection 24A(1A)

Omit “subsection 24(4) or (5)”, substitute “subsection 24(4), (5) or (5A)”.

7 Subsection 25(2)

Omit “the rate applicable under subsection 24(4), (5) or (6)”, substitute “the rate that would have been applicable under subsection 24(4), (5), (5A) or (6) if section 24 applied to the veteran”.

8 At the end of section 37AAA

Add “(as affected by subsection 115G(2A))”.

9 Paragraph 98A(2)(a)

Omit “24(4), (5) or (6)”, substitute “24(4), (5), (5A) or (6)”.

10 Subsection 98A(3) (paragraph (a) of the definition of *deceased veteran's amount*)

Omit “24(4), (5) or (6)”, substitute “24(4), (5), (5A) or (6)”.

11 Section 115A

Before “In this Part”, insert “(1)”.

12 Section 115A (definition of *work and pension income rate*)

Repeal the definition, substitute:

work and pension income rate of a veteran, in relation to a pension period, has the meaning given by subsections (2) and (3).

13 At the end of section 115A

Add:

Veteran to whom section 23 applies

- (2) If section 115D applies to a veteran because of subsection 115D(1), then the *work and pension income rate* of the veteran for a pension period is worked out using the following formula:

$$\left[\left(\begin{array}{c} \text{Number of hours} \\ \text{of remunerative work} \\ \text{of the veteran} \\ \text{in that pension period} \end{array} - 40 \right) \times \begin{array}{c} \text{Average hourly rate} \\ \text{of the veteran's} \\ \text{salary, wages and earnings} \\ \text{from remunerative work} \\ \text{in that pension period} \end{array} \right] + \begin{array}{c} \text{Rate of pension paid} \\ \text{to the veteran} \\ \text{under Part II or IV} \\ \text{for that pension period} \end{array}$$

Veteran to whom section 24 applies

- (3) If section 115D applies to a veteran because of subsection 115D(1A), then the ***work and pension income rate*** of the veteran for a pension period is worked out using the following formula:

$$\left[\left(\begin{array}{c} \text{Number of hours} \\ \text{of remunerative work} \\ \text{of the veteran} \\ \text{in that pension period} \end{array} - 16 \right) \times \begin{array}{c} \text{Average hourly rate} \\ \text{of the veteran's} \\ \text{salary, wages and earnings} \\ \text{from remunerative work} \\ \text{in that pension period} \end{array} \right] + \begin{array}{c} \text{Rate of pension paid} \\ \text{to the veteran} \\ \text{under Part II or IV} \\ \text{for that pension period} \end{array}$$

14 After paragraph 115B(5)(d)

Insert:

- (da) the provision of services, under the Scheme, to specified veterans for the management of medical conditions of those veterans; and
- (db) the provision of psychosocial services, under the Scheme, to specified veterans; and

15 Subsection 115D(1)

Repeal the subsection, substitute:

Application of section

- (1) This section applies to a veteran if:
- (a) section 23 applies to the veteran; and
 - (b) the veteran is engaged in remunerative work of 20 hours or more per week as a result of undertaking a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme.

The section sets out how to work out the veteran's reduced daily pension amount.

Note 1: This amount is used to work out the rate of pension payable under section 23.

Note 2: This section does not apply to certain veterans: see subsections (5) and (6).

- (1A) This section also applies to a veteran if:
- (a) section 24 applies to the veteran; and
 - (b) the veteran is engaged in remunerative work of more than 8 hours per week as a result of undertaking a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme.

The section sets out how to work out the veteran's reduced daily pension amount.

Note 1: This amount is used to work out the rate of pension payable under section 24.

Note 2: This section does not apply to certain veterans: see subsections (5) and (6).

16 Subsection 115D(7) (definition of *taper amount*)

Repeal the definition, substitute:

taper amount for a veteran means the following amount:

- (a) if the veteran's average weekly hours are 40 hours or more—zero;
- (b) if subsection (1) applies and the veteran's average weekly hours are less than 40 hours—the amount worked out using the following formula:

$$\frac{40 - \text{Veteran's average weekly hours}}{20}$$

- (c) if subsection (1A) applies and the veteran's average weekly hours are less than 40 hours—the amount worked out using the following formula:

$$\frac{40 - \text{Veteran's average weekly hours}}{32}$$

17 After subsection 115G(2)

Insert:

- (2A) If the veteran does not undertake any remunerative work in a continuous period of at least 6 months:
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- (a) in working out the length of the initial period, or the 5-year period mentioned in subsection (2), in relation to the veteran, disregard that continuous period; and
- (b) in doing calculations under subsection (1) or (2) in relation to the veteran, disregard that continuous period.

18 Application and saving provisions

- (1) The amendments made by items 2 to 7, 15 and 16 apply in relation to weeks beginning on or after the commencement of this item, where those weeks fall within pension periods beginning on or after that commencement.
- (2) The amendments made by items 12 and 13 apply in relation to pension periods beginning on or after the commencement of this item.
- (3) The amendment made by item 17 applies in relation to continuous periods beginning on or after the commencement of this item.
- (4) The amendments made by this Schedule do not affect the continuity of the following periods in relation to a veteran:
 - (a) the initial period referred to in section 115D of the *Veterans' Entitlements Act 1986*;
 - (b) the second period referred to in that section.

Schedule 3—Graves of dependants of members of the Defence Force

Defence Act 1903

1 Paragraph 124(1)(qba)

Omit “the graves of persons who have died”, substitute “the following”.

2 Subparagraph 124(1)(qba)(i)

Before “while”, insert “the graves of persons who have died”.

3 Subparagraph 124(1)(qba)(i)

Omit “or”.

4 Subparagraph 124(1)(qba)(ii)

Before “as a result”, insert “the graves of persons who have died”.

5 Subparagraph 124(1)(qba)(ii)

Omit “and”.

6 At the end of paragraph 124(1)(qba)

Add:

- (iii) the grave of a person who, immediately before his or her death, was a dependant of a member of the Defence Force on service, where the grave is located in the Terendak Military Cemetery in Malaysia; and

*[Minister’s second reading speech made in—
House of Representatives on 25 June 2015
Senate on 20 August 2015]*

(112/15)
