Veterans’ Entitlements Amendment Act 2018

No. 115, 2018

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

Note: An electronic version of this Act is available on the Federal Register of Legislation (https://www.legislation.gov.au/)
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Veterans’ Entitlements Amendment Act 2018

No. 115, 2018

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

[Assented to 25 September 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the Veterans’ Entitlements Amendment Act 2018.

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.

<table>
<thead>
<tr>
<th>Commencement information</th>
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<tbody>
<tr>
<td><strong>Column 1</strong></td>
</tr>
<tr>
<td>Provisions</td>
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<tr>
<td>1. The whole of this Act</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendments

**Veterans’ Entitlements Act 1986**

1 **Subsection 53K(4)**
   Omit “section 53M”, substitute “sections 53M and 53NAA”.

2 **Subsection 53L(6)**
   Omit “section 53M”, substitute “sections 53M and 53NAA”.

3 **At the end of section 53N**
   Add:
   
   (3) This section has effect subject to section 53NAA.

4 **After section 53N**
   Insert:

   53NAA Matters affecting bereavement payments under this Subdivision
   
   If:
   
   (a) bereavement payments mentioned in subsection 53K(3), 53L(4) or 53N(2) are payable to the pensioner in relation to the death of the partner; and
   
   (b) after the partner died, an amount of a pension, or a social security pension, to which the partner would have been entitled if the partner had not died has been paid under this Act or the Social Security Act 1991; and
   
   (c) the Commission is not satisfied that the pensioner has not had the benefit of that amount;
   
   the following provisions have effect:
   
   (d) the amount referred to in paragraph (b) is not recoverable from the pensioner or from the personal representative of the partner, except to the extent (if any) that the amount exceeds the amount of the bereavement payments referred to in paragraph (a);
Schedule 1 Amendments

(e) the amount of the bereavement payments referred to in paragraph (a) is to be reduced by the amount referred to in paragraph (b).

5 Application provision

Section 53NAA of the Veterans’ Entitlements Act 1986, as inserted by this Schedule, applies in relation to the following:

(a) bereavement payments referred to in paragraph 53NAA(a) of that Act that became payable on or after 1 January 1996;
(b) deaths referred to in paragraph 53NAA(a) of that Act that occurred on or after 1 January 1996;
(c) amounts referred to in paragraph 53NAA(b) of that Act that have been paid on or after 1 January 1996.

[Minister’s second reading speech made in—
House of Representatives on 22 August 2018
Senate on 12 September 2018]