Veterans' Entitlements (One-off Payment to the Aged) Regulations 2001

Statutory Rules 2001 No. 103

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Veterans' Entitlements Act 1986.

Dated 30 MAY 2001

By His Excellency's Command

WILLIAM DEANE
Governor-General

BRUCE SCOTT
Minister for Veterans' Affairs
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1 Name of Regulations
These Regulations are the Veterans' Entitlements (One-off Payment to the Aged) Regulations 2001.

2 Commencement
These Regulations commence on gazettal.

3 Definition
In these Regulations:

Act means the Veterans' Entitlements Act 1986.

Note A number of expressions used in these Regulations are defined in the Act. For example:
- age service pension
- Commission
- dependant
- income support supplement
- invalidity service pension
- partner service pension
- pension age
- veteran.
4  Eligibility for one-off payment to the aged

(1) A veteran is eligible for a single payment of $300, to be known as the one-off payment to the aged, if on 22 May 2001, the following conditions are satisfied:
   (a) the veteran has reached the pension age for veterans under section 5QA of the Act;
   (b) the veteran is eligible to be paid an age service pension or an invalidity service pension.

(2) A dependant of a veteran, or a dependant of a deceased veteran, is eligible for a single payment of $300, to be known as the one-off payment to the aged, if on 22 May 2001, the following conditions are satisfied:
   (a) the dependant has reached the pension age for persons other than veterans under section 5QB of the Act;
   (b) the dependant:
      (i) is eligible to be paid a partner service pension or income support supplement; or
      (ii) is in receipt of a pension described in subsection 4(6) of the Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986.

Note 1 A one-off payment to the aged that is paid to a veteran, or a dependant of a veteran or deceased veteran, in accordance with this regulation is exempt from income tax — see sections 52-65 and 52-75 of the Income Tax Assessment Act 1997.

Note 2 The amount of a one-off payment to the aged received by a person in accordance with this regulation is determined to be an exempt lump sum under paragraph 5H(12)(c) of the Act, and is therefore not part of the person's ordinary income for the purposes of the Act — see the definition of ordinary income in subsection 5H(1) of the Act.

5  Payment into bank account

(1) This regulation applies if the Commission has determined, under section 122 of the Act, that a one-off payment to the aged is to be paid to the credit of a bank account nominated and kept by a person.
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(2) The account may be an account that is kept by the person alone, or jointly or in common with another person.

Note A pecuniary benefit that is payable to a person under the Act:
(a) is payable in the way the Commission determines — see subsection 122 (4) of the Act; and
(b) may, on request by the person, be paid to another person if the Commission approves the payment to that other person — see subsection 122 (2) of the Act.

Note