REVOCATION OF THE
GUIDE TO THE ASSESSMENT OF
RATES OF VETERANS’ PENSIONS

As amended

made under the

Veterans’ Entitlements Act 1986

This compilation was prepared on 31 July 2013
taking into account amendments up to:

Instrument varying the instrument of revocation of the
Guide to the Assessment of Rates of Veterans’ Pensions
under subsection 29(2) of the Veterans’ Entitlements Act 1986 (No. 1 of 1998)
(F2006B00506)

Prepared by the Legal Services and Assurance Branch,
Department of Veterans’ Affairs, Canberra.
Revocation

(1) The Repatriation Commission, under subsection 29(2) of the Veterans’ Entitlements Act 1986 (the Act), revokes the Guide to the Assessment of Rates of Veterans’ Pensions prepared by it under subsection 29(1) of the Act by instrument No.7 of 1994 (the old Guide), dated 10 June 1994 and approved by the Minister under subsection 29(3) of the Act on 17 June 1994.

Commencement

(4) This instrument of revocation shall take effect upon the commencement of the new Guide approved by the Minister to come into operation on 18 April 1998.
Notes to the Revocation of the Guide to the Assessment of Rates of Veterans’ Pensions

Note 1

The Revocation of the Guide to the Assessment of Rates of Veterans’ Pensions (in force under the Veterans’ Entitlements Act 1986) as shown in this compilation comprises the legislative instruments indicated in the Table below.

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Table A Application, saving or transitional provisions

Legislative Instrument 1997 No. 8

Application

(2) The Guide to the Assessment of Rates of Veterans’ Pensions, instrument No.9 of 1997 (the new Guide), applies to any decision by the Repatriation Commission, the Veterans’ Review Board, or the Administrative Appeals Tribunal on or after 18 April 1998, whether the proceedings relating to the decision commenced before, on, or after that date.

(3) In the course of re-assessing or reviewing the assessment or re-assessment of the rate at which a pension is payable, the degree of incapacity of the person to whom that pension is payable shall not be a percentage that is less than the percentage of the general rate of pension constituted by the rate at which that pension was, immediately before 18 April 1998, payable unless:

(a) the degree of incapacity of that person from war-caused or defence-caused injury or disease has decreased (as assessed under the old Guide) since the rate of pension was previously assessed or last assessed; or

(b) the previous assessment or last assessment would not have been made but for a false statement or misrepresentation of a person.