Military Rehabilitation and Compensation Act Education and Training Scheme (Income Support Bonus) Determination 2013

Military Rehabilitation and Compensation Act 2004

Instrument 2013 No. MRCC 10

I, Warren Snowdon, Minister for Veterans’ Affairs, pursuant to subsection 258(5) of the Military Rehabilitation and Compensation Act 2004, approve this instrument made by the delegates of the Military Rehabilitation and Compensation Commission.

Dated this fifth day of February 2013

Warren Snowdon

WARREN SNOWDON


Dated this 24th day of January 2013

The Seal of the Military Rehabilitation and Compensation Commission was affixed hereto in the presence of:

Ian Campbell Shane Carmody Major General Mark Kelly

IAN CAMPBELL SHANE CARMODY MAJOR GENERAL MARK KELLY
PSM AO DSC
CHAIR and DELEGATE MEMBER and DELEGATE MEMBER and DELEGATE

Federal Register of Legislative Instruments F2013L00176
1. **Name of instrument**

   This instrument is the *Military Rehabilitation and Compensation Act Education and Training Scheme (Income Support Bonus) Determination 2013*.

2. **Commencement**

   This Instrument commences, or is taken to have commenced, when the *Social Security and Other Legislation Amendment (Income Support Bonus) Act 2013* commences.

   Note: the *Social Security and Other Legislation Amendment (Income Support Bonus) Act 2013* commences on Royal Assent.
Schedule

3. Paragraph 1.2.1

*insert:*

*income support bonus* means the payment of that name in Part 3B.

*income support bonus test day* means:

(a) 20 March 2013; and
(b) 20 September 2013; and
(c) each later 20 March; and
(d) each later 20 September.

4. Part 3A

*after this Part insert:*

**PART 3B – INCOME SUPPORT BONUS**

3B.1.1 *Eligibility for Income Support Bonus*

3B.1.2 A person is eligible for an *income support bonus* on a *income support bonus test day* if:

(a) the person has attained the age of 16 years and is receiving, in respect of that day, an education allowance under paragraph 3.3, 3.4, 3.5, 3.6 of the Scheme; or

(b) the person has not attained the age of 16 years but is receiving, in respect of that day, an education allowance under paragraph 3.4, 3.5, 3.6 of the Scheme.

3B.2 *One income support bonus only in respect of an income support bonus test day*

3B.2.1 A person cannot receive more than one payment of an *income support bonus* in respect of an *income support bonus test day* regardless of how many times the person is eligible for the bonus on that day.

3B.3 *Amount of income support bonus*

3B.3.1 The amount of a person’s *income support bonus* is the amount of $105 on an *income support bonus test day*.

Note 1: The amount specified is indexed twice a year in line with CPI increases (see paragraphs 3B.4 and 3B.5)

3B.4 *Income Support Bonus to be indexed or adjusted*
3B.4.1 The *income support bonus* is to be indexed or adjusted as if it is the payment described as “income support bonus” in item 71 of the table in section 1190 of the *Social Security Act 1991*.

3B.5 **CPI indexation of income support bonus**

3B.5.1 The *income support bonus* is indexed as if it is the payment described as income support bonus in item 43 of the table in subsection 1191(1) of the *Social Security Act 1991*.

3B.5.2 If an *income support bonus* is to be indexed on an indexation day, as if it was the payment described as income support bonus under the *Social Security Act 1991*, this *Scheme* has effect as if the indexed amount were substituted for the *income support bonus* on that day.

3B.5.3 The indexed amount of the *income support bonus* is to be worked out under section 1192 of the *Social Security Act 1991* as if it was the payment described as income support bonus under the *Social Security Act 1991*.

3B.6 **No claim necessary**

3B.6.1 A claim is not required for an *income support bonus*.

3B.7 **Payment of income support bonus**

3B.7.1 If a person is eligible for an *income support bonus* on an *income support bonus test day*, the *Commission* must direct that the bonus be paid for the person in a single lump sum:

(a) on the day that the *Commission* considers to be the earliest day on which it is reasonably practicable for the bonus to be paid; and

(b) in such manner as the *Commission* considers appropriate.

3B.7.2 Payment of the *income support bonus* for a person who is eligible for the bonus (eligible person) is to be made to the person to whom the education allowance for the eligible person under Part 3 is payable except that if the education allowance is payable to an institution or to a person providing board to the eligible person, the *income support bonus* is payable to the person to whom the education allowance for the eligible person would be payable if payment of the education allowance to an institution or to a person providing board to the eligible person was not an option.

Note: the person receiving the bonus for the eligible person could be the eligible person’s parent, a person approved by the *Commission* or the eligible person.
3B.8 Debts arising in respect of income support bonus

3B.8.1 If:

(a) a person is paid an income support bonus; and

(b) after the bonus is paid, a determination under the Scheme in relation to the person, at least so far as it relates to the income support bonus test day or to a period that includes that day, is or was (however described) changed, revoked, set aside, or superseded by another determination; and

(c) the decision to change, revoke, set aside or supersede the determination is or was made for the reason, or for reasons including the reason, that the person knowingly made a false or misleading statement, or knowingly provided false information; and

(e) had the event happened on or before the day the bonus was paid, the bonus would not have been paid;

the amount of the bonus is a debt due to the Commonwealth by the person.

3B.8.2 The other provisions of the Act under which debts arise do not apply in relation to an income support bonus.