



Repatriation Commission

Veterans' Entitlements (Pension Bonus Scheme – Non-accruing Members) Declaration 2018

Instrument 2018 No. R4

The Repatriation Commission, under subsection 45TO(1) of the *Veterans' Entitlements Act 1986* makes the following declaration.

Dated this 1 of March 2018

The Seal of the
Repatriation Commission)
was affixed hereto in the) SEAL
presence of:)
)

Simon Lewis
SIMON LEWIS
PSM
PRESIDENT

C Orme
CRAIG ORME
DSC AM CSC
DEPUTY PRESIDENT

MA Kelly
MAJOR GENERAL MARK KELLY
AO DSC
COMMISSIONER

1 Name

This declaration is the *Veterans' Entitlements (Pension Bonus Scheme – Non-accruing Members) Declaration 2018*.

2 Commencement

This declaration commences on the day after it is registered.

3 Authority

This declaration is made under subsection 45TO(1) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The *Veterans' Entitlements (Pension Bonus Scheme – Non-accruing Members) Declaration 2007* is revoked.

5 Savings

A person who, immediately before the commencement of this declaration, was declared to be a non-accruing member under the *revoked declaration* is taken to be a non-accruing member under this declaration as if this declaration declared the person as a non-accruing member.

6 Definitions

(1) In this instrument:

Act means the *Veterans' Entitlements Act 1986*.

major disaster has the same meaning as in section 23 of the *Social Security Act*.

pass the work test:

- (a) for a member of the pension bonus scheme — has the meanings given by sections 45TS and 45TT of the *Act*; and
- (b) for the partner of a member of the pension bonus scheme who is a member of the corresponding scheme under Part 2.2A of the *Social Security Act* — has the meanings given by sections 92U and 92V of the *Social Security Act*.

revoked declaration means the *Veterans' Entitlements (Pension Bonus Scheme – Non-accruing Members) Declaration 2007*.

Note: The following expressions used in this instrument are defined in the *Act* (see subsections 5E (1), 5NB (1), 5Q (1) and section 45TA):

- compensation
- compensation affected pension
- designated pension
- member of a couple
- partner
- pension age
- pension bonus
- Social Security Act.

- (2) For this declaration, the period during which a major disaster affects a person's ability to pass the work test may include a period during which preparations are made to cope with an impending disaster, for example, by evacuation of an area shortly before a cyclone is predicted to reach the area.

7 Kinds of non-accruing members

A member of the pension bonus scheme who is a member of any of the following kinds is a non-accruing member:

- (a) a member who is a Community Development Employment Project (CDEP) Scheme participant within the meaning of section 23 of the *Social Security Act*;
- (b) a member who is in gaol, within the meaning of subsection 55(4) of the *Act*;
- (c) a member who is undergoing psychiatric confinement, within the meaning of subsections 55(5) and (6) of the *Act*, because the member has been charged with committing an offence;
- (d) a member who was not a participant in the workforce, but whose *partner*:
 - (i) was a participant in the workforce; and
 - (ii) was not a registered member of the pension bonus scheme or the corresponding scheme under Part 2.2A of the *Social Security Act*; and
 - (iii) intended to become a registered member of the pension bonus scheme or the corresponding scheme under Part 2.2A of the *Social Security Act*;
- (e) a member who is on paid or unpaid leave of any kind, or combination of kinds, from gainful work and who would not *pass the work test* for a bonus period during which any part of the leave is taken;

- (f) a member whose *partner* is on paid or unpaid leave of any kind, or combination of kinds, from gainful work and who would not *pass the work test* for a bonus period during which any part of the leave is taken;
- (g) a member who is:
 - (i) the surviving *member of a couple*; and
 - (ii) undergoing a period of bereavement; and
 - (iii) unable to *pass the work test* for a bonus period during which the period of bereavement occurs;
- (h) a member who is unable to *pass the work test* for a bonus period because the amount of gainful work available to him or her in the bonus period is reduced by a *major disaster*;
- (i) a member whose *partner*:
 - (i) is a member of the pension bonus scheme or the corresponding scheme under Part 2.2A of the *Social Security Act*; and
 - (ii) is unable to *pass the work test* for a bonus period because the amount of gainful work available to him or her in the bonus period is reduced by a *major disaster*;
- (j) a member who:
 - (i) has received *compensation* and to whom a *designated pension* would not have been payable during a period (the compensation period) if the member had not reached *pension age* and the pension was a *compensation affected pension*; and
 - (ii) is unable to *pass the work test* for a bonus period during which the compensation period occurs.

Note: For paragraphs (h) and (i), for the application of this instrument in relation to Cyclone Larry, a major disaster that occurred in 2006, see section 9.

8 Period for which a member is a non-accruing member

- (1) A member of the pension bonus scheme to whom a paragraph of section 7 applies is a non-accruing member throughout the period during which the member is a member of the kind mentioned in the paragraph.
- (2) However, for a member to whom a paragraph of section 7 mentioned in the following table applies, subsection (1) is subject to the time limit shown.

Item	Paragraph of section 7	Time limit
1	(e), (f)	26 weeks
2	(g), (h), (i)	13 weeks

- (3) A member mentioned in paragraph 7 (j) is a non-accruing member during the whole or part of the compensation period during which the member is unable to *pass the work test*.

9 Special provisions in relation to Cyclone Larry

- (1) This section applies to a member of the pension bonus scheme:
 - (a) who was unable to *pass the work test* for a bonus period because the amount of gainful work available to him or her in the bonus period had been reduced by the effects of Cyclone Larry; or
 - (b) whose *partner*:
 - (i) was a member of the pension bonus scheme or the corresponding scheme under Part 2.2A of the *Social Security Act*; and
 - (ii) was unable to *pass the work test* for a bonus period because the amount of gainful work available to him or her in the bonus period had been reduced by the effects of Cyclone Larry.
- (2) The member is a non-accruing member throughout the period during which the member was a member of the kind mentioned in subsection (1):
 - (a) from the date, not before 1 March 2006, that:
 - (i) for a member mentioned in paragraph (1) (a) — the member was unable to *pass the work test* due to the effects of Cyclone Larry; or
 - (ii) for a member mentioned in paragraph (1) (b) — the member's partner was unable to *pass the work test* due to the effects of Cyclone Larry; and
 - (b) up to a maximum of 13 weeks.

Note: 1 March 2006 is the date from which people are taken to be affected by preparation for Cyclone Larry.