



Veterans' Entitlements Regulations 1986

Statutory Rules 1986 No. 97 as amended

made under the

Veterans' Entitlements Act 1986

This compilation was prepared on 16 October 2012
taking into account amendments up to SLI 2012 No. 236

Prepared by the Office of Parliamentary Counsel, Canberra

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1 Name of regulations [see Note 1]

These regulations are the *Veterans' Entitlements Regulations 1986*.

2 Interpretation

In these regulations, unless the contrary intention appears:

approved form means a form approved by the Commission under regulation 16.

the Act means the *Veterans' Entitlements Act 1986*.

treatment has the same meaning as in section 80 of the Act.

veteran means:

- (a) a veteran as defined in paragraph (a) of the definition of **veteran** in subsection 5C (1) of the Act; or
- (b) a member of the Forces, or a member of a Peacekeeping Force, as defined in subsection 68 (1) of the Act.

3 Summons under subsection 32 (1) of the Act

A summons under subsection 32 (1) of the Act:

- (a) may be in accordance with Form 1; and
- (b) may be served on a person by:
 - (i) delivering a copy of the summons to the person personally; and
 - (ii) showing the original of the summons to the person at the time at which the copy is delivered.

4 Summons under subsection 57F (2) of the Act

A summons under subsection 57F (2) of the Act:

- (a) may be in accordance with Form 2; and
- (b) may be served on a person by:
 - (i) delivering a copy of the summons to the person personally; and

- (ii) showing the original of the summons to the person at the time at which the copy is delivered.

5 Exempt class of persons for purposes of subsection 84 (6) of the Act

For the purposes of subsection 84 (6) of the Act, persons included in a class of persons specified in one of the following paragraphs are declared to be exempt from paying charges under that subsection in respect of treatment received under section 87 or 88 of the Act:

- (a) persons entitled to be treated without charge as inpatients in a recognised hospital as provided for under the *Health Insurance Act 1973* other than persons eligible to receive compensation as defined in subsection 93 (1) of the Act;
- (b) members of the Defence Force rendering continuous full-time service in the Defence Force who are provided with treatment other than for a defence-caused injury or a defence-caused disease.

6 Application of State laws

Each law of a State, being a law specified in Column 2 in a table in Schedule 2 in an item in that table, is declared to be a relevant law for the purposes of subsection 89 (3) of the Act and the modifications (if any) specified in Column 3 in that table in that item are prescribed for the purposes of that subsection.

6AA Medal for Gallantry — prescribed decoration

For paragraph 102 (5) (d) of the Act, the Medal for Gallantry in relation to the Australian Honours System is prescribed.

6A Other prescribed decorations

For paragraph 102 (5) (d) of the Act, the following decorations are prescribed:

- (a) in relation to the Imperial Honours System:
 - (i) Medal of the Most Excellent Order of the British Empire (Military Division) (1919–1958);

- (ii) Medal of the Most Excellent Order of the British Empire (Military Division) with Gallantry Emblem (1958–1974);
- (b) in relation to the Australian Honours System:
 - (i) Victoria Cross for Australia;
 - (ii) Star of Gallantry.

7 Information required for purposes of subsection 107 (7) of the Act

For the purposes of subsection 107 (7) of the Act, a veteran who has applied for temporary incapacity allowance is required to furnish to the Commission where the Commission so requests a certificate, in an approved form, signed by a medical practitioner and certifying the following particulars in respect of the veteran:

- (a) the incapacity in respect of which the veteran required treatment as an inpatient in a hospital or other institution;
- (b) the name and address of any hospital or other institution to which the veteran was admitted for the purpose of receiving treatment in respect of the incapacity;
- (c) the period during which the veteran remained in a hospital or other institution as an inpatient for the purposes of the treatment;
- (d) whether, after the discharge of the veteran from a hospital or other institution, the veteran received treatment in respect of the incapacity referred to in paragraph (a) otherwise than as an inpatient of a hospital or other institution and, if the veteran so received treatment, the nature of that treatment and the period during which the veteran received that treatment;
- (e) whether, as a result of the veteran having received treatment in respect of the incapacity referred to in paragraph (a) (either as an inpatient in a hospital or other institution or otherwise), the veteran was in need of a period of rest or convalescence and, if the veteran needed a period of rest or convalescence, the period during which the veteran rested or was convalescent; and

- (f) whether, during the period, or any part of the period, referred to in paragraph (c), (d) or (e), the veteran was, by reason of the treatment, or the need for a period of rest or convalescence, referred to in that paragraph, as the case may be, precluded from continuing to undertake remunerative work for periods aggregating more than 8 hours per week.

8 Information required for purposes of subsection 108 (11) of the Act

- (1) In this regulation:

applicant means a person whose entitlement to a loss of earnings allowance in accordance with section 108 of the Act is being considered by the Commission.

relevant absence means:

- (a) in relation to an applicant referred to in subsection 108 (2) of the Act, an absence for a reason referred to in paragraph 108 (2) (a), (b), (c) or (d) of the Act;
 - (b) in relation to an applicant referred to in subsection 108 (3) of the Act, an absence while attending a veteran travelling for a purpose referred to in subparagraph 108 (3) (a) (i), (ii), (iii), (iv) or (v) of the Act;
 - (c) in relation to an applicant referred to in subsection 108 (4) of the Act, an absence while participating in an investigation under section 17 of the Act;
 - (d) in relation to an applicant referred to in subsection 108 (5) of the Act, an absence for a reason referred to in paragraph 108 (5) (b) of the Act.
- (2) Subject to subregulation (4), an applicant is required to furnish to the Commission the certificate or certificates, as the case may be, that, in accordance with subregulation (3), are relevant to his or her entitlement to a loss of earnings allowance in accordance with section 108 of the Act.
 - (3) Where all or part of the period to which the entitlement of an applicant to a loss of earnings allowance in accordance with section 108 of the Act relates:

- (a) is a period during which the applicant was employed by a person, a certificate in an approved form by that employer or by each such employer, as the case may be, certifying the following particulars in respect of that employment, is relevant to that entitlement:
 - (i) the period of that employment;
 - (ii) the number of hours during which, but for the relevant absence, the applicant would have been engaged, or could reasonably have been expected to have been engaged, in that employment;
 - (iii) the rate or rates at which, but for the relevant absence, the applicant would have been remunerated, or could reasonably have been expected to have been remunerated, during that period;
 - (iv) the amount of earnings that, but for that absence, the applicant would have received, or could reasonably have been expected to have received, during that period;
 - (v) where the applicant is an applicant referred to in subsection 108 (5) of the Act:
 - (A) the date on which the applicant was credited or last credited, as the case may be, with an annual sick leave entitlement (if any) by the employer;
 - (B) the number of days in the annual sick leave entitlement (if any) with which the applicant was so credited;
 - (C) the number of days (if any), including any part of a day, during the period of that employment in respect of which the applicant has, since the date referred to in sub-subparagraph (A), been granted sick leave for a reason referred to in paragraph 108 (2) (a), (b), (c) or (d) of the Act; or
- (b) is a period during which the applicant was engaged in an occupation or occupations otherwise than as an employee, a certificate in an approved form by the applicant certifying the following particulars in respect of that

occupation or each of those occupations, as the case may be, is relevant to that entitlement:

- (i) the period of that occupation;
- (ii) the number of hours during which, but for the relevant absence, the applicant would have been engaged, or could reasonably have been expected to have been engaged, in that occupation;
- (iii) the rate or rates at which, but for the relevant absence, the applicant would have derived earnings, or could reasonably have been expected to have derived earnings, during that period;
- (iv) the amount of earnings that, but for that absence, the applicant would have derived, or could reasonably have been expected to have derived, during that period.

(4) Where:

- (a) an applicant was employed by a person during all or part of the period to which his or her entitlement to a loss of earnings allowance relates; and
- (b) the Commission is satisfied, on reasonable grounds, that it is impracticable for the applicant to furnish under subregulation (2) a certificate by that employer relating to the particulars referred to in paragraph (3) (a) that is relevant to that entitlement;

the Commission may require the applicant, instead of furnishing that certificate, to furnish such other evidence of those particulars as the applicant is reasonably capable of supplying.

8AA Prescribed higher amount for subsection 123B (6) of the Act

For subsection 123B (6) of the Act, the higher amount of \$40 000 is prescribed.

8A Prescribed amount for paragraphs 170A (3) (a) and (b) of the Act

For paragraphs 170A (3) (a) and (b) of the Act, the prescribed amount is \$467.50.

9 Travelling expenses under section 110, 132, 170B or 196ZO of the Act

Definitions

(1) In this regulation:

attendant means:

- (a) a person who is authorised by the Commission under section 110 of the Act to accompany a veteran or a dependant of a deceased veteran as his or her attendant; or
- (b) a person who accompanies a person mentioned in subsection 132 (1), (3), (5) or (7) of the Act; or
- (c) if the Commission is of the view that it is reasonable for an applicant under section 170B or 196ZO of the Act to be accompanied by an attendant — a person who accompanies the applicant.

commercial accommodation means accommodation provided by a commercial establishment such as a hotel or motel.

entitled person means a person who is entitled to be paid travelling expenses under section 110, 132, 170B or 196ZO of the Act.

private accommodation means accommodation that is not commercial accommodation or subsidised accommodation.

residence, for a person at a time, means the permanent or temporary place of residence of that person at that time.

subsidised accommodation means accommodation provided on a cost-recovery basis by an organisation that receives a subsidy for providing the accommodation, such as a hostel.

travel, for an entitled person, means travel referred to in section 110, 132, 170B or 196ZO of the Act from his or her residence to his or her destination and return.

Composition of travel expenses

- (2) Subject to this regulation, and to regulations 9AD and 9AE, travelling expenses comprise the amount required to reimburse in whole or part expenditure on:
- (a) transport; or
 - (b) accommodation; or
 - (c) meals;
- necessarily incurred by or on behalf of an entitled person in connection with travel mentioned in section 110, 132, 170B or 196ZO of the Act.
- (3) Subject to subregulations (4) and (4A), and regulation 9AD, the amount of travelling expenses payable to an entitled person in relation to transport for travel will not exceed an amount calculated by the Commission as the cost of travel by the most appropriate form of transport over the relevant distance.
- Note* For the calculation of the cost of transport, see subregulation (11).
- (4) Subject to regulation 9AD, if the cost incurred by an entitled person in relation to transport for travel mentioned in subregulation (3) is less than the amount calculated by the Commission under that subregulation, the cost will be the amount of travelling expenses payable to that person for transport.
- (4A) If an entitled person incurs parking fees at or near 1 or more places to which the person has travelled for a purpose mentioned in section 110, 132, 170B or 196ZO of the Act, the travelling expenses payable to the person are the costs necessarily incurred.

Forms of transport

- (5) For subregulation (3), the most appropriate form of transport is the form determined by the Commission with reference to:
- (a) the forms of transport that were reasonably available to the person for the purpose of that travel; and
 - (b) the cost of each of those forms of transport, including, if a form of transport was reasonably available in more than 1 class, differences in cost between those classes; and

- (c) the desirability of using the cheapest form of suitable transport for that travel; and
 - (d) the degree of any mental or physical disablement of the person; and
 - (e) the distance travelled; and
 - (f) whether the route taken in that travel was the most direct, practical route;
- as the most appropriate form of transport for that travel.

Relevant distance

- (6) For subregulation (3), the relevant distance for travel by an entitled person under section 110 of the Act is:
 - (a) if the distance from the residence of the entitled person to the treatment location is more than 50 km, the greater of:
 - (i) the distance determined by the Commission to be the distance between the entitled person's residence and the closest practical treatment location; and
 - (ii) 50 km; or
 - (b) if the distance from the residence of the entitled person to the treatment location is 50 km or less — that distance.
- (9) For subregulation (3), the relevant distance for travel under section 132 of the Act is the distance that in all the circumstances is reasonable.
- (10) For subregulation (3), the relevant distance for travel under section 170B or 196ZO of the Act is the distance by the most direct practicable route from the entitled person's residence to the place attended by that person to obtain relevant documentary medical evidence.

Cost of transport

- (11) For this regulation, the cost of transport for travel between 2 places over the most direct route between the places is taken to be the following:
 - (a) for travel by private motor vehicle — 26.7 cents per kilometre;

- (b) if paragraph (a) applies — the costs necessarily incurred by an entitled person for tolls paid in relation to travel by private motor vehicle;
- (c) for travel by any other means — the costs necessarily incurred by an entitled person.

Note Travelling expenses may be payable for travel outside Australia — see paragraph 132 (1) (d) of the Act. Travelling expenses outside Australia are not otherwise payable — see subsections 110 (3), 170B (3) and 196ZO (3) of the Act.

Accommodation and meals

- (12) Subject to subregulations (13), (15) and (18), the amount of travelling expenses payable to an entitled person for each night's accommodation and meals during travel is the following amount for whichever of the following kinds of accommodation was used on each night:
 - (a) for commercial accommodation that is not in a capital city — \$110.10 each night;
 - (b) for commercial accommodation that is in a capital city — \$130.80 each night;
 - (c) for subsidised accommodation — \$68.80 each night;
 - (d) for private accommodation — \$34.40 each night.
- (13) If an entitled person, not being an attendant, and an attendant share commercial accommodation for a night, the amount of travelling expenses payable to the entitled person for the night's accommodation and meals for both the person and the attendant is \$178.90.
- (15) The amount of travelling expenses payable to an entitled person for meals during travel on a day on which overnight accommodation is not required is:
 - (a) if the distance from the residence of the entitled person to the person's destination exceeds 50 km but does not exceed 200 km — \$10.90 each day; or
 - (b) if the distance from the residence of the entitled person to the person's destination exceeds 200 km — \$22.10 each day.

Attendant entitlements

- (16) If an attendant accompanies a veteran or a dependant of a deceased veteran to a hospital or other institution to which the veteran or dependant is admitted, the attendant is entitled to payment of travelling expenses in accordance with subregulation (17), in addition to the expenses payable for the journeys to and from the hospital or other institution with the veteran or dependant:
 - (a) to return to his or her residence at the time of the admission; and
 - (b) to return to the hospital or other institution when the veteran or dependant is discharged.
- (17) The travelling expenses payable to an attendant under subregulation (16):
 - (a) are based on the same mode of transport as was used to accompany the veteran or dependant; and
 - (b) include any applicable amounts for accommodation and meals.
- (18) If an attendant accompanies a veteran or a dependant of a deceased veteran to a hospital or other institution to which the veteran or dependant is admitted, and the attendant stays in commercial accommodation, subsidised accommodation or private accommodation while the veteran or dependant is in the hospital or other institution, the attendant is entitled to payment of travelling expenses, in addition to the expenses payable for the journeys to and from the hospital or other institution with the veteran or dependant, equal to the lesser of:
 - (a) the travelling expenses that would have been payable under subregulation (16), excluding any amounts for accommodation and meals, if the attendant had returned home and returned to the hospital or other institution using a private motor vehicle; and
 - (b) the travelling expenses payable under subregulation (12) for the period from the admission of the veteran or dependant until his or her discharge.

Examples

1 A veteran and attendant drive by private motor vehicle to an appointment 100 km from home, and return on the same day. The travelling expenses are:

Veteran:	meals	\$10.90	paragraph 9 (15) (a)
	transport	\$53.40	subregulation 9 (4A) and paragraphs 9 (11) (a) and (b) — 200 km @ 26.7c/km plus the cost of tolls and parking fees
Attendant:	meals	\$10.90	paragraph 17 (b)
Total:		\$75.20	plus the cost of tolls and parking fees

2 A veteran and attendant drive by private motor vehicle to an appointment in a capital city 300 km from home, stay overnight in non-shared commercial accommodation, and return the next day. The travelling expenses are:

Veteran:	accommodation and meals (1st day)	\$130.80	paragraph 9 (12) (b)
	meals (2nd day)	\$22.10	paragraph 9 (15) (b)
	transport	\$160.20	subregulation 9 (4A) and paragraphs 9 (11) (a) and (b) — 600 km @ 26.7c/km plus the cost of tolls and parking fees
		plus the cost of tolls and parking fees	
Attendant:	accommodation and meals (1st day)	\$130.80	paragraph 17 (b)
	meals (2nd day)	\$22.10	paragraph 17 (b)
Total:		\$466.00	plus the cost of tolls and parking fees

3 A veteran and attendant drive by private motor vehicle to an appointment in a capital city 300 km from home, and stay overnight in non-shared commercial accommodation. The veteran is admitted to a hospital the next morning. The attendant returns home and comes back to collect the veteran, staying in commercial accommodation the night before the veteran is discharged. The travelling expenses are:

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Amount set out in example 2	\$466.00	
Less (for the veteran's meals on 2nd day)	\$22.10	
Subtotal	\$443.90	
Plus		
Veteran: meals on return journey	\$22.10	paragraph 9 (15) (b)
Attendant: transport	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a) and (b) and subregulation 9 (16) — 600 km @ 26.7c/km plus the cost of tolls and parking fees
meals	\$22.10	subregulation 9 (16)
accommodation and meals	\$130.80	subregulation 9 (16)
Total:	\$779.10 plus the cost of tolls and parking fees	

4 The situation is the same as in example 3, except that the attendant stays in commercial accommodation while the veteran is in the hospital (2 nights). The travelling expenses are:

Amount set out in example 2	\$466.00	
Less (for the veteran's meals on 2nd day)	\$22.10	
Subtotal	\$443.90	
Plus		
Veteran: meals on return journey	\$22.10	paragraph 9 (15) (b)
Attendant: The lesser of:		
(a) transport home and back to the hospital; or	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a) and (b) and 9 (18) (a)
(b) 2 nights commercial accommodation	\$261.60	paragraph 9 (18) (b)

Total: \$626.20 or
\$727.60
(for both totals:
plus the cost of
tolls and
parking fees)

5 The situation is the same as in example 3 except that the attendant stays in subsidised accommodation and stays in subsidised accommodation while the veteran is in the hospital (2 nights). The travelling expenses are:

Amount set out in example 2 (as if in subsidised accommodation) \$342.00 paragraph 12 (c)

Less (for the veteran's meals on 2nd day) \$22.10

Subtotal \$319.90

Plus

Veteran: meals on return journey \$22.10 paragraph 9 (15) (b)

Attendant: The lesser of:

(a) transport home and back to the hospital; or \$160.20 plus the cost of tolls and parking fees subregulation 9 (4A), paragraphs 9 (11) (a) and (b) and 9 (18) (a)

(b) 2 nights subsidised accommodation \$137.60 paragraph 9 (18) (b)

Total: \$502.20 or
\$479.60
(for both totals: plus the cost of tolls and parking fees)

6 The situation is the same as in example 3 except that the attendant stays in private accommodation and stays in private accommodation while the veteran is in the hospital (2 nights). The travelling expenses are:

Amount set out in example 2 (as if in private accommodation) \$273.20 paragraph 12 (d)

Less (for the veteran's meals on 2nd day) \$22.10

Subtotal \$251.10

Plus

Veteran: meals on return journey \$22.10 paragraph 9 (15) (b)

Attendant:	The lesser of:		
	(a) transport home and back to the hospital; or	\$160.20 plus the cost of tolls and parking fees	subregulation 9 (4A), paragraphs 9 (11) (a), 9 (11) (b) and 9 (18) (a)
	(b) 2 nights private accommodation	\$68.80	paragraph 9 (18) (b)
Total:		\$433.40 or \$342.00 (for both totals: plus the cost of tolls and parking fees)	

9AA Annual increase in rates

Despite any other provision of these regulations, a rate prescribed by subregulation 9 (11), (12), (13) or (15) is increased, as applicable, in accordance with regulation 9AB, on each anniversary of 1 July 2006.

9AB Calculation of increase

- (1) In this regulation:

CPI number means the All Groups Consumer Price Index number (that is, the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

earlier CPI number, for a financial year, means the CPI number for the last March quarter before the beginning of the financial year.

latest CPI number, for a financial year, means the CPI number for the last March quarter before the end of the financial year.

rate means a rate prescribed by subregulation 9 (11), (12), (13) or (15).

relevant financial year means a financial year beginning on or after 1 July 2006.

relevant rate, for a financial year, means the rate applying in the financial year.

- (2) If, for a relevant financial year, the latest CPI number is greater than the earlier CPI number, a rate is taken to increase, on 1 July of the next financial year, in accordance with the following formula:

$$\frac{\text{relevant rate} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

- (3) If, apart from this subregulation, a rate prescribed by subregulation 9 (11) and increased under subregulation (2) is not a multiple of 0.1 cents, the rate is to be rounded to the nearest multiple of 0.1 cents and, if the amount to be rounded is 0.05 cents, rounded up.
- (4) If, apart from this subregulation, a rate prescribed by subregulation 9 (12), (13) or (15) and increased under subregulation (2) is not a multiple of 10 cents, the rate is to be rounded to the nearest multiple of 10 cents and, if the amount to be rounded is 5 cents, rounded up.
- (5) If, at any time, whether before or after the commencement of this regulation, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for the quarter, the publication of the later CPI number is to be disregarded for this regulation.
- (6) However, if, at any time, whether before or after the commencement of this regulation, the Australian Statistician changes the reference base for the Consumer Price Index, then, in applying this regulation after the change is made, regard is to be had only to numbers published in terms of the new reference base.

9AC Travelling expenses under section 170B of the Act — interpretation

- (1) In this regulation and regulations 9AD, 9AE and 9AF:
application, in relation to an entitled person, means an application in accordance with subsection 170B (5) or 196ZO (5) of the Act for the payment of travelling expenses.

- (2) In this regulation and regulations 9AD, 9AE, 9AF, 9AG and 9AH:

entitled person means an applicant or an attendant who is entitled to be paid travelling expenses under section 170B or 196ZO of the Act.

9AD Travelling expenses under section 170B or 196ZO of the Act — up to \$500

The total amount, not exceeding \$500, of an entitled person's travelling expenses is payable to the person if:

- (a) he or she applies to the Commission for payment of travelling expenses up to \$500 (whether the application is made before or after travel); and
- (b) the application is accompanied by written evidence of his or her travelling expenses.

9AE Travelling expenses under section 170B or 196ZO of the Act — over \$500

- (1) Subregulation (2) applies if:
 - (a) an entitled person applies to the Commission for payment of travelling expenses over \$500 (whether the application is made before or after travel); and
 - (b) the person's application is accompanied by written evidence of his or her travelling expenses.
- (2) The amount payable to the person, as soon as practicable after receipt of the application by the Commission, is the lesser of:
 - (a) the amount of his or her travelling expenses; and
 - (b) the amount calculated by the Commission, in accordance with regulations 9, 9AM and 9AN, as the amount of travelling expenses payable to the person.
- (3) The Commission must notify an entitled person of a decision it makes under subregulation (2) as soon as practicable after the Commission receives that person's application.

9AF Travelling expenses under section 170B or 196ZO of the Act — request for written evidence

- (1) Subregulation (2) applies if:
 - (a) not later than 6 months after an entitled person completes his or her travel, the Commission requests that person to give to the Commission written evidence of his or her travelling expenses; and
 - (b) the person does not give the Commission the written evidence within 3 months after the request was made.
- (2) The Commission may:
 - (a) if the person has not been paid travelling expenses in advance under section 170C or 196ZP of the Act — refuse to authorise the payment of travelling expenses; or
 - (b) if the person has been paid travelling expenses in advance under section 170C or 196ZP of the Act — request the person to repay to the Commonwealth the amount of the advance.

Note Subsections 170C (2) and 196ZP (2) of the Act provide that a person in receipt of an advance for travelling expenses under subsection 170C (1) or 196ZP (1) of the Act, as the case requires, is liable to repay to the Commonwealth all or any part of the advance that represents an amount for which travelling expenses were not incurred.

- (3) The Commission must notify an entitled person of a decision it makes under subregulation (2) as soon as practicable after the Commission receives that person's application.

9AG Reconsideration of decisions — initiated by the Commission

If the Commission is satisfied that information given to the Commission when it made a decision under regulation 9, 9AD or 9AE is false or misleading in a relevant detail, the Commission may, in its discretion:

- (a) reconsider the decision; and
- (b) if it decides that an amount of travelling expenses has been paid that would not have been paid but for the false or misleading statement or representation — request the entitled person to repay to the Commonwealth an amount equal to that amount.

Note 1 The effect of section 205 of the Act is that if a person is paid a pension, allowance or other pecuniary benefit under the Act because of a false statement or representation to the Commission by that person, procedures are prescribed enabling the Commission to recover from that person an amount equal to the amount of the pension, allowance or other pecuniary benefit paid.

Note 2 The effect of section 208 of the Act is that if a person is paid a pension, allowance or other pecuniary benefit under the Act because of a false or misleading statement to the Commission by that person, the person is guilty of an offence that is punishable, on conviction, by a fine or imprisonment or both.

9AH Reconsideration of decisions — initiated by entitled persons

- (1) An entitled person who is dissatisfied with a decision of the Commission under regulation 9, 9AE or 9AF may request the Commission to reconsider the decision.
- (2) A request for reconsideration of a decision must:
 - (a) be in writing; and
 - (b) set out the grounds on which the request is made; and
 - (c) be made to the Commission within 3 months after the day on which the person seeking reconsideration was notified of the decision.
- (3) If the Commission has delegated its powers under this regulation to the person who made a decision under reconsideration, that person must not reconsider the decision.

9AI Commission's duty if a request for reconsideration made

- (1) If the Commission receives a request under regulation 9AH, the Commission must affirm the decision or set it aside:
 - (a) within 3 months after receipt of the request; or
 - (b) within such longer period as is agreed in writing by the person who made the request.
- (2) If the Commission sets aside a decision first made under regulation 9, 9AE or 9AF, it must make a decision in place of the decision set aside.

9AJ Commission must make written record of reconsidered decision and reasons

- (1) When the Commission reconsiders a decision referred to in regulation 9AG or 9AH, it must make a written record of the reconsidered decision.
- (2) The written record must include a statement that:
 - (a) sets out the Commission's findings on relevant questions of fact; and
 - (b) refers to the evidence or other material on which those findings are based; and
 - (c) provides reasons for the Commission's decision.

9AK Written record to be given to person who requested reconsideration

As soon as practicable after the Commission reconsiders a decision referred to in regulation 9AG or 9AH, it must give to the person who requested reconsideration of the decision a copy of the written record referred to in regulation 9AJ.

9AL Review by Administrative Appeals Tribunal

- (1) Application under the *Administrative Appeals Tribunal Act 1975* may be made to the Administrative Appeals Tribunal for a review of a decision of the Commission under regulation 9AG or 9AI.
- (2) An application under subregulation (1) must be made within 3 months after the day on which the person seeking review was notified of the Commission's decision.

9AM Travelling expenses under section 110, 132, 170B or 196ZO of the Act to 1 destination for 2 or more purposes

Despite regulations 9, 9AD and 9AE, if a person who is entitled to be paid travelling expenses under section 110, 132, 170B or 196ZO of the Act travels to 1 destination for 2 or more purposes referred to in section 110, 132, 170B or 196ZO of the Act, the amount of travelling expenses that that person is

entitled to be paid is the greatest amount payable under section 110, 132, 170B or 196ZO of the Act for 1 of those purposes.

Note For example, a person who travels to a medical practice to obtain relevant documentary medical evidence as well as for treatment will only be paid the greatest amount of travelling expenses payable under section 110, 132, 170B or 196ZO of the Act for that travel.

9AN Travelling expenses under section 110, 132, 170B or 196ZO of the Act to more than 1 location within the same town or city

Despite regulations 9, 9AD and 9AE, if a person who is entitled to be paid travelling expenses under section 110, 132, 170B or 196ZO of the Act travels to more than 1 location in the same city or town for a purpose or purposes referred to in section 110, 132, 170B or 196ZO of the Act, the amount of travelling expenses that that person is entitled to be paid is:

- (a) the greatest amount payable under section 110, 132, 170B or 196ZO of the Act for travel to the city or town; and
- (b) the greatest amount payable under section 110, 132, 170B or 196ZO of the Act for travel between each location within that city or town.

Note For example, a person who travels to a medical practice in a city for treatment, and then goes to another location in the same city for a medical examination before returning home, will only be paid once for the return travel to the city, and once for the travel from the medical practice to the other location (being the greatest amount of travelling expenses payable under section 110, 132, 170B or 196ZO of the Act for that travel).

9A Address of Commission

For subsection 140 (2A) of the Act, the following addresses are prescribed:

- (a) for service by post:
 - Office of the Assistant Secretary
 - Determination Support & Reviews Branch
 - Department of Veterans' Affairs
 - GPO Box 9998
 - SYDNEY NSW 2001

- (b) for service in person:
 - Office of the Assistant Secretary
 - Determination Support & Reviews Branch
 - Department of Veterans' Affairs
 - Tower B
 - Centennial Plaza
 - 280 Elizabeth Street
 - SYDNEY NSW 2010

10 Summons under subsection 151 (2) of the Act

A summons under subsection 151 (2) of the Act:

- (a) may be in accordance with Form 3; and
- (b) may be served on a person by:
 - (i) delivering a copy of the summons to the person personally; and
 - (ii) showing the original of the summons to the person at the time at which the copy is delivered.

11 Allowances payable to members of the Veterans' Review Board

For subsection 160 (2) of the Act, the following allowances are prescribed for a member of the Veterans' Review Board:

- (a) allowances as determined by the Remuneration Tribunal in respect of a member of the Veterans' Review Board;
- (b) allowances (other than those mentioned in paragraph (a)) that are payable to a person appointed or engaged under the *Public Service Act 1999*.

12 Fees for witnesses

For the purposes of subsection 171 (1) of the Act, the fees, and allowances for expenses, a person, other than the applicant, summoned to appear as a witness at a hearing before the Board, is entitled to be paid in respect of his or her attendance are the fees, and allowances for expenses other than expenses in respect of travel undertaken outside Australia, in respect of the attendance, that are determined by the member of the Board presiding at the hearing in accordance with the scale in

Schedule 2 to the Administrative Appeals Tribunal Regulations as in force from time to time.

13 Allowances payable to commissioners of the Repatriation Commission

For subsection 185 (2) of the Act, the following allowances are prescribed for a commissioner of the Repatriation Commission:

- (a) allowances as determined by the Remuneration Tribunal in respect of a member of the Repatriation Commission;
- (b) allowances (other than those mentioned in paragraph (a)) that are payable to a person appointed or engaged under the *Public Service Act 1999*.

13A Prescribed amount for paragraphs 196ZN (2) (a) and (b)

For paragraphs 196ZN (2) (a) and (b) of the Act, the prescribed amount is \$467.50.

14 Contributions

For the purposes of subsection 200 (3) of the Act, all moneys accepted by the Commission in accordance with subsection 200 (1) of the Act shall be credited to a bank account nominated by the Commission.

15 Investment of moneys held by Commission

All moneys vested in the Commission as trustee pending application in accordance with the trust, or for the purpose of deriving income for application in accordance with the trust, may be invested by the Commission:

- (a) in securities of the Commonwealth;
- (b) in securities of the States;
- (c) in loans to local governing bodies in Australia;
- (d) upon mortgage of land in Australia of an estate in fee simple or upon mortgage of leasehold interests in such land; or

- (e) in any other manner for the time being allowed by any Act or State Act for the investment of trust funds in Australia.

15A Prescribed educational scheme

For paragraph (j) of the definition of *prescribed educational scheme* in subsection 205 (8) of the Act, the Veterans' Children Education Scheme, prepared under section 117 of the Act, is prescribed.

16 Approved forms

The Commission may approve forms for the purposes of these regulations.

Schedule 1 Forms

Form 1 Summons (regulation 3)

VETERANS' ENTITLEMENTS REGULATIONS

SUMMONS

In the matter of the application by

for a pension or increased pension

To: *(name and address of witness)*

YOU ARE HEREBY SUMMONED pursuant to subsection 32 (1) of the *Veterans' Entitlements Act 1986* to appear before the Repatriation Commission or a person to whom the Commission has delegated its powers under section 213 of the *Veterans' Entitlements Act 1986* at *(place, time and date of hearing)* and on each subsequent day of the hearing conducted in relation to the above-mentioned application until you are excused or released from further attendance to give evidence (* and to produce the following documents:)

*(Signature of person issuing
summons and capacity in
which that person issues the
summons)*

Date

* *Omit if inapplicable*

Form 2 Summons

(regulation 4)

VETERANS' ENTITLEMENTS REGULATIONS

SUMMONS

In the matter of the application by

for review of a decision of the Repatriation Commission

To: *(name and address of witness)*

YOU ARE HEREBY SUMMONED pursuant to subsection 57F (2) of the *Veterans' Entitlements Act 1986* to appear before the Repatriation Commission or a person to whom the Commission has delegated its powers under section 213 of the *Veterans' Entitlements Act 1986* at *(place, time and date of hearing)* and on each subsequent day of the hearing conducted in relation to the above-mentioned matter until you are excused or released from further attendance to give evidence (* and to produce the following documents:)

*(Signature of person issuing
summons and capacity in
which that person issues the
summons)*

Date

* *Omit if inapplicable*

Form 3 Summons

(regulation 10)

VETERANS' ENTITLEMENTS REGULATIONS

SUMMONS

In the matter of the application by

for review of a decision of the Repatriation Commission

To: *(name and address of witness)*

YOU ARE HEREBY SUMMONED pursuant to subsection 151 (2) of the *Veterans' Entitlements Act 1986* to appear before the Veterans' Review Board at *(place, time and date of hearing)* and on each subsequent day of the hearing of the above-mentioned proceeding until you are excused or released from further attendance to give evidence (* and to produce the following documents:)

Presiding member

Date

* *Omit if inapplicable*

Schedule 2 Laws of States declared to be relevant laws and prescribed modifications of those laws

(regulation 6)

Table 1 Laws of New South Wales

Column 1 Item	Column 2 Laws	Column 3 Modifications
1	Subsections 13 (1) (other than subparagraph (b) (iii), (3) (other than paragraph (h)) and (4), subsections 14 (1) (other than paragraph (b)), (2), (3), (4) and (5) (other than paragraph (b)) and sections 48, 49 and 50 of the Coroners Act, 1980	
2	Definition of <i>senior available next of kin</i> in subsection 4 (1) of the Human Tissue Act, 1983	
3	Subsection 5 (1) of the Human Tissue Act, 1983	(a) Omit “governing body of a hospital” (wherever occurring), substitute “Repatriation Commission” (b) Omit “governing body” (wherever occurring), substitute “Repatriation Commission”
4	Sections 28, 29, 30, 31, 33 and 35 of the Human Tissue Act, 1983	
5	Subregulation 6 (1) of the Human Tissue Regulation, 1984	

Column 1 Item	Column 2 Laws	Column 3 Modifications
6	Paragraph 6 (2) (other than paragraph (b)) of the Human Tissue Regulation, 1984	Omit “executive”
7	Subsections 4F (1), (2), (3), (4), (5), (8) and (11) and 4G (1), (2), (3), (7) and (14) of the Motor Traffic Act, 1909	
8	Regulations 137 and 138 of the Motor Traffic Regulations, 1935	
9	Sections 23 and 24 (other than paragraph (7C) (a)) of the Registration of Births, Deaths and Marriages Act, 1973	

Table 2 Laws of Victoria

Column 1 Item	Column 2 Laws	Column 3 Modifications
1	Subsection 6 (1) (other than paragraph (b)) of the <i>Coroners Act</i> 1958	Omit all the words from and including “or in prison” to and including “1968”
2	Subsections 6A (1), (2) and (3) of the <i>Coroners Act</i> 1958	
3	Subsection 6A (4) of the <i>Coroners Act</i> 1958	Omit all the words from and including “or has died in prison” to and including “1968”
4	Sections 26, 27 and 28 of the <i>Coroners Act</i> 1958	
5	Definitions of <i>designated officer</i> and <i>senior available next of kin</i> in subsection 3 (1), and sections 4, 28, 29, 30, 31, 41 and 43, of the <i>Human Tissue Act</i> 1982	
6	Section 80DA (other than subsections (5) and (6)) and subsection 80F (9) of the <i>Motor Car Act</i> 1958	
7	Regulations 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, and 1413 of, and Schedules 84, 84A, 86 and 87 to, the Motor Car Regulations 1984	
8	Sections 18 and 19 of, and the Third Schedule to, the <i>Registration of Births, Deaths and Marriages Act</i> 1959	

Table 3 Laws of Queensland

Column 1 Item	Column 2 Laws	Column 3 Modifications
1	Section 7 (other than paragraphs (1) (b) and (d)) of <i>The Coroners Act of 1958</i>	Omit from paragraph (1) (c) “inquiry; or”, substitute “inquiry”
2	Subsection 11 (1) of <i>The Coroners Act of 1958</i>	Omit “or in paragraph (b)”
3	Subsection 11 (2) and sections 12 and 13 of <i>The Coroners Act of 1958</i>	
4	Subsection 18 (1) of <i>The Coroners Act of 1958</i>	(a) Omit all the words from and including “pur-pose of” to and including “born alive”, substitute “purpose of an inquiry or inquest under this Act into the death of any person,” (b) Omit all the words from and including “, and if so directed” to and including “shall forthwith”
5	Subsection 18 (2) of <i>The Coroners Act of 1958</i>	Omit “section seven-teen of this Act or of”
6	Subsection 18 (3) of <i>The Coroners Act of 1958</i>	Omit “and by direction of the Min-ister shall forthwith,”
7	Subsections 18 (4) and (5) of <i>The Coroners Act of 1958</i>	

Column 1 Item	Column 2 Laws	Column 3 Modifications
8	Subsection 18 (6) of <i>The Coroners Act of 1958</i>	Omit all the words from and including “Every medical practitioner” to and including “may be prescribed”
9	Subsections 18 (7), (8) and (9) and sections 33 and 34 of <i>The Coroners Act of 1958</i>	
10	Sections 30 and 31 of <i>The Registration of Births, Deaths and Marriages Act of 1962</i>	
11	Definition of senior available next of kin in subsection 4 (1), sections 6 (other than subsection (1)), 26, 27, 28 (other than paragraph (1) (b)), 29 and subsections 30 (2) and (4), Part VIII and section 46 of the <i>Transplantation and Anatomy Act 1979</i>	

Table 4 Laws of Western Australia

Column 1 Item	Column Laws	2 Column Modifications 3
1	Subsection 6 (1) of the <i>Coroners Act, 1920</i>	Omit “in prison, or while detained in any hospital for the in-sane, or”
2	Sections 38 and 39 of the <i>Coroners Act, 1920</i>	
3	Section 40 of the <i>Coroners Act, 1920</i>	Omit from subsection (2) all the words from and including “made of” to and including “child — ”, substitute “made of a body of any person who has died a sudden death of which the cause is unknown”
4	Section 46 of the <i>Coroners Act, 1920</i>	
5	Definition of <i>senior available next of kin</i> in subsection 3 (1), subsections 4 (1) and (3), 5 (1), (2), (3) and (6), and sections 25, 26, 27, 28 and 31 of the <i>Human Tissue and Transplant Act 1982</i>	
6	Sections 32, 41 and 44 of the <i>Registration of Births, Deaths and Marriages Act, 1961</i>	

Table 5 Laws of South Australia

Column 1 Item	Column Laws	2	Column Modifications	3
1	Sections 29, 32 and 39 of, and the Seventh, Thirteenth and Fifteenth Schedules to, the Births, Deaths and Marriages Registration Act, 1966			
2	Paragraph 12 (a), subsection 13 (1) (other than paragraph (d)) and (2), section 15 (other than paragraph (a)) and sections 31 and 32 of the Coroners Act, 1975			
3	The Death (Definition) Act, 1983			
4	Section 47i (other than subsections (11), (12), (13), (14), (14a), (14b), (17) and (19)) of the Road Traffic Act, 1961			
5	Subsection 47i (19) of the Road Traffic Act, 1961		Omit the definition of <i>hospital</i>	
6	Regulation 2 of, and Schedule 1 to, the Road Traffic (Blood Analysis) Regulations 1973			
7	Definition of <i>senior available next of kin</i> in subsection 5 (1) of the Transplantation and Anatomy Act, 1983			
8	Subsection 25 (1) of the Transplantation and Anatomy Act, 1983		Omit “designated of-ficer for a hospital”, substitute “Deputy Medical Superinten-dent”	
9	Subsections 25 (2), (3) and (4) of the Transplantation and Anatomy Act, 1983		Omit “designated of-ficer” (wherever oc-curring), substitute “Deputy Medical Superintendent”	
10	Subsection 25 (5) and section 26 of the Transplantation and Anatomy Act, 1983			

Column 1 Item	Column Laws	2	Column Modifications	3
11	Subsection 27 (1) of the Transplantation and Anatomy Act, 1983	(a)	Omit “designated officer for a hospital”, sub-stitute “Deputy Medical Super-intendent”	
		(b)	Omit “designated officer” (second occurring), sub-stitute “Deputy Medical Super-intendent”	
12	Subsections 27 (2), (3), (4) and (5) of the Transplantation and Anatomy Act, 1983			
13	Subsection 28 (1) of the Transplantation and Anatomy Act, 1983	Omit	“designated of-ficer for the hospital”, substitute “Deputy Medical Superinten-dent”	
14	Subsection 28 (2) and section 36 of the Transplantation and Anatomy Act, 1983			

Table 6 **Laws of Tasmania**

Column 1 Item	Column 2 Laws	Column 3 Modifications
1	Section 9, subsections 10 (1), (2), (3) and (4), subsections 11 (1), (2), (3), (4) and (5) (other than paragraph (a)), sections 12, 15, 17 and 18 of the <i>Anatomy Act</i> 1964	
2	Subsection 7 (1) (other than paragraphs (b) and (c)), subsections 14 (1) (other than paragraph (b)) and (2), subsections 30 (2), (3), (4) and (5), sections 31, 32 and 33 and subsection 47 (1) of the <i>Coroners Act</i> 1957	
3	Sections 25 and 34 of the <i>Registration of Births and Deaths Act</i> 1895	

Table of Instruments

Notes to the *Veterans' Entitlements Regulations 1986***Note 1**

The *Veterans' Entitlements Regulations 1986* (in force under the *Veterans' Entitlements Act 1986*) as shown in this compilation comprise Statutory Rules 1986 No. 97 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
1986 No. 97	22 May 1986	22 May 1986	
1986 No. 202	31 July 1986	1 Aug 1986	—
1987 No. 122	15 June 1987	R. 4 (2): 1 July 1987 Remainder: 15 June 1987	—
1987 No. 178	2 Sept 1987	2 Sept 1987	—
1988 No. 50 (a)	8 Apr 1988	22 May 1988 (<i>see</i> r. 1)	—
1988 No. 138	24 June 1988	1 July 1988	—
1988 No. 335	14 Dec 1988	14 Dec 1988	—
1989 No. 104	26 May 1989	R. 1 (1): 22 May 1988 Remainder: 26 May 1989	—
1989 No. 125	21 June 1989	21 June 1989	—
1991 No. 33	6 Mar 1991	6 Mar 1991	—
1991 No. 241	31 July 1991	31 July 1991	—
1991 No. 280	30 Aug 1991	1 Sept 1991	—
1992 No. 75	19 Mar 1992	19 Mar 1992	—
1993 No. 220	17 Aug 1993	17 Aug 1993	—
1994 No. 24	18 Feb 1994	1 Jan 1994	R. 4
1997 No. 372	15 Dec 1997	1 Jan 1998	R. 5
1999 No. 34	2 Mar 1999	2 Mar 1999	—
2000 No. 187	12 July 2000	1 July 2000	R. 4

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
2001 No. 72	12 Apr 2001	Rr. 1–3 and Schedule 1: 1 June 1999 Remainder: 12 Apr 2001	—
2001 No. 228	30 Aug 2001	30 Aug 2001	—
2003 No. 247	1 Oct 2003	1 Oct 2003	—
2004 No. 337	8 Dec 2004	8 Dec 2004	—
2007 No. 126	24 May 2007 (see F2007L01433)	23 Mar 2007	—
2008 No. 75	19 May 2008 (see F2008L01260)	20 May 2008	—
2012 No. 103	21 June 2012 (see F2012L01280)	22 June 2012	—
2012 No. 236	15 Oct 2012 (see F2012L02039)	16 Oct 2012	—

- (a) Statutory Rules 1988, No. 50, which inserted regulation 17, was repealed by Statutory Rules 1989, No. 104 before coming into force.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 1999 No. 34
R. 2	am. 1993 No. 220
R. 4	am. 1991 No. 241
R. 5	am. 1986 No. 202; 1987 No. 122
R. 6AA	ad. 2001 No. 72
R. 6A	ad. 1991 No. 33 rs. 2001 No. 72
R. 8	am. 1987 No. 122
R. 8AA	ad. 2001 No. 228
R. 8A	ad. 2001 No. 72
Heading to r. 9	rs. 1999 No. 34
R. 9	am. 1986 No. 202; 1987 Nos. 122 and 178; 1988 No. 138; 1991 No. 280; 1994 No. 24; 1997 No. 372; 1999 No. 34; 2000 No. 187; 2004 No. 337 rs. 2007 No. 126 am. 2012 No. 103
R. 9AA	ad. 1997 No. 372 am. 2007 No. 126
R. 9AB	ad. 1997 No. 372 am. 2007 No. 126
R. 9AC	ad. 1997 No. 372 am. 1999 No. 34
Heading to r. 9AD	rs. 1999 No. 34
R. 9AD	ad. 1997 No. 372
Heading to r. 9AE	rs. 1999 No. 34
R. 9AE	ad. 1997 No. 372
Heading to r. 9AF	rs. 1999 No. 34
R. 9AF	ad. 1997 No. 372 am. 1999 No. 34
Note to r. 9AF	rs. 1999 No. 34
R. 9AG	ad. 1997 No. 372
R. 9AH	ad. 1997 No. 372
R. 9AI	ad. 1997 No. 372 am. 1999 No. 34
R. 9AJ	ad. 1997 No. 372
R. 9AK	ad. 1997 No. 372
R. 9AL	ad. 1997 No. 372

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Heading to r. 9AM.....	rs. 1999 No. 34
R. 9AM.....	ad. 1997 No. 372 am. 1999 No. 34
Note to r. 9AM.....	am. 1999 No. 34
Heading to r. 9AN	rs. 1999 No. 34
R. 9AN	ad. 1997 No. 372 am. 1999 No. 34
Note to r. 9AN	am. 1999 No. 34
R. 9A.....	ad. 1987 No. 122 am. 1988 No. 335; 1989 No. 125; 2001 No. 72 rs. 2008 No. 75; 2012 No. 236
R. 11	rs. 2001 No. 72
R. 13	rs. 2001 No. 72
R. 13A.....	ad. 2001 No. 72
R. 14	am. 1992 No. 75
R. 14A.....	ad. 1989 No. 104 rep. 1992 No. 75
R. 15A.....	ad. 2003 No. 247
Schedule 1	am. 1991 No. 241

Table A

Table A	Application, saving or transitional provisions
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Statutory Rules 1994 No. 24

4 Application of amendment

- 4.1 The amendment made by regulation 3 has effect in relation to travel undertaken after the commencement of these Regulations.
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Statutory Rules 1997 No. 372

5 Application

- 5.1 The amendments made by regulations 3 and 4 have effect in relation to travel undertaken after the commencement of these regulations.
-

Statutory Rules 2000 No. 187

4 Application of amendments

The amendments made by Schedule 1 have effect in relation to travel undertaken after the commencement of these Regulations.
