

1. Name of instrument

This instrument is the *Veterans' Entitlements (Veterans' Children Education Scheme – Income Support Bonus) Instrument 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 an *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 or 3.6A 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 or 3.6A 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 a *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 was 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 is 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*.