



**Social Security and Veterans' Affairs
Legislation Amendment (One-off
Payments and Other 2007 Budget
Measures) Act 2007**

No. 66, 2007

**An Act to amend the law relating to social security
and veterans' affairs, and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedule(s).....	2
Schedule 1—2007 one-off payments to older Australians		3
Part 1—Main amendments		3
<i>Social Security Act 1991</i>		3
<i>Social Security (Administration) Act 1999</i>		6
<i>Veterans' Entitlements Act 1986</i>		6
Part 2—Related amendments		11
<i>Income Tax Assessment Act 1936</i>		11
<i>Income Tax Assessment Act 1997</i>		11
<i>Social Security Act 1991</i>		13
<i>Veterans' Entitlements Act 1986</i>		13
Schedule 2—Administrative schemes for 2007 one-off payments to older Australians		15
Schedule 3—2007 one-off payments to carers		17
Part 1—Main amendments		17
<i>Social Security Act 1991</i>		17
<i>Social Security (Administration) Act 1999</i>		23
Part 2—Related amendments		25
<i>Income Tax Assessment Act 1936</i>		25
<i>Income Tax Assessment Act 1997</i>		25
<i>Social Security Act 1991</i>		27
<i>Veterans' Entitlements Act 1986</i>		27
Schedule 4—Administrative scheme for 2007 one-off payments to carers		28
Schedule 5—Compensation payments in respect of certain World War 2 internments		29
Schedule 6—Amendments to increase funeral benefits		33

<i>Veterans' Entitlements Act 1986</i>	33
Schedule 7—Amendments to increase rate of certain pensions	34
<i>Veterans' Entitlements Act 1986</i>	34
Schedule 8—Amendments relating to backdating of war widow and widower pensions	35
<i>Veterans' Entitlements Act 1986</i>	35



Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007

No. 66, 2007

**An Act to amend the law relating to social security
and veterans' affairs, and for other purposes**

[Assented to 11 May 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	11 May 2007
2. Schedules 1 to 5	The day on which this Act receives the Royal Assent.	11 May 2007
3. Schedules 6 to 8	1 July 2007.	1 July 2007

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—2007 one-off payments to older Australians

Part 1—Main amendments

Social Security Act 1991

1 After Part 2.2C

Insert:

Part 2.2D—2007 one-off payment to older Australians

93ZA 2007 one-off payment to older Australians

Qualified if this section applies

- (1) A person is qualified for a 2007 one-off payment to older Australians if subsection (2), (3) or (4) applies to the person.

Qualified because of income support payments

- (2) This subsection applies to a person if:
- (a) the person has reached pension age on or before 8 May 2007; and
 - (b) the person was receiving an income support payment, other than service pension or income support supplement, in respect of a period that includes 8 May 2007; and
 - (c) the person was receiving that payment because of a claim the person made on or before 8 May 2007; and
 - (d) on 8 May 2007, the person:
 - (i) was in Australia; or
 - (ii) was temporarily absent from Australia and had been so for a continuous period not exceeding 13 weeks.

Qualified because qualified for seniors concession allowance

- (3) This subsection applies to a person if:
-

- (a) on 8 May 2007, the person was qualified for seniors concession allowance under section 1061U; or
- (b) both:
 - (i) on or before 8 May 2007, the person made a claim for a seniors health card under Division 1 of Part 3 of the Administration Act and had not withdrawn that claim on or before 8 May 2007; and
 - (ii) on 8 May 2007, the person either was qualified for the card or would have been so qualified but for being temporarily absent from Australia for a continuous period not exceeding 13 weeks.

Qualified because receiving certain allowances

- (4) This subsection applies to a person if:
 - (a) the person was receiving a widow allowance, mature age allowance or partner allowance in respect of a period that includes 8 May 2007; and
 - (b) the person was receiving that allowance because of a claim the person made on or before 8 May 2007; and
 - (c) on 8 May 2007, the person:
 - (i) was in Australia; or
 - (ii) was temporarily absent from Australia and had been so for a continuous period not exceeding 13 weeks.

One one-off payment only

- (5) A person is entitled to one payment only under this section, regardless of how many times the person qualifies under this section.
- (6) Despite anything else in this section, a person is not qualified for a payment under this section if the person is eligible for a payment under section 118ZZG of the Veterans' Entitlements Act.

93ZB Amount of the one-off payment

The amount of the one-off payment under section 93ZA is \$500.

2 Certain claims that would otherwise be taken to have been made on or before 8 May 2007

For the purposes of the provisions inserted by item 1, disregard the effect of section 15 of the *Social Security (Administration) Act 1999*, so far as it relates to the Secretary becoming satisfied of a matter, as mentioned in that section, after 8 May 2007.

3 Subsection 1223ABAA(1)

Repeal the subsection, substitute:

- (1) This section applies in relation to an individual who has been paid a payment (the *relevant payment*) of:
- (a) 2006 one-off payment to older Australians under Part 2.2C;
 - or
 - (b) 2007 one-off payment to older Australians under Part 2.2D.

4 Subsection 1223ABAA(2)

After “subsection 93Y(2)”, insert “or 93ZA(2)”.

5 At the end of subsection 1223ABAA(2)

Add “or 93ZA(2)(b)”.

6 Subsection 1223ABAA(3)

After “subsection 93Y(3)”, insert “or 93ZA(3)”.

7 Subsection 1223ABAA(4)

After “subsection 93Y(4)”, insert “or 93ZA(4)”.

8 At the end of subsection 1223ABAA(4)

Add “or 93ZA(4)(a)”.

9 After subsection 1223ABAA(4)

Insert:

- (4A) For the purposes of this section, the *relevant day* in respect of a relevant payment is:
- (a) for a payment of 2006 one-off payment to older Australians—9 May 2006; or
 - (b) for a payment of 2007 one-off payment to older Australians—8 May 2007.

10 Paragraphs 1223ABAA(5)(a) and (c)

Omit “9 May 2006”, substitute “the relevant day”.

11 Paragraph 1223ABAA(6)(a)

After “subsection 93Y(3)”, insert “or 93ZA(3)”.

Social Security (Administration) Act 1999

12 Section 12AAA

Repeal the section, substitute:

12AAA One-off payments to older Australians

A claim is not required for:

- (a) 2006 one-off payment to older Australians; or
- (b) 2007 one-off payment to older Australians.

13 Subsection 47(1) (after paragraph (ga) of the definition of *lump sum benefit*)

Insert:

- (gb) 2007 one-off payment to older Australians; or

14 After section 47AA

Insert:

47AB Payment of 2007 one-off payment to older Australians

If an individual is qualified for a 2007 one-off payment to older Australians, the Secretary must pay the payment to the individual in a single lump sum:

- (a) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
- (b) in such manner as the Secretary considers appropriate.

Veterans' Entitlements Act 1986

15 After Part VIID

Insert:

Part VIIE—2007 one-off payment to older Australians

118ZZG 2007 one-off payment to older Australians

Eligible if this section applies

- (1) A person is eligible for a 2007 one-off payment to older Australians if subsection (2) or (3) applies to the person.

Eligible because of income support payments

- (2) This subsection applies to a person if:
 - (a) the person has reached qualifying age within the meaning of subsection 118OA(2) on or before 8 May 2007; and
 - (b) a service pension or an income support supplement was payable to the person in respect of a period that includes 8 May 2007; and
 - (c) the pension or supplement was payable because of a claim the person made on or before 8 May 2007; and
 - (d) on 8 May 2007, the person:
 - (i) was in Australia; or
 - (ii) was temporarily absent from Australia and had been so for a continuous period not exceeding 13 weeks.

Eligible because eligible for seniors concession allowance

- (3) This subsection applies to a person if:
 - (a) on 8 May 2007, the person was eligible for seniors concession allowance under section 118PA; or
 - (b) both:
 - (i) on or before 8 May 2007, the person made a claim for a seniors health card under Division 2 of Part VIIC and had not withdrawn that claim on or before 8 May 2007; and
 - (ii) on 8 May 2007, the person either was eligible for the card or would have been so eligible but for being temporarily absent from Australia for a continuous period not exceeding 13 weeks.

One one-off payment only

- (4) A person is entitled to one payment only under this section, regardless of how many times the person becomes eligible under this section.

118ZZH Amount of the one-off payment

The amount of the one-off payment under section 118ZZG is \$500.

118ZZI Claim not required for 2007 one-off payment to older Australians

A claim is not required for 2007 one-off payment to older Australians.

118ZZJ Payment of 2007 one-off payment to older Australians

If an individual is eligible for a 2007 one-off payment to older Australians, the Commission must pay the payment to the individual in a single lump sum:

- (a) on the date that the Commission considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
- (b) in such manner as the Commission considers appropriate.

118ZZK Debts arising in respect of 2007 one-off payment to older Australians

- (1) This section applies in relation to an individual who has been paid a 2007 one-off payment to older Australians (the *relevant payment*) under this Part.
- (2) If the individual was eligible for the relevant payment because of subsection 118ZZG(2), a *relevant determination* is a determination made under Part III or Part IIIA because of which the pension or supplement referred to in paragraph 118ZZG(2)(b) was payable.
- (3) If the individual was eligible for the relevant payment because of subsection 118ZZG(3) and because of holding or having held a seniors health card, a *relevant determination* is a determination made under this Act because of which the person became the holder of the card.

(4) If:

- (a) after the relevant payment was made to the individual, a relevant determination in relation to the individual, at least so far as it relates to 8 May 2007 or to a period that includes that day, is or was (however described) changed, revoked, set aside, or superseded by another determination; and
- (b) the decision to change, revoke, set aside or supersede the relevant determination is or was made for the reason, or for reasons including the reason, that the individual knowingly made a false or misleading statement, or knowingly provided false information; and
- (c) had the change, revocation, setting aside or superseding occurred on or before 8 May 2007, the relevant payment would not have been made;

the amount of the relevant payment is a debt due to the Commonwealth by the individual.

(5) If:

- (a) an individual was eligible for the relevant payment because of subsection 118ZZG(3) and because of having claimed a seniors health card; and
- (b) the individual knowingly made a false or misleading statement, or knowingly provided false information, in relation to the claim; and
- (c) but for that statement or information, the relevant payment would not have been paid to the individual;

the amount of the relevant payment is a debt due to the Commonwealth by the individual.

(6) If:

- (a) an individual was eligible for the relevant payment because of subsection 118ZZG(3) and because of holding or having held a gold card; and
- (b) the individual knowingly made a false or misleading statement, or knowingly provided false information, that resulted (directly or indirectly) in the individual becoming the holder of the gold card; and
- (c) but for that statement or information, the relevant payment would not have been paid to the individual;

the amount of the relevant payment is a debt due to the Commonwealth by the individual.

- (7) The other provisions of this Act under which debts arise do not apply in relation to payments to which this section applies.
- (8) A debt that arises under this section is a ***recoverable amount*** within the meaning of subsection 205(8).

Part 2—Related amendments

Income Tax Assessment Act 1936

16 Subsection 159J(6) (after paragraph (adab) of the definition of *separate net income*)

Insert:

(adac) does not include 2007 one-off payment to older Australians under the *Social Security Act 1991* or the *Veterans' Entitlements Act 1986*; and

(adad) does not include payments to older Australians under a scheme determined under Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*; and

Income Tax Assessment Act 1997

17 Section 11-15 (table item headed “social security or like payments”)

After:

payments under the scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006*..... 52-65

insert:

2007 one-off payment to older Australians under the *Social Security Act 1991* 52-10

payments under a scheme determined under item 1 of Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007* 52-10

2007 one-off payment to older Australians under the *Veterans' Entitlements Act 1986*..... 52-65

payments under the scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007* 52-65

18 After paragraph 52-10(1)(ba)

Insert:

(baa) 2007 one-off payment to older Australians; or

19 Paragraph 52-10(1)(bb)

Omit “the scheme”, substitute “a scheme”.

20 After subsection 52-10(1CA)

Insert:

(1CAA) Payments of 2007 one-off payment to older Australians under Part 2.2D of the *Social Security Act 1991* are exempt from income tax.

21 Subsection 52-10(1CB)

Repeal the subsection, substitute:

(1CB) Payments to older Australians under the following schemes are exempt from income tax:

- (a) a scheme determined under item 1 of Schedule 2 to the *Social Security and Veterans’ Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006*;
- (b) a scheme determined under item 1 of Schedule 2 to the *Social Security and Veterans’ Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*.

22 After paragraph 52-65(1)(b)

Insert:

(ba) 2007 one-off payment to older Australians; or

23 Paragraph 52-65(1)(c)

Omit “the scheme”, substitute “a scheme”.

24 After subsection 52-65(1B)

Insert:

(1BA) Payments of 2007 one-off payment to older Australians under Part VIII E of the *Veterans' Entitlements Act 1986* are exempt from income tax.

25 Subsection 52-65(1C)

Repeal the subsection, substitute:

(1C) Payments to older Australians under the following schemes are exempt from income tax:

- (a) a scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006*;
- (b) a scheme determined under item 2 of Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*.

26 Section 52-75 (after table item 1A)

Insert:

1B	2007 one-off payment to older Australians	Part VIII E	Not applicable
----	--	-------------	----------------

Social Security Act 1991

27 After paragraph 8(8)(yc)

Insert:

- (yd) 2007 one-off payment to older Australians under the *Veterans' Entitlements Act*;
- (ye) a payment under a scheme determined under Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*;

Veterans' Entitlements Act 1986

28 After paragraph 5H(8)(zzab)

Insert:

- (zzac) 2007 one-off payment to older Australians under Part VIII E;

(zzad) a payment under a scheme determined under Schedule 2 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*;

Schedule 2—Administrative schemes for 2007 one-off payments to older Australians

1 Administrative scheme for 2007 one-off payments to older Australians (social security)

- (1) Subject to this item, a Minister administering provisions of the *Social Security Act 1991* may, by legislative instrument, determine a scheme under which one-off payments may be made to older Australians in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.

Note: Because there is more than one Minister administering provisions of the *Social Security Act 1991*, there may be more than one scheme.

- (2) The circumstances in which the scheme provides for payments must be circumstances:
- (a) in which the Minister considers that Part 2.2D of the *Social Security Act 1991* does not produce appropriate results; and
 - (b) occurring in the financial year starting on 1 July 2006.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
- (a) the circumstances in which payments are to be made;
 - (b) the amount of the payments;
 - (c) what a person has to do to get a payment;
 - (d) debt recovery in circumstances similar to those provided for in section 1223ABAA of the *Social Security Act 1991*;
 - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

2 Administrative scheme for 2007 one-off payments to older Australians (veterans)

- (1) Subject to this item, the Minister administering the *Veterans' Entitlements Act 1986* may, by legislative instrument, determine a scheme under which one-off payments may be made to older

Australians in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.

- (2) The circumstances in which the scheme provides for payments must be circumstances:
 - (a) in which the Minister considers that Part VIIE of the *Veterans' Entitlements Act 1986* does not produce appropriate results; and
 - (b) occurring in the financial year starting on 1 July 2006.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
 - (a) the circumstances in which payments are to be made;
 - (b) the amount of the payments;
 - (c) what a person has to do to get a payment;
 - (d) debt recovery in circumstances similar to those provided for in section 118ZZK of the *Veterans' Entitlements Act 1986*;
 - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

Schedule 3—2007 one-off payments to carers

Part 1—Main amendments

Social Security Act 1991

1 After Part 2.5G

Insert:

Part 2.5H—2007 one-off payment to carers eligible for carer payment

261 2007 one-off payment to carers (carer payment related)

A person (the *qualified person*) is qualified for a 2007 one-off payment to carers (carer payment related) if:

- (a) the person has been paid an instalment of carer payment in respect of a period that includes 8 May 2007; and
- (b) the person was paid that instalment because of a claim the person made on or before 8 May 2007.

262 Amount of the one-off payment

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

Part 2.5J—2007 one-off payment to carers eligible for wife pension

263 2007 one-off payment to carers (wife pension related)

A person (the *qualified person*) is qualified for a 2007 one-off payment to carers (wife pension related) if:

- (a) the person:

- (i) has been paid an instalment of wife pension in respect of a period that includes 8 May 2007; and
- (ii) was paid that instalment because of a claim the person made on or before 8 May 2007; and
- (b) the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:
 - (i) the instalment was in respect of a period that includes 8 May 2007;
 - (ii) the reason why that instalment covered 8 May 2007 was not only because of clause 16 or 17 of Schedule 2 to the Administration Act;
 - (iii) the person was paid that instalment because of a claim the person made on or before 8 May 2007.

264 Amount of the one-off payment

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

Part 2.5K—2007 one-off payment to carers eligible for partner service pension

265 2007 one-off payment to carers (partner service pension related)

A person (the *qualified person*) is qualified for a 2007 one-off payment to carers (partner service pension related) if:

- (a) the person:
 - (i) has been paid an instalment of partner service pension under Part III of the Veterans' Entitlements Act in respect of a period that includes 8 May 2007; and
 - (ii) was paid that instalment because of a claim the person made on or before 8 May 2007; and
- (b) the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:

- (i) the instalment was in respect of a period that includes 8 May 2007;
- (ii) the reason why that instalment covered 8 May 2007 was not only because of clause 16 or 17 of Schedule 2 to the Administration Act;
- (iii) the person was paid that instalment because of a claim the person made on or before 8 May 2007.

266 Amount of the one-off payment

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

Part 2.5L—2007 one-off payment to carers eligible for carer service pension

267 2007 one-off payment to carers (carer service pension related)

A person (the *qualified person*) is qualified for a 2007 one-off payment to carers (carer service pension related) if:

- (a) the person has been paid an instalment of carer service pension as a result of the operation of subclause 8(2) or (4) of Schedule 5 to the Veterans' Entitlements Act in respect of a period that includes 8 May 2007; and
- (b) the person was paid that instalment because of a claim the person made on or before 8 May 2007.

268 Amount of the one-off payment

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

2 After Part 2.19C

Insert:

Part 2.19D—2007 one-off payment to people eligible for carer allowance

992WA 2007 one-off payment to carers (carer allowance related)

- (1) A person (the *qualified person*) is qualified for a 2007 one-off payment to carers (carer allowance related) if the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:
 - (a) the instalment was in respect of a period that includes 8 May 2007;
 - (b) the reason why that instalment covered 8 May 2007 was not only because of clause 16 or 17 of Schedule 2 to the Administration Act;
 - (c) the person was paid that instalment because of a claim the person made on or before 8 May 2007.
- (2) For the purposes of this Part, the instalment, or each instalment, in relation to which paragraphs (1)(a), (b) and (c) are satisfied is a *qualifying instalment*.

992WB Eligible care receivers

- (1) Subject to subsection (2), each person to whose care a qualifying instalment relates is an *eligible care receiver* in relation to the qualified person.
- (2) If subsection 953(2) applied in relation to a qualifying instalment, the 2 disabled children to whom the instalment relates are to be treated as if they were a single *eligible care receiver* in relation to the qualified person.

992WC Amount of the one-off payment

Add together the amounts applicable under this section for each eligible care receiver

- (1) The amount of the one-off payment to the qualified person is worked out by adding together the amounts applicable under this section for each eligible care receiver.

Amount is \$600 unless subsection (3) applies

- (2) Subject to subsection (3), the amount applicable for an eligible care receiver is \$600.

Reduced amount if instalment rate took account of a subsection 981(1) determination

- (3) If the rate at which a qualifying instalment was paid took account of a determination under subsection 981(1) of a particular share (being a percentage or proportion) in relation to an eligible care receiver, the amount applicable for the eligible care receiver is that share of \$600.

3 Certain claims that would otherwise be taken to have been made on or before 8 May 2007

For the purposes of the provisions inserted by items 1 and 2, the following are to be disregarded:

- (a) the effect of section 12 of the *Social Security (Administration) Act 1999*, so far as it relates to a determination under that section that is made after 8 May 2007;
- (b) the effect of section 15 of the *Social Security (Administration) Act 1999*, so far as it relates to the Secretary becoming satisfied of a matter, as mentioned in that section, after 8 May 2007.

4 At the end of subsection 1223ABA(1)

Add:

- ; or (k) 2007 one-off payment to carers (carer payment related); or
- (l) 2007 one-off payment to carers (wife pension related); or
- (m) 2007 one-off payment to carers (partner service pension related); or
- (n) 2007 one-off payment to carers (carer service pension related); or
- (o) 2007 one-off payment to carers (carer allowance related).

5 After subsection 1223ABA(3CE)

Insert:

- (3CF) If the relevant payment is a payment of 2007 one-off payment to carers (carer payment related), a **relevant determination** is a determination made under Part 3 of the Administration Act because of which the instalment of carer payment referred to in section 261 of this Act was paid.
- (3CG) If the relevant payment is a payment of 2007 one-off payment to carers (wife pension related), a **relevant determination** is:
- (a) a determination made under Part 3 of the Administration Act because of which the instalment of wife pension referred to in section 263 of this Act was paid; or
 - (b) a determination made under Part 3 of the Administration Act because of which the, or an, instalment of carer allowance referred to in section 263 of this Act was paid.
- (3CH) If the relevant payment is a payment of 2007 one-off payment to carers (partner service pension related), a **relevant determination** is:
- (a) a determination made under the Veterans' Entitlements Act because of which the instalment of partner service pension referred to in section 265 of this Act was paid; or
 - (b) a determination made under Part 3 of the Administration Act because of which the, or an, instalment of carer allowance referred to in section 265 of this Act was paid.
- (3CI) If the relevant payment is a payment of 2007 one-off payment to carers (carer service pension related), a **relevant determination** is a determination made under the Veterans' Entitlements Act because of which the instalment of carer service pension referred to in section 267 of this Act was paid.
- (3CJ) If the relevant payment is a payment of 2007 one-off payment to carers (carer allowance related), a **relevant determination** is a determination made under Part 3 of the Administration Act because of which the, or an, instalment of carer allowance referred to in section 992WA of this Act was paid.

6 At the end of subsection 1223ABA(3D)

Add:

- ; or (d) 8 May 2007, if the relevant payment is a payment of:
- (i) 2007 one-off payment to carers (carer payment related);
- or

- (ii) 2007 one-off payment to carers (wife pension related);
or
- (iii) 2007 one-off payment to carers (partner service pension related); or
- (iv) 2007 one-off payment to carers (carer service pension related); or
- (v) 2007 one-off payment to carers (carer allowance related).

Social Security (Administration) Act 1999

7 After section 12AC

Insert:

12AD 2007 one-off payments to carers

A claim is not required for:

- (a) 2007 one-off payment to carers (carer payment related); or
- (b) 2007 one-off payment to carers (wife pension related); or
- (c) 2007 one-off payment to carers (partner service pension related); or
- (d) 2007 one-off payment to carers (carer service pension related); or
- (e) 2007 one-off payment to carers (carer allowance related).

8 Subsection 47(1) (after paragraph (hi) of the definition of *lump sum benefit*)

Insert:

- (hj) 2007 one-off payment to carers (carer payment related); or
- (hk) 2007 one-off payment to carers (wife pension related); or
- (hl) 2007 one-off payment to carers (partner service pension related); or
- (hm) 2007 one-off payment to carers (carer service pension related); or
- (hn) 2007 one-off payment to carers (carer allowance related); or

9 After section 47D

Insert:

47E Payment of 2007 one-off payments to carers

- (1) If an individual is entitled to a payment of:
 - (a) 2007 one-off payment to carers (carer payment related); or
 - (b) 2007 one-off payment to carers (wife pension related); or
 - (c) 2007 one-off payment to carers (partner service pension related); or
 - (d) 2007 one-off payment to carers (carer service pension related); or
 - (e) 2007 one-off payment to carers (carer allowance related);the Secretary must pay the payment to the individual in a single lump sum.
- (2) The lump sum must be paid:
 - (a) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
 - (b) in such manner as the Secretary considers appropriate.

Part 2—Related amendments

Income Tax Assessment Act 1936

10 Subsection 159J(6) (subparagraph (ad)(xi) of the definition of *separate net income*)

Omit “and”.

11 Subsection 159J(6) (at the end of paragraph (ad) of the definition of *separate net income*)

Add:

- (xii) 2007 one-off payment to carers (carer payment related);
- (xiii) 2007 one-off payment to carers (wife pension related);
- (xiv) 2007 one-off payment to carers (partner service pension related);
- (xv) 2007 one-off payment to carers (carer service pension related);
- (xvi) 2007 one-off payment to carers (carer allowance related); and

12 Subsection 159J(6) (after paragraph (adc) of the definition of *separate net income*)

Insert:

- (add) does not include payments to carers under the scheme determined under Schedule 4 to the *Social Security and Veterans’ Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*; and

Income Tax Assessment Act 1997

13 Section 11-15 (table item headed “social security or like payments”)

After:

payments under the scheme determined under
Schedule 4 to the *Social Security and Veterans’
Entitlements Legislation Amendment (One-off
Payments to Increase Assistance for Older
Australians and Carers and Other Measures) Act
2006* 52-10

insert:

2007 one-off payment to carers (carer payment related),
2007 one-off payment to carers (wife pension
related), 2007 one-off payment to carers (partner
service pension related), 2007 one-off payment to
carers (carer service pension related) or 2007 one-off
payment to carers (carer allowance related)..... 52-10

payments under the scheme determined under
Schedule 4 to the *Social Security and Veterans’
Affairs Legislation Amendment (One-off Payments
and Other 2007 Budget Measures) Act 2007*..... 52-10

14 Paragraph 52-10(1)(m)

Repeal the paragraph, substitute:

- (m) 2007 one-off payment to carers (carer payment related); or
- (n) 2007 one-off payment to carers (wife pension related); or
- (o) 2007 one-off payment to carers (partner service pension related); or
- (p) 2007 one-off payment to carers (carer service pension related); or
- (q) 2007 one-off payment to carers (carer allowance related); or
- (r) payments under a scheme referred to in subsection (1E).

15 At the end of subsection 52-10(1D)

Add:

- ; (k) 2007 one-off payment to carers (carer payment related) (see Part 2.5H of that Act);
- (l) 2007 one-off payment to carers (wife pension related) (see Part 2.5J of that Act);
- (m) 2007 one-off payment to carers (partner service pension related) (see Part 2.5K of that Act);
- (n) 2007 one-off payment to carers (carer service pension related) (see Part 2.5L of that Act);

- (o) 2007 one-off payment to carers (carer allowance related) (see Part 2.19D of that Act).

16 Subsections 52-10(1E), (1F) and (1G)

Repeal the subsections, substitute:

- (1E) Payments to carers under the following schemes are exempt from income tax:
- (a) a scheme determined under Schedule 3 to the *Family Assistance Legislation Amendment (More Help for Families—One-off Payments) Act 2004*;
 - (b) a scheme determined under Schedule 2 to the *Social Security Legislation Amendment (One-off Payments for Carers) Act 2005*;
 - (c) a scheme determined under Schedule 4 to the *Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006*;
 - (d) a scheme determined under Schedule 4 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*.

Social Security Act 1991

17 After paragraph 8(8)(jad)

Insert:

- (jae) a payment under the scheme determined under Schedule 4 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*;

Veterans' Entitlements Act 1986

18 At the end of subsection 5H(8) (before the note)

Add:

- ; (zzd) a payment under the scheme determined under Schedule 4 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*.

Schedule 4—Administrative scheme for 2007 one-off payments to carers

1 Administrative scheme for 2007 one-off payments to carers

- (1) Subject to this item, the Minister administering Part 2.5 of the *Social Security Act 1991* may, by legislative instrument, determine a scheme under which one-off payments may be made to carers in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.
- (2) The circumstances in which the scheme provides for payments must be circumstances:
 - (a) in which the Minister considers that Parts 2.5H, 2.5J, 2.5K, 2.5L and 2.19D of the *Social Security Act 1991* do not produce appropriate results; and
 - (b) occurring in the financial year starting on 1 July 2006.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
 - (a) the circumstances in which payments are to be made;
 - (b) the amount of the payments;
 - (c) what a person has to do to get a payment;
 - (d) debt recovery in circumstances similar to those provided for in section 1223ABA of the *Social Security Act 1991*;
 - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

Schedule 5—Compensation payments in respect of certain World War 2 internments

1 Definitions

In this Schedule:

civilian means a person who is not a veteran.

Commission means the Repatriation Commission referred to in the *Veterans' Entitlements Act 1986*.

compensation payment means a payment under this Schedule.

designated war period means the period starting on 3 September 1939 and ending at the end of 11 May 1945.

enemy State means:

- (a) a European State that was at war with the Crown at any time during the designated war period; and
- (b) a European ally (whether or not a State) of a State covered by paragraph (a).

interned means:

- (a) confined in a camp, building, prison, cave or other place (including a vehicle); or
- (b) restricted to residing within specified limits.

military forces, of an enemy State, means air forces, naval forces, land forces or other military forces (however described) of the enemy State.

partner, of a person, means:

- (a) someone who is legally married to the person; or
- (b) someone who is a partner (within the meaning of the *Veterans' Entitlements Act 1986*) of the person.

social security law means:

- (a) the *Social Security Act 1991*; and
- (b) the *Social Security (Administration) Act 1999*; and
- (c) any other Act that is expressed to form part of the social security law.

veteran means a person covered by subsection 6A(1) of the *Veterans' Entitlements Act 1986*.

2 Eligibility for compensation payment

Veterans

- (1) A veteran is eligible for a compensation payment if the following conditions are satisfied:
- (a) the veteran was alive at the beginning of 1 January 2007;
 - (b) the veteran was interned by the military forces of an enemy State at any time during the designated war period.

Partners of deceased veterans

- (2) A person is eligible for a compensation payment in respect of a deceased veteran if the following conditions are satisfied:
- (a) the person was alive at the beginning of 1 January 2007;
 - (b) the veteran died before 1 January 2007;
 - (c) the person was a partner of the veteran immediately before the veteran's death;
 - (d) the veteran was interned by the military forces of an enemy State at any time during the designated war period.

Civilians

- (3) A civilian is eligible for a compensation payment if the following conditions are satisfied:
- (a) the civilian was alive at the beginning of 1 January 2007;
 - (b) the civilian was interned by the military forces of an enemy State at any time during the designated war period;
 - (c) the civilian was domiciled in Australia immediately before the civilian's internment.

Partners of deceased civilians

- (4) A person is eligible for a compensation payment in respect of a civilian if the following conditions are satisfied:
- (a) the person was alive at the beginning of 1 January 2007;
 - (b) the civilian died before 1 January 2007;
 - (c) the person was a partner of the civilian immediately before the civilian's death;
 - (d) the civilian was interned by the military forces of an enemy State at any time during the designated war period;
-

- (e) the civilian was domiciled in Australia immediately before the civilian's internment.

One payment only

- (5) A person is not entitled to more than one compensation payment.

3 Amount of compensation payment

A compensation payment is a one-off payment of \$25,000.

4 Claims

- (1) Claims for compensation payments must be made in accordance with procedures determined by the Secretary under subitem (2).

Note: Compensation payments will be made automatically to those eligible persons the Department is aware of.

- (2) The Secretary may, in writing, determine the procedures for making claims.

5 Determination of claims

- (1) Claims are to be determined by the Commission.
- (2) A person who is dissatisfied with the Commission's decision on a claim may apply to the Administrative Appeals Tribunal for review of the decision.

6 Death of eligible person

If a person who is eligible under item 2 for a compensation payment dies or died before receiving the payment, the payment is to be made to the person's estate.

Note: A claim will still be required under item 4.

7 Application of certain provisions of the *Veterans' Entitlements Act 1986*

The following provisions of the *Veterans' Entitlements Act 1986* apply as if this Schedule were part of that Act:

- (a) subsection 119(1) and sections 128, 208, 213 and 214;
(b) any other provisions of that Act that are incidental to the provisions mentioned in paragraph (a).

8 Recovery of overpayments

Any overpayment under this Schedule may be recovered by the Commonwealth as a debt in a court of competent jurisdiction.

9 Exemption from income tax

Compensation payments are exempt from income tax.

10 Assets test

Veterans' Entitlements Act 1986

- (1) The value of a person's assets for the purposes of the *Veterans' Entitlements Act 1986* is reduced by any compensation payment received by the person.

Social security law

- (2) The value of a person's assets for the purposes of the social security law is reduced by any compensation payment received by the person.

11 Appropriation of Consolidated Revenue Fund

The Consolidated Revenue Fund is appropriated for the purposes of compensation payments.

Schedule 6—Amendments to increase funeral benefits

Veterans' Entitlements Act 1986

1 Subsection 98B(2)

Omit "\$1,000", substitute "\$2,000".

2 Paragraph 99(4)(a)

Omit "\$1,000", substitute "\$2,000".

3 Subsection 100(2)

Omit "\$1,000", substitute "\$2,000".

4 Application of amendments

The amendments made by this Schedule apply in relation to deaths that occur on or after 1 July 2007.

Schedule 7—Amendments to increase rate of certain pensions

Veterans' Entitlements Act 1986

1 Subsection 23(4)

Omit "\$394.50", substitute "\$619.80".

2 Subsection 24(4)

Omit "\$571.70", substitute "\$919.40".

3 Application of amendments

The amendments made by this Schedule apply to pensions payable for pension periods that start after 1 July 2007.

Schedule 8—Amendments relating to backdating of war widow and widower pensions

Veterans' Entitlements Act 1986

1 Subsection 19(9) (paragraph (b) of the definition of *application day*)

After “20(2)”, insert “, 20(2B)”.

2 Subsection 19(9) (paragraph (b) of the definition of *application day*)

After “20(2)(a)”, insert “, 20(2B)(a)”.

3 Subsection 20(1)

After “is granted”, insert “(other than a claim to which subsection (2A) applies)”.

4 Paragraph 20(2)(a)

After “in writing”, insert “(other than a claim to which subsection (2B) applies)”.

5 After subsection 20(2)

Insert:

(2A) If:

- (a) a claim in accordance with section 14 for a pension for a dependant of a deceased veteran, being a dependant who is the widow or widower of the veteran, is granted; and
- (b) the claim for a pension, in accordance with a form approved for the purposes of paragraph 14(3)(a), was received at an office of the Department in Australia less than 6 months after the death of the veteran;

the Commission may, subject to this Act, specify as a date that a determination under subsection 19(3) takes effect in respect of the claim a date not earlier than 6 months before the date on which the claim for a pension was received.

(2B) If:

- (a) a person makes a claim for a pension for a dependant of a deceased veteran, being a dependant who is the widow or widower of the veteran, that is in writing but not in accordance with a form approved for the purposes of paragraph 14(3)(a); and
- (b) that claim is made less than 6 months after the death of the veteran; and
- (c) the person subsequently makes a claim for the pension in accordance with an approved form:
 - (i) at a time when the person had not been notified by the Department in writing that it would be necessary to make the claim in accordance with an approved form; or
 - (ii) within 6 months after the person had been so notified; and
- (d) a pension for a dependant of a deceased veteran, being a dependant who is the widow or widower of the veteran, is granted to the person on consideration of the claim in accordance with an approved form;

the Commission may, subject to this Act, specify as a date that a determination under subsection 19(3) takes effect in respect of the claim a date not earlier than 6 months before the date on which the claim referred to in paragraph (a) was received at an office of the Department in Australia.

6 Application of amendments

The amendments made by this Schedule apply in relation to a claim for a pension for a dependant who is a widow or widower of a deceased veteran if the veteran's death occurs on or after 1 July 2007.

*[Minister's second reading speech made in—
House of Representatives on 9 May 2007
Senate on 10 May 2007]*

(76/07)

*Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007
Budget Measures) Act 2007 No. 66, 2007 37*