

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 114

MONDAY, 29 SEPTEMBER 1997

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 **FINANCIAL INSTITUTIONS AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Hawker (Chair) presented the following papers:

Financial Institutions and Public Administration—Standing Committee—Inquiry into ANAO audit report No. 6 of 1996-97 on Commonwealth guarantees, indemnities and letters of comfort—

Report, September 1997.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Hawker and Mr Wilton made statements in connection with the report.

Mr Hawker moved—That the House take note of the report.

Mr Hawker was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

3 **FINANCIAL INSTITUTIONS AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Hawker (Chair) presented the following papers:

Financial Institutions and Public Administration—Standing Committee—Reviews of the 1995-96 annual reports of the Reserve Bank of Australia, Australian Securities Commission and the Insurance and Superannuation Commission—

Report, September 1997.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Hawker and Mr Wilton made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Hawker moved—That the House take note of the report.

Mr Hawker was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

4 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Charles (Chair) presented the following papers:

Employment, Education and Training—Standing Committee—Youth employment: A working solution—

Report, incorporating a dissenting report, September 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Charles and Mr Sawford made statements in connection with the report.

The time for consideration of committee and delegation reports having expired—

Mr Charles moved—That the House take note of the report.

Mr Charles was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

5 ENDANGERED SPECIES

Mr Cobb, pursuant to notice, moved—That this House:

- (1) notes that many Australian animals have become extinct or are near to extinction in the wild over the last 200 years, especially small to medium sized marsupials in temperate to arid areas; and
- (2) calls for action to be taken to:
 - (a) identify the full range of animals and habitats affected by extinction;
 - (b) identify the causes of extinction, including the detrimental effects of introduced predators and increased grazing pressures;
 - (c) allocate adequate resources to undertake captive breeding programs in appropriate locations where animals still exist in captivity, to fully study the lifecycles of the animals, gather scientific evidence generally and build their numbers up to lessen their endangered status;

- (d) undertake appropriate scientific programs with the aim to eliminate predators such as foxes and feral cats, so that native animals can eventually be released back into their original habitats; and
- (e) as a matter of priority and noting that most of the animals lost have been in arid areas, fund the Broken Hill endangered species breeding proposal to complement the existing Taronga Park Zoo and Western Plains Zoo breeding programs in NSW.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, Mr Albanese was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

6 MEMBERS' STATEMENTS

Members' statements were made.

7 MINISTERIAL CHANGE AND ARRANGEMENTS

Mr Howard (Prime Minister) informed the House of the resignation of Mr McGauran as Minister for Science and Technology.

Mr Howard also informed the House that, during the absence abroad of Mr Downer (Minister for Foreign Affairs), Mr Fischer (Minister for Trade) would answer questions on his behalf.

8 QUESTIONS

Questions without notice being asked—

Paper

Mr Melham, in accordance with standing order 321, having called for a document quoted from by Mr Williams (Attorney-General and Minister for Justice)—

Mr Williams presented the following paper:

Native Title Amendment Bill 1997—Copy of letter from Mr Williams to Mr Alan Rose, AO, President, Australian Law Reform Commission, 28 August 1997.

Questions without notice continuing—

Papers

Mr Howard (Prime Minister) presented the following papers:

Travelling allowance payments—Copies of—

Letters of resignation from—

Grahame Morris to Mr Howard, 26 September 1997.

Fiona McKenna to Mr Howard, 25 September 1997.

Letters from Mr Howard to—

Grahame Morris, 26 September 1997.

Ms Fiona McKenna, 26 September 1997.

Minutes from Philomena Bisshop, Government Section, Department of the Prime Minister and Cabinet to—

Bill Blick, 26 September 1997.

Secretary, 28 September 1997.

Notes from—

John Sutherland to Mr Jull, 25 September 1997.

Fiona McKenna to Mr Howard, 25 September 1997.

Questions without notice continued.

9 PETITIONS

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Andren, Mr J. N. Andrew, Mr Bevis, Mr Brereton, Mr Charles, Mr M. J. Evans, Mr Hardgrave, Mr Hawker, Ms Jeanes, Mr Kerr, Dr Lawrence, Ms Macklin, Mr Miles, Mr P. F. Morris, Mr Mutch, Mr Nehl, Mr O'Connor, Mr Quick, Mr Reid, Mr Scott, Mr Somlyay, Mr K. J. Thomson and Mr Truss, from 72, 44, 52, 33, 82, 26, 27, 23, 16, 9, 63, 714, 36, 28, 11, 20, 23, 44, 18, 213, 24, 8 and 18 pensioners, superannuants and retirees, respectively, praying that funding be provided to the Australian Pensioners' and Superannuants' Federation.

Mr McClelland, from 30 residents of Sydney, in similar terms.

Mr Bevis, from 175 residents of Queensland, Mr McClelland, from 15 residents of Sydney, and Mr Price, from 16 residents of western Sydney, respectively, praying that the proposal to introduce nursing home entry fees be abandoned and full funding for capital assistance to nursing homes be restored.

Mr Adams and Mr Quick, from 1159 and 329 residents of Tasmania, respectively, praying that the current childcare assistance administration for family day care be retained.

Mr Hawker and Mr K. J. Thomson, from 8 and 8 petitioners, respectively, praying that action be taken to remove the exclusion of members of the Royal Australian Navy, who served in the Malaya campaign, from repatriation benefits under the Veterans' Entitlements Act.

Mr Bartlett, from 5504 residents of New South Wales, praying that legislation to allow construction of an airport at Badgely's Creek, NSW, not be passed.

Mr Bevis, from 167 residents of Queensland, praying that data communication services be charged on an untimed basis.

Mr Brereton, from 179 petitioners, praying that nursing home care be available to all and that the family home be exempted from assets tests relating to payment for such care.

Mr Crean, from 321 concerned veterans, praying that cuts to the Pharmaceutical Benefits Scheme be reconsidered.

Mrs Gallus, from 1838 electors of the Division of Hindmarsh, praying that a Vodaphone mobile phone tower at Fulham Gardens, SA, be relocated.

Mr Jenkins, from 86 residents of Victoria, praying that funding to the Whittlesea Plenty Valley Family Resource Centre be restored.

Dr Lawrence, from 648 petitioners, praying that certain action be taken to protect high conservation value forests.

Ms Macklin, from 121 petitioners, praying that an Australian Service Medal be awarded to veterans in recognition of defence service between 1945 and 1975.

Ms Macklin, from 86 residents of Victoria, praying that changes to the Higher Education Contribution Scheme be rejected.

Ms Macklin, from 60 residents of Victoria, praying that all families have access to affordable and quality child care.

Mr McClelland, from 294 electors of the Division of Barton, praying that the Rockdale, NSW, Medicare office remain open.

Mr McLachlan, from 1149 residents of south east South Australia, praying that sufficient post operative accommodation be made available for elderly and incapacitated patients.

Mr Miles, from 26 residents of Tasmania, praying that the pulp and paper industry in north-west Tasmania be recognised and the entry into Australia of dumped paper be prevented.

Mr P. F. Morris, from 42 electors of the Division of Shortland, praying that the Belmont, NSW, Medicare office remain open.

Mr Mutch, from 25 residents of New South Wales, praying that regulations prohibiting the importation of certain compact disks be enforced.

Mr Price, from 178 residents of western Sydney, praying that the Mt. Druitt, NSW, Medicare office remain open.

Mr Price, from 152 residents of western Sydney, praying that the decision to exclude certain Commonwealth Seniors Health Card holders from access to free hearing aids or vital hearing services be noted.

Mr Sawford, from 31 residents of South Australia, praying that SBS programs be broadcast to the south east of South Australia.

Mr Sawford, from 24 petitioners, praying that tariffs not be reduced.

Mr S. F. Smith, from 330 residents of Perth, praying that certain action be taken to create employment.

Mr Tanner, from 133 petitioners, praying that certain action be taken in relation to native title.

Petitions received.

10 INDUSTRIAL RELATIONS

Mr Brown, pursuant to notice, moved—That this House:

- (1) congratulates the International Transport Workers Federation and applauds the support it provided for the union stevedores at the port of Cairns who were under siege as a result of the operation of the Australian Government's Workplace Relations Act;

- (2) endorses the slogans "United we stand, divided we beg" and "Workers united can never be defeated" which have been raised in many recent industrial confrontations;
- (3) expresses its support for the courageous miners at Hunter Valley No. 1 Mine and for their wives and children who have stood with them on the picket line in defence of their jobs, families, communities and the right of collective action;
- (4) recognises that one to one negotiations between employees and management in the pursuit of individual contracts is not a process conducted between equals but a process stacked in favour of the vastly more powerful position of employers; and
- (5) urges the trade union movement, all employees and the wider community to continue to resist the savage attacks being made on Australia's traditional and civilised approach to negotiation, conciliation and arbitration in the area of industrial relations.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr McDougall was granted leave to continue his speech when the debate is resumed.

11 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

The time allotted for the debate having expired—

Question—That grievances be noted—put and passed.

12 MESSAGE FROM THE SENATE—LEGISLATIVE INSTRUMENTS BILL 1996

The following message from the Senate was reported:

Message No. 322

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act relating to the making, registration, Parliamentary scrutiny and periodic repeal of legislative instruments, and for related purposes**, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MARGARET REID

President

The Senate

25 September 1997

Ordered—That the amendments be considered at the next sitting.

13 STANDING COMMITTEES—MEMBERSHIP

The House was informed of the nominations by the Government Whip of Members to be members of the following standing committees:

Legal and Constitutional Affairs

Mrs D. S. Vale in place of Mr J. N. Andrew.

Primary Industries, Resources and Rural and Regional Affairs

Mr Katter in place of Mr R. C. Baldwin.

Procedure

Mr Somlyay in place of Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business).

14 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Somlyay (Chairman) presented the following paper:

Public Accounts—Joint Committee—Report 353—Advisory report on the Public Service Bill 1997 and the Public Employment (Consequential and Transitional) Amendment Bill 1997, September 1997.

Ordered to be printed.

Mr Somlyay, Mr Beddall, Mr Georgiou and Mr Griffin, by leave, made statements in connection with the report.

15 VETERANS' AFFAIRS LEGISLATION AMENDMENT (BUDGET AND COMPENSATION MEASURES) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr L. D. T. Ferguson, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government for its confused, secretive and inconsistent handling of repatriation benefits and awards for overseas service;
- (2) believes the Government should extend qualifying service status to personnel at RAAF Ubon Thailand from June 1965 to August 1968 and to RAN ships that served in the Far East Strategic Reserve during the Malayan emergency; and
- (3) recommends that the Government should restore entitlements to Vietnam naval logistical support personnel for the journey to and from Australia and Vietnam”—

Debate resumed.

Paper

Mr Scott (Minister for Veterans' Affairs), by leave, presented the following paper:

Review of service entitlement anomalies.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mr Hollis, in the Chair)—

AYES, 85

Mr Abbott	Mr Entsch	Mr Lieberman	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr Lindsay	Mr Slipper*
Mr J. N. Andrew	Mr Fahey	Mr Lloyd	Mr A. C. Smith
Mr Anthony	Mr Filing	Mr McArthur*	Mr W. L. Smith
Mrs Bailey	Mr Fischer	Mr McDougall	Mr Somlyay
Mr R. C. Baldwin	Mr Forrest	Mr McLachlan	Dr Southcott
Mr Barresi	Mrs Gallus	Mr Marek	Mrs Stone
Mr Bartlett	Ms Gambaro	Mr Miles	Mr Taylor
Mr Billson	Mrs Gash	Mrs Moylan	Mr A. P. Thomson
Mrs Bishop	Mr Georgiou	Mr Mutch	Mr Truss
Mr Bradford	Mrs E. J. Grace	Mr Nairn	Mr Tuckey
Mr Broadbent	Mr Hardgrave	Mr Nehl	Mr M. A. J. Vaile
Mr Brough	Mr Hawker	Dr Nelson	Mrs D. S. Vale
Mr Cadman	Mr Hicks*	Mr Neville	Mr Wakelin
Mr E. H. Cameron	Mr Hockey	Mr Nugent	Mrs West
Mr R. A. Cameron	Ms Jeanes	Mr Prosser	Mr Williams
Mr Causley	Mrs Johnston	Mr Randall	Dr Wooldridge
Mr Charles	Mr Jull	Mr Reid	Ms Worth
Mr Cobb	Mr Katter	Mr Reith	Mr Zammit
Mr Dondas	Mrs D. M. Kelly	Mr Ronaldson	
Mrs Draper	Miss J. M. Kelly	Mr Ruddock	
Mrs Elson	Dr Kemp	Mr Scott	

NOES, 44

Mr Adams	Mr G. J. Evans	Mr Lee	Mr O'Keefe
Mr Albanese	Mr L. D. T. Ferguson	Mr McClelland	Mr Price
Mr P. J. Baldwin	Mr M. J. Ferguson	Ms Macklin	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr McLeay	Mr Sawford*
Mr Bevis	Mr E. L. Grace*	Mr McMullan	Mr Sercombe*
Mr Brereton	Mr Hatton	Mr Martin	Mr S. F. Smith
Mr Brown	Mr Holding	Mr Melham	Mr Tanner
Mr Crean	Mr Jenkins	Mr A. A. Morris	Dr Theophanous
Mrs Crosio	Mr Jones	Mr P. F. Morris	Mr K. J. Thomson
Mr Dargavel	Mr Kerr	Mr Mossfield	Mr Willis
Ms Ellis	Dr Lawrence	Mr O'Connor	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Messages from the Governor-General

The following messages from His Excellency the Governor-General were announced:

No. 182, dated 31 July 1997, recommending an appropriation for the purposes of the Bill; and

No. 183, dated 19 September 1997, recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Scott, by leave, moved the following amendments together:

Amendments

Title, page 1 (lines 3 and 4), omit “**and the Safety, Rehabilitation and Compensation Act 1988**”, substitute “, **the Safety, Rehabilitation and Compensation Act 1988 and other legislation**”.

Clause 2—

Page 2 (line 2), omit “subsections (2) and (3)”, substitute “the following subsections”.

Page 2 (after line 6), at the end of the clause, add:

- (4) Part 3A of Schedule 1 commences on 20 September 1998.
- (5) Part 3B of Schedule 1 commences on the earlier of the following days:
 - (a) the social security payday that is the third such payday to occur after the day on which this Act receives the Royal Assent; or
 - (b) the 25 December 1997 carer payment payday.

Note: For the meaning of *social security payday* and *25 December 1997 carer payment payday*, see subsection (17).
- (6) Part 3D of Schedule 1 commences on the seventh day after the day on which this Act receives the Royal Assent.
- (7) Schedule 4 is taken to have commenced on 1 July 1997.
- (8) Schedules 5 and 7 commence on the 28th day after the day on which this Act receives the Royal Assent.
- (9) Part 1 of Schedule 8 is taken to have commenced on 5 June 1987, immediately after the *Veterans' Affairs Legislation Amendment Act 1987* received the Royal Assent.
- (10) Part 2 of Schedule 8 is taken to have commenced on 16 December 1994, immediately after the *Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994* received the Royal Assent.
- (11) Part 3 of Schedule 8 is taken to have commenced on 17 October 1995, immediately after the *Veterans' Affairs Legislation Amendment and Repeal Act 1995* received the Royal Assent.

- (12) Part 4 of Schedule 8 is taken to have commenced on 14 November 1995, immediately after the *Veterans' Affairs (1995-96 Budget Measures) Legislation Amendment Act 1995* received the Royal Assent.
- (13) Part 5 of Schedule 8 is taken to have commenced on 12 December 1995, immediately after the *Veterans' Affairs Legislation Amendment (1995-96 Budget Measures) Act (No. 2) 1995* received the Royal Assent.
- (14) Part 6 of Schedule 8 is taken to have commenced on 9 January 1996, immediately after the *Social Security and Veterans' Affairs Legislation Amendment Act 1995* received the Royal Assent.
- (15) Part 7 of Schedule 8 is taken to have commenced on 1 July 1997.
- (16) Part 8 of Schedule 8 is taken to have commenced on 20 March 1996.
- (17) In this section:

social security payday means a day that is a pension payday as defined in section 23 of the *Social Security Act 1991*.

25 December 1997 carer payment payday means:

- (a) unless paragraph (b) applies—the social security payday that falls on 25 December 1997; or
- (b) if, under section 218 of the *Social Security Act 1991*, a direction is made that amounts of carer payment that would normally be paid on 25 December 1997 are to be paid on a specified earlier day—that specified earlier day.

Schedule 1—

Item 6, page 7 (table item 3, 3rd column), omit “later”, substitute “earlier”.

Item 15, page 14 (lines 15 and 16), omit the item.

Item 19, page 22 (line 17), omit “(other than an amount of pension payable under Part II or IV)”.

New Parts

Page 28 (after line 31), after Part 3, insert:

Part 3A—Eligibility of certain veterans to receive medical and other treatment

33AA Section 53E

Repeal the section, substitute:

53E Veterans to satisfy certain conditions

- (1) This section applies to a veteran if:
- (a) the veteran is permanently blind; or
- (b) the veteran’s rate of service pension is neither income reduced nor assets reduced; or

- (c) the veteran's rate of service pension is either income reduced or assets reduced, but the reduction does not exceed the income/assets reduction limit applicable to the veteran.

Note: For *income/assets reduction limit* see subsection (2).

- (2) The *income/assets reduction limit* applicable to a veteran is worked out by using Table 53E. Work out which item in the table applies to the veteran by identifying his or her family situation. The applicable income/assets reduction limit is the amount in column 3 of that item plus (if the veteran has a dependent child or dependent children) the amount in column 5 of that item for each dependent child.

Table 53E—Income/Assets Reduction Limit

Column 1 Item	Column 2 Family situation	Column 3 Basic reduction per year	Column 4 Basic reduction per fortnight	Column 5 Additional reduction per year	Column 6 Additional reduction per fortnight
1	Not a member of a couple	\$1,924	\$74	\$364	\$14
2	Partnered	\$1,664	\$64	\$182	\$7

Note 1: For *member of a couple* and *partnered* see section 5E.

Note 2: For *dependent child* see section 5F.

Note 3: Members of illness separated and respite care couples are covered by item 2 of the table.

Note 4: The basic reduction and additional reduction are indexed 6 monthly in line with CPI increases (see sections 59B to 59E).

- (3) If, on a particular day:
 - (a) the annual rate of a veteran's ordinary income increases; and
 - (b) as a result of the increase, the veteran's rate of service pension is income reduced by an amount that is not more than 150% of the income/assets reduction limit applicable to the veteran;

this section continues to apply to the veteran until:

- (c) the end of the period of 13 weeks starting on the first pension payday after that day; or
- (d) the reduction exceeds 150% of the income/assets reduction limit applicable to the veteran;

whichever happens first.

33AB Sections 53F and 53G

Repeal the sections.

33AC Section 59A (table item 8)

Repeal the item.

33AD Section 59A (table items 14, 15, 16 and 17)

Repeal the items, substitute:

	Income/assets reduction limit		
14	Income/assets reduction limit applicable when determining the eligibility for treatment benefits for a veteran—basic reduction	IARL basic reduction	section 53E—Table 53E—column 3
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15	Income/assets reduction limit applicable when determining the eligibility for treatment benefits for a veteran—add-on for dependent child	IARL dependent child add-on	section 53E—Table 53E—column 5

33AE Section 59B (table item 5)

Repeal the item.

33AF Section 59B (table items 9 and 10)

Repeal the items, substitute:

	Income/assets reduction limit			
9	IARL basic reduction	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)
				\$2.60
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10	IARL dependent child add-on	(a) 20 March (b) 20 September	(a) December (b) June	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)
				\$2.60

33AG Subsection 59C(2) (step 4 of the method statement)

Omit “*indexed amount*” (last occurring), substitute “*rounded-off amount*”.

33AH Subsection 59C(2) (at the end of the method statement)

Add:

Step 5. The *indexed amount* is:

- (a) if paragraph (b) does not apply—the rounded-off amount; or
- (b) if the amount to be indexed is the amount under item 10 of the CPI Indexation Table in subsection 59B(1)—the rounded-off amount multiplied by $1^{3/7}$.

33AI Section 59K

Repeal the section.

33AJ Subsection 85(5) (note)

Repeal the note.

Page 28 (after line 31), after proposed new Part 3A, insert:

Part 3B—Amendments relating to the transfer of carer service pension recipients and carer income support supplement recipients

Division 1—Main amendments

33BA Section 5 (index)

Omit:

care receiver

5Q(1)

33BB Subsection 5NB(1) (paragraph (c) of the definition of *compensation affected pension*)

Repeal the paragraph.

33BC Subsection 5Q(1) (definition of *care receiver*)

Repeal the definition.

33BD Subsection 5Q(1) (paragraph (c) of the definition of *service pension*)

Omit “; or”, substitute “.”.

33BE Subsection 5Q(1) (paragraph (d) of the definition of *service pension*)

Repeal the paragraph.

33BF Paragraph 35(1)(b)

Repeal the paragraph, substitute:

- (b) Divisions 3, 4 and 5 deal with the 3 kinds of service pension (age, invalidity and partner service pension respectively); and

33BG Subsection 35(2)

Omit “Divisions 3, 4, 5 and 6”, substitute “Divisions 3, 4 and 5”.

33BH Division 6 of Part III

Repeal the Division.

33BI Paragraph 41(1)(c)

Omit “and”.

33BJ Paragraph 41(1)(d)

Repeal the paragraph.

Note: The heading to section 41 is replaced by the heading “**Rate of age, invalidity and partner service pension (no dependent children)**”.

33BK Subsection 41(2)

Omit “invalidity, partner or carer”, substitute “invalidity or partner”.

33BL Subsection 41(4)

Omit “age, invalidity or carer”, substitute “age or invalidity”.

33BM Paragraph 42(1)(c)

Omit “and”.

33BN Paragraph 42(1)(d)

Repeal the paragraph.

Note: The heading to section 42 is replaced by the heading “**Rate of age, invalidity and partner service pension (dependent child or children)**”.

33BO Subsection 42(3)

Omit “age, invalidity or carer”, substitute “age or invalidity”.

33BP Point 42-C2 (table C-1, column 6)

Repeal the column.

33BQ Point 42-C2 (table C-1, item 5)

Repeal the item.

33BR Point 42-C2 (key)

Omit “Service carer = carer service pension”.

33BS Point 43-C2 (table C-1, column 6)

Repeal the column.

33BT Point 43-C2 (table C-1, item 5)

Repeal the item.

33BU Point 43-C2 (key)

Omit “Service carer = carer service pension”.

33BV Subparagraph 45(1)(b)(ii)

Omit “or”.

33BW Subparagraph 45(1)(b)(iii)

Repeal the subparagraph.

Note: The heading to section 45 is replaced by the heading “Rate of age and invalidity service pension (war widow or war widower)”.

33BX Subparagraph 45(2)(b)(ii)

Omit “or”.

33BY Subparagraph 45(2)(b)(iii)

Repeal the subparagraph.

33BZ Section 45AB

Repeal the section.

33CA Paragraph 45D(1)(ba)

Repeal the paragraph.

33CB Point 45Y-G2 (table G-1, column 8)

Repeal the column.

33CC Point 45Y-G2 (table G-1, item 6)

Repeal the item.

33CD Point 45Y-G2 (key)

Omit “Service care = carer service pension”.

33CE Paragraph 50A(2)(c)

Repeal the paragraph, substitute:

- (c) an instalment of partner service pension in respect of the person is payable to the person’s partner during a pension period;

33CF Subparagraph 50A(3)(c)(ii)

Omit “or”.

33CG Subparagraph 50A(3)(c)(iii)

Repeal the subparagraph.

33CH Subsection 52(1)

Omit “52ZA, 52ZCA, 53AJ and 53AL”, substitute “52ZA and 52ZCA”.

33CI Subsection 52A(1)

Omit “52G, 52H, 53AJ and 53AL”, substitute “52G and 52H”.

33CJ Section 52K

Repeal the section.

33CK Paragraph 52Q(3)(e)

Omit “sections 52G and 53AJ”, substitute “section 52G”.

33CL Paragraph 52R(3)(e)

Omit “sections 52H and 53AL”, substitute “section 52H”.

33CM Paragraph 52S(3)(e)

Omit “sections 52H and 53AL”, substitute “section 52H”.

33CN Paragraph 52S(5)(eb)

Omit “sections 52H and 53AL”, substitute “section 52H”.

33CO Paragraph 52T(3)(cb)

Omit “sections 52H and 53AL”, substitute “section 52H”.

33CP Paragraph 52U(4)(e)

Omit “52G, 52H and 53AL”, substitute “52G and 52H”.

33CQ Section 52ZAA

Repeal the section.

33CR Section 52ZN

Repeal the section.

33CS Division 11A of Part IIIB

Repeal the Division.

33CT Subdivision E of Division 12A of Part IIIB

Repeal the Subdivision.

33CU Division 12B of Part IIIB

Repeal the Division.

33CV Division 13A of Part IIIB

Repeal the Division.

33CW Sections 56BB and 56BC

Repeal the sections.

33CX Section 56GAA

Repeal the section.

33CY Subsection 56H(3)

Omit “subsections (4), (5), (6), (7), (8), (9), (10) and (11)”, substitute “subsections (4), (5), (6), (7) and (8)”.

33CZ Subsections 56H(9), (10) and (11)

Repeal the subsections.

33DA Section 56HA

Repeal the section.

33DB Subsection 56J(1)

Omit “, carer service pension”.

33DC Subsection 56J(1) (note)

Omit “Similarly, if a person has been receiving carer service pension because of caring for the veteran, that carer service pension will also be terminated.”.

33DD Section 56K

Omit “, carer service pension”.

33DE Section 56K (note 2)

Omit “Similarly, if a person has been receiving carer service pension because of caring for the veteran, that carer service pension will also be cancelled or suspended.”.

33DF Section 57AA

Repeal the section.

33DG Subsection 57A(1A)

Repeal the subsection.

33DH Subsection 57A(2)

Omit “or (1A)”.

33DI Section 57CA

Repeal the section.

33DJ Subsection 58K(1) (paragraph (ab) of the note)

Omit “(4);”, substitute “(4).”.

33DK Subsection 58K(1) (paragraph (b) of the note)

Repeal the paragraph.

33DL Section 58KA

Repeal the section.

33DM Sections 59GC, 59GD and 59GE

Repeal the sections.

33DN Paragraph 59M(1)(e)

Repeal the paragraph.

33DO Subsection 59M(6)

Repeal the subsection.

33DP Section 59W (example 1)

Omit “carer” (wherever occurring), substitute “partner”.

33DQ Paragraph 85(7)(b)

Omit “(other than a carer service pension)”.

33DR Subsection 98(4A)

Repeal the subsection.

33DS Subparagraph 118AA(a)(ii)

Repeal the subparagraph.

33DT Subsection 205(1)

Omit “Subject to subsection (1AA), this”, substitute “This”.

33DU Subsection 205(1AA)

Repeal the subsection.

Division 2—Related transitional and saving provisions**33DV At the end of Schedule 5**

Add:

8 Transitional and saving provisions: amendments relating to the transfer of carers

(1) If:

(a) a person was receiving a carer service pension immediately before the transfer day; and

(b) neither subclause (2) nor (4) applies to the person;
an instalment of carer service pension is payable to the person on the transfer day at the rate worked out using the following formula:

$$\frac{\text{Reduced annual rate}}{2} + \text{Pharmaceutical allowance}$$

where:

reduced annual rate means the rate payable in accordance with this Act on the last pension payday before the transfer day, excluding any pharmaceutical allowance payable to a person under this Act.

pharmaceutical allowance means the amount of pharmaceutical allowance that would have been included in the person's carer service pension if the payment was an instalment under section 58A.

(2) Subject to subclause (5), if:

(a) a person (the *carer*) was receiving a carer service pension immediately before the transfer day; and

(b) the veteran partner who is being cared for by the carer is receiving an age service pension or an invalidity service pension; and

(c) the carer would, apart from subsection 38(1B), be eligible for a partner service pension;

this Act continues to apply to the person in relation to carer service pension as if the amendments made by Division 1 of Part 3B of Schedule 1 to the amending Act had not been made.

(3) Subject to subclause (5), if:

(a) a person was receiving income support supplement immediately before the transfer day; and

(b) subsection 45AB(1) applied to the person; and

- (c) the person would, apart from paragraph 45A(1)(b) and section 45AB, be eligible for income support supplement; this Act continues to apply to the person in relation to income support supplement as if the amendments made by Division 1 of Part 3B of Schedule 1 to the amending Act had not been made.
- (4) Subject to subclause (5), if:
- (a) a person (the *carer*) is receiving a carer service pension immediately before the transfer day; and
 - (b) the veteran who is being cared for by the carer is not receiving an age service pension or an invalidity service pension but passes the income test under section 53AA and either passes the assets test under section 53AD or is the subject of a decision in force under section 53AN that the assets test does not apply to the veteran;
- this Act continues to apply to the person in relation to carer service pension as if the amendments made by Division 1 of Part 3B of Schedule 1 to the amending Act had not been made.
- (5) If carer service pension or income support supplement ceases to be payable to the person after the transfer day, then subclause (2), (3) or (4), as the case requires, ceases to apply to the person.
- (6) References in this clause to other provisions of this Act are references to those provisions as they would be if the amendments made by Division 1 of Part 3B of Schedule 1 to the amending Act had not been made.
- (7) In this clause:
- amending Act* means the *Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*.
- transfer day* means the day on which Part 3B of Schedule 1 to the amending Act commences.

Page 28 (after line 31), after proposed new Part 3B, insert:

Part 3C—Amendment relating to appropriations

33EA Paragraph 199(b)

Repeal the paragraph, substitute:

- and (b) medical and other treatment services provided under Part V;
and

Page 28 (after line 31), after proposed new Part 3C, insert:

Part 3D—Amendments relating to rehabilitation

33FA At the end of subsection 5H(8)

Add:

; (zn) an amount worked out under section 115G.

33FB Subsection 23(4)

Omit “The”, substitute “Subject to subsection (5), the”.

33FC At the end of section 23

Add:

(5) If section 115D applies to a veteran, the rate at which pension is payable to the veteran is the amount specified in subsection (4) less the pension reduction amount worked out under that section.

33FD Subsection 24(4)

Omit “The”, substitute “Subject to subsection (5), the”.

33FE At the end of section 24

Add:

(5) If section 115D applies to a veteran, the rate at which pension is payable to the veteran is the amount specified in subsection (4) less the pension reduction amount worked out under that section.

33FF Section 24A

Omit “Where”, substitute “Subject to subsection (2), if”.

33FG At the end of section 24A

Add:

(2) Paragraphs (1)(b) and (c) do not apply to a veteran if the veteran is undertaking a rehabilitation program under the Veterans’ Vocational Rehabilitation Scheme or section 115D applies to the veteran.

33FH Subsection 25(2)

Omit “specified in subsection 24(4)”, substitute “applicable under subsections 24(4) and (5)”.

33FI After subsection 37(2)

Insert:

(2A) Paragraph (2)(a) does not apply to a person who is a veteran if the veteran is undertaking a rehabilitation program under the Veterans’ Vocational Rehabilitation Scheme or section 115G applies to the veteran.

33FJ After Part VI

Insert:

Part VIA—Rehabilitation

Division 1—Preliminary

115A Definitions

In this Part, unless the contrary intention appears:

CPI payday means the first pension payday that occurs on or after the beginning of each relevant period within the meaning of that term in section 198.

member of a Peacekeeping Force has the same meaning as in subsection 68(1).

member of the Forces has the same meaning as in subsection 68(1).

unaffected pension rate means the rate of pension that a veteran would have received if the veteran had not undertaken a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme.

unemployment includes:

- (a) retirement from remunerative work; and
- (b) undertaking less than 16 hours of remunerative work in a pension period;

but does not include any period of paid leave.

veteran means:

- (a) a person:
 - (i) who is, because of section 7, taken to have rendered eligible war service; or
 - (ii) in respect of whom a pension is payable under subsection 13(6); or
 - (iii) who satisfies subsection 37(3); or
- (b) a member of the Forces; or
- (c) a member of a Peacekeeping Force.

Veterans' Vocational Rehabilitation Scheme means a scheme made under subsection 115B(1).

work and pension income rate means the rate equal to the sum of:

- (a) the veteran's salary, wages or earnings per fortnight from remunerative work; and
- (b) the fortnightly rate of pension paid to the veteran under Part II or IV.

115B Making of the Scheme

- (1) The Commission may, from time to time, by instrument in writing, make a scheme, to be called the Veterans' Vocational Rehabilitation Scheme, to assist specified classes of veterans to find employment and to continue in employment.
- (2) The Commission may, from time to time, by instrument in writing, vary or revoke the scheme.

- (3) A scheme made by the Commission under subsection (1), and an instrument varying or revoking such a scheme, have no force or effect unless approved by the Minister.
- (4) If a scheme has been made by the Commission under subsection (1), or an instrument under subsection (2), the scheme or the instrument is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (5) Without limiting the powers of the Commission under subsection (1), the Scheme may make provision for and in relation to:
 - (a) the provision of rehabilitation programs, under the Scheme, to specified veterans; and
 - (b) the provision of vocational guidance and assistance, under the Scheme, to specified veterans; and
 - (c) the payment of financial assistance, under the Scheme, to specified veterans in respect of education or training that is being undertaken under the Scheme by the veterans; and
 - (d) the provision of services in relation to the assessment of veterans for participation in rehabilitation programs; and
 - (e) the payment of financial assistance, under the Scheme, to specified veterans in respect of transport costs arising from the veterans' participation in the Scheme; and
 - (f) the payment of financial assistance, under the Scheme, to specified veterans in respect of aids that enable the veterans to participate in, or assist veterans to participate in, the Scheme; and
 - (g) the provision for review of determinations under section 115F.
- (6) Before making a scheme, or varying or revoking the scheme, the Commission must consult such organisations and associations, representing the interests of the veteran community, as the Commission thinks appropriate.

Division 2—Provisions relating to the income of veterans who participate in vocational rehabilitation programs

115C Rate of pension while on program

- (1) Subject to sections 115D and 115G, this section applies while a veteran is undertaking a vocational rehabilitation program under the Veterans' Vocational Rehabilitation Scheme.
- (2) If this section applies to a veteran on a pension payday, the rate of pension payable to the veteran is equal to the amount the veteran would receive if the veteran were not undertaking the program.

115D Pension reduction amount—pensions under Parts II and IV

- (1) Subject to subsections (4) and (5) and section 115F, the pension reduction amount in respect of a veteran for a pension payday that occurs within the period (the *initial period*) that begins on the day after the veteran first commenced remunerative work as a result of undertaking the vocational rehabilitation program (the *commencement day*) and ends immediately before the first CPI payday that occurs more than 2 years after the beginning of that period is to be worked out using the following formula:

$$\frac{\text{Pension rate on commencement} - \text{General rate}}{2}$$

- (2) Subject to subsections (4) and (5) and section 115F, the pension reduction amount in respect of a veteran for a pension payday that occurs within the period (the *second period*) that begins immediately after the initial period and ends 5 years after the commencement day is to be worked out using the following formula:

$$\left(\frac{20}{(20 - \text{No. of paydays})} \times \frac{\text{Pension rate on commencement} - \text{General rate}}{2} \right)$$

- (3) Subject to subsections (4) and (5) and section 115F, the pension reduction amount in respect of a veteran for a pension payday that occurs more than 5 years after the end of the initial period is to be worked out using the following formula:

$$\text{Pension rate on commencement} - \text{General rate}$$

- (4) If a veteran is unemployed for a continuous period of at least 2 weeks, the pension reduction amount for each pension payday within that period is nil.
- (5) If a veteran is in receipt of pension at the special rate because of subsection 24(3), the pension reduction amount for each pension payday is nil.
- (6) In this section:

general rate means the general rate of pension.

no. of paydays means the number of CPI paydays that have occurred in the period.

pension rate on commencement means the rate of pension under this Act that was payable to the veteran on the day on which the veteran commenced his or her vocational rehabilitation program.

115E Application for reduction of the pension reduction amount

- (1) This section applies if, because of the application of the pension reduction amount to the rate of pension payable to a veteran, the work and pension income rate of the veteran in relation to a pension period is or would be less than the unaffected pension rate for the veteran in relation to that period.
- (2) A veteran to whom this section applies may apply to the Commission to have the pension reduction amount reduced.
- (3) An application must be:
 - (a) in writing; and
 - (b) in accordance with a form approved by the Commission; and
 - (c) accompanied by any relevant documentary evidence in relation to salary, wages and other earnings from remunerative work for the period to which the application relates; and
 - (d) lodged at an office of the Department in Australia.

115F Determination by the Commission

- (1) This section applies if, after considering an application under section 115E, the Commission is satisfied that the rate at which a pension has been, is being or is to be paid, to a veteran resulted, or would result, in a work and pension income rate for the applicant in relation to a pension period that is less or would be less than the unaffected pension rate in relation to that period.
- (2) If this section applies, the Commission may determine in writing that the pension reduction amount in relation to the veteran for a past, present or future pension payday is to be reduced by such amount as the Commission is satisfied would result in the work and pension income rate being equal to the unaffected pension rate.
- (3) A determination takes effect on the day on which the determination is made.

115G Excluded income amount—invalidity service pensions

- (1) The excluded income amount in respect of a veteran for a pension payday that occurs within the period (the *initial period*) that begins on the day after the veteran first commenced remunerative work as a result of undertaking the vocational rehabilitation program and ends immediately before the first CPI payday that is more than 2 years after the beginning of the initial period is half of the earnings of the veteran in the pension period that relates to the pension payday.
- (2) The excluded income reduction amount in respect of a veteran for a pension payday that occurs within each consecutive 6 month period during the 5 years that begins immediately after the initial period is worked out using the following formula:

$$\left(0.5 - 0.05 \times \text{No. of 6 month periods}\right) \times \text{Earnings}$$

where:

no. of 6 month periods means the number of consecutive 6 month periods that have begun in the 5 year period.

earnings means salary, wages or earnings from remunerative work in the pension period that relates to the pension payday.

Division 3—Recovery of cost of rehabilitation

115H Recovery of cost of rehabilitation

- (1) In this section, *compensation*, in relation to a person who is undertaking, or has undertaken, a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme, means an amount that is by way of compensation or damages, or is, in the opinion of the Commission, in the nature of compensation or damages, in respect of the disease, disability or condition because of which the rehabilitation program is being, or has been, undertaken.
- (2) This section applies if a veteran who is undertaking, or has undertaken, a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme:
 - (a) has made a claim against another person for compensation, or may be, or may become, entitled to be paid compensation by another person, in relation to the disease, disability or condition because of which the rehabilitation program is being, or has been, undertaken; or
 - (b) is entitled, whether because of an order of a court, a settlement of a claim for compensation or otherwise, to be paid compensation by another person; or
 - (c) has been paid compensation by another person, whether because of an order of a court, a settlement of a claim for compensation or otherwise.
- (3) A reference in subsection (2) to another person includes a reference to the Commonwealth, a State, a Territory or an authority of the Commonwealth, a State or a Territory.
- (4) If this section applies, the Commission may give to the veteran a written notice requiring the veteran to pay for:
 - (a) a rehabilitation program or any part of such a program that has been undertaken by the veteran under the Veterans' Vocational Rehabilitation Scheme before the day on which the notice was given to the veteran; and

- (b) a rehabilitation program or any part of such a program undertaken at any time on or after the day on which the notice was given to the veteran;
- in relation to the disease, disability or condition.
- (5) On being given the notice, the veteran becomes, by force of this section, liable to pay to the Commonwealth an amount equal to the cost, or amounts equal to the sum of the costs, as determined by the Commission, of and incidental to:
- (a) a rehabilitation program or any part of such a program that has been undertaken by the veteran under the Veterans' Vocational Rehabilitation Scheme before the day on which the notice was given to the veteran; and
- (b) a rehabilitation program or any part of such a program undertaken at any time on or after the day on which the notice was given to the veteran.
- (6) If the veteran is, under subsection (5), liable to make payment to the Commonwealth for a rehabilitation program provided by the Commission, the Commission may, by written notice given to a person who:
- (a) may be, or may become, liable; or
- (b) is liable;
- to pay compensation to, or for the benefit of, the veteran in respect of the disease, disability or condition, inform the person that the veteran is liable to make payment to the Commonwealth for a rehabilitation program under the Veterans' Vocational Rehabilitation Scheme, whether undertaken before or after the giving of the notice.
- (7) A reference in subsection (6) to a person includes a reference to an insurer who, under a contract of insurance, is liable to indemnify the person or is liable to pay compensation to, or for the benefit of, the veteran against that liability.

115J Where a person receives a notice under subsection 115H(6)

- (1) This section applies to a person if the person has been given a notice under subsection 115H(6).
- (2) If the person:
- (a) is, on being given the notice, liable to pay compensation to, or for the benefit of, the veteran to whom the notice relates in respect of the disease, disability or condition to which the notice relates; or
- (b) becomes, after receiving the notice, so liable to pay compensation; or
- the person becomes liable, because of this subsection, to pay to the Commonwealth:

- (c) an amount equal to the cost of the rehabilitation program that the veteran is liable, or may become liable, under subsection 115H(5), to pay; or
 - (d) an amount equal to the amount of compensation that the person is liable, or becomes liable, so to pay;
- whichever is the less.
- (3) If, before the notice was given to the person, the person paid to, or for the benefit of, the veteran the whole of the compensation that the person was liable to pay in respect of the disease, disability or condition to which the notice relates, the notice has no effect.
 - (4) If a person is liable, or becomes liable, to pay an amount to the Commonwealth under subsection (2), the person must not, without the permission of the Commission, pay the compensation, or any part of the compensation, to, or for the benefit of, the veteran.
 - (5) Payment to the Commonwealth of an amount under subsection (2) operates, to the extent of the payment:
 - (a) as a discharge to the person of his or her liability to pay compensation to the veteran entitled to receive the compensation; and
 - (b) as a discharge of the veteran's liability under subsection 115H(5).

115K Recovery of amount by the Commonwealth

The Commonwealth may recover in a court of competent jurisdiction an amount that a person is liable to pay to the Commonwealth under subsection 115H(5) or 115J(2).

115L Determination of amount of costs of rehabilitation programs

- (1) This section applies if the Commission determines, in writing, the amount of the cost of, or incidental to, a rehabilitation program under a Veterans' Vocational Rehabilitation Scheme for a veteran during a specified period in respect of a disease, disability or condition in relation to which a notice has been given under subsection 115H(4).
- (2) The Commission may give a notice to the veteran containing a copy of that determination, or notices to the veteran and the person referred to in subsection 115H(6) containing copies of that determination.
- (3) If the Commission gives a copy of a determination to a veteran or a person under subsection (2), the copy is, for all purposes, prima facie evidence:
 - (a) that the copy of the determination set out in the notice is a true copy of the determination of which it purports to be a copy; and

- (b) that the determination was duly made by the Commission; and
 - (c) that the amount specified in the determination is the amount which the veteran is liable, by force of subsection 115H(5), to pay to the Commonwealth as the cost of and incidental to the rehabilitation program under the Veterans' Vocational Rehabilitation Scheme during the period so specified for and in relation to that disease, disability or condition.
- (4) The giving of a notice, or notices, under subsection (2) does not prevent the making of a further determination or determinations, and the giving by the Commission of a further notice or further notices under that subsection.

Item 41, page 30 (at the end of the table), add:

20	United Nations Mission for the Referendum in Western Sahara (Mission des Nations Unies pour un Referendum au Sahara Occidental)	27 June 1991
21	The Australian Police Contingent of the United Nations Transitional Authority in Cambodia	18 May 1992
22	The Australian Police Contingent of the United Nations Operation in Mozambique	27 March 1994
23	Australian Defence Support to a Pacific Peacekeeping Force for a Bougainville Peace Conference	21 September 1994
24	The Australian Police Contingent of the Multi-National Force in Haiti	10 October 1994

Schedule 2, item 1, page 31 (line 7), omit "30 June 1951", substitute "1 July 1951".

New Schedules

Page 32 (after line 20), at the end of the Bill, add:

Schedule 4—Consequential amendments relating to the change of name from carer pension to carer payment

Veterans' Entitlements Act 1986

1 Sections 5F, 5H, 5Q, 36H, 37H, 38H, 45G, 45H and 98

Omit "carer pension" (wherever occurring), substitute "carer payment".

Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986

2 Paragraph 10(4)(a)

Omit "carer pension", substitute "carer payment".

Page 32 (after line 20), at the end of the Bill, after proposed new Schedule 4, add:

Schedule 5—Amendments relating to certain saved fringe benefits

Veterans' Affairs Legislation Amendment Act 1992

1 Paragraph 83(a)

Repeal the paragraph, substitute:

- (a) a veteran was eligible for fringe benefits because of subsection 17(1) or (2) of the *Veterans' Entitlements (Rewrite) Transition Act 1991* as in force immediately before the commencement of Schedule 5 to the *Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*; and

Note: The heading to section 83 is altered by omitting "are" and substituting "were".

Veterans' Entitlements Act 1986

2 Section 53A (notes 1 and 2)

Repeal the notes.

3 Subsection 53D(1) (note 4)

Omit "is" (first occurring), substitute "was".

4 Subsection 53D(1) (note 4)

After "*Veterans' Entitlements (Rewrite) Transition Act 1991*", insert "as in force immediately before the commencement of Schedule 5 to the *Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*".

5 Subsection 118Q(1) (note 1)

Omit "Note 1:", substitute "Note:".

6 Subsection 118Q(1) (note 2)

Repeal the note.

7 Subsection 118S(2) (note)

Repeal the note.

Veterans' Entitlements (Rewrite) Transition Act 1991

8 Division 3 of Part 2

Repeal the Division.

Page 32 (after line 20), at the end of the Bill, after proposed new Schedule 5, add:

Schedule 6—Amendments of the Social Security Act 1991 relating to the payment of certain pensions

1 Subsection 57(1)

After “Subject to”, insert “subsections (2) and (3) and”.

2 At the end of section 57

Add:

(3) If:

- (a) an age pension is payable to a person; and
- (b) the person receives a veteran’s disability pension or the person’s partner receives an age pension and a veteran’s disability pension; and
- (c) the Secretary makes a determination for the purposes of this subsection in relation to the person that specifies pension paydays for the person; and
- (d) the determination referred to in paragraph (c) has not been revoked;

the instalments referred to in subsection (1) are to be paid to the person on such pension paydays.

(4) In this section:

veteran’s disability pension has the same meaning for the purposes of this section as paragraph (a), (b) or (c) of the definition of *disability pension* has in section 5Q of the *Veterans’ Entitlements Act 1986*.

3 After section 59

Insert:

59A Calculation of amount of a half instalment

- (1) Despite any other provision of this Act, this section applies if:
 - (a) the Secretary determines pension paydays under subsection 57(3); and
 - (b) the first pension payday specified in the determination (the *first pension payday*) is 7 days after the pension payday that applies under subsection 57(1).
- (2) Subject to subsection (4), the rate at which age pension is payable to the person on the first pension payday in accordance with the determination is to be worked out using the following formula:

Normal age pension instalment

2

where:

normal age pension instalment means the amount of age pension the person would have received if the first pension payday were a pension payday under subsection 57(1) apart from this section.

- (3) The rate at which age pension is payable to the person on the first pension payday after the determination is revoked is to be worked out using the following formula:

Normal age pension instalment

2

where:

normal age pension instalment means the amount of age pension the person would have received on the pension payday under subsection 57(1) apart from this section.

- (4) If the Secretary determines pension paydays under subsection 57(3) in relation to a person before the person receives an instalment of age pension where:
- (a) the age pension has been granted to the person for the first time under this Act; or
 - (b) the age pension has been granted to the person under this Act after the person's age pension has been cancelled;
- subsection (2) does not apply to the person.

4 Subsection 161(1)

After "Subject to", insert "subsections (2) and (3) and".

5 At the end of section 161

Add:

(3) If:

- (a) a person receives a wife pension; and
- (b) the person's partner receives:
 - (i) an age pension; and
 - (ii) a veteran's disability pension; and
- (c) the Secretary makes a determination for the purposes of this subsection in relation to the person that specifies pension paydays for the person; and
- (d) the determination referred to in paragraph (c) has not been revoked;

the instalments referred to in subsection (1) are to be paid to the person on such pension paydays.

- (4) In this section:

veteran's disability pension has the same meaning for the purposes of this section as paragraph (a), (b) or (c) of the definition of *disability pension* has in section 5Q of the *Veterans' Entitlements Act 1986*.

6 After section 163

Insert:

163A Calculation of amount of a half instalment

- (1) Despite any other provision of this Act, this section applies if:
- (a) the Secretary determines pension paydays under subsection 161(3); and
 - (b) the first pension payday specified in the determination (the *first pension payday*) is 7 days after the pension payday that applies under subsection 161(1).
- (2) The rate at which wife pension is payable to the person on the first pension payday in accordance with the determination is to be worked out using the following formula:

$$\frac{\text{Normal wife pension instalment}}{2}$$

where:

normal wife pension instalment means the amount of wife pension the person would have received if the first pension payday were a pension payday under subsection 161(1) apart from this section.

- (3) The rate at which wife pension is payable to the person on the first pension payday after the determination is revoked is to be worked out using the following formula:

$$\frac{\text{Normal wife pension instalment}}{2}$$

where:

normal wife pension instalment means the amount of wife pension the person would have received on the pension payday under subsection 161(1) apart from this section.

Page 32 (after line 20), at the end of the Bill, after proposed new Schedule 6, add:

Schedule 7—Amendment of the National Health Act 1953 in relation to the abolition of the modified income test

1 Subsection 84(1) (paragraphs (ba) and (bb) of the definition of *concessional beneficiary*)

Repeal the paragraphs.

Page 32 (after line 20), at the end of the Bill, after proposed new Schedule 7, add:

Schedule 8—Other minor amendments

Part 1—Amendment of the Veterans' Affairs Legislation Amendment Act 1987

1 Schedule 1 (paragraph (a) of the amendment of Schedule 2 (item 8))

Repeal the paragraph, substitute:

- (a) Omit "161 kilometres" (in column 1, wherever occurring), substitute "185.2 kilometres".

Part 2—Amendment of the Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994

2 Paragraph 18(g) (new subsection 45V(2))

Renumber the second paragraph (c) as paragraph (e).

Part 3—Amendment of the Veterans' Affairs Legislation Amendment and Repeal Act 1995

3 Item 4 of Schedule 1

Omit "in Point 43-A1".

4 Item 107 of Schedule 1

Omit "income's", substitute "incomes".

Part 4—Amendment of the Veterans' Affairs (1995-96 Budget Measures) Legislation Amendment Act 1995

5 Item 8 of Schedule 4 (new subparagraph 38(1)(c)(ia))

After “whose partner”, insert “or non-illness separated spouse,”.

Part 5—Amendment of the Veterans' Affairs Legislation Amendment (1995-96 Budget Measures) Act (No. 2) 1995

6 Item 11 of Schedule 6

Repeal the item, substitute:

11 Paragraph 52S(5)(eb)

Omit “section 52H”, substitute “sections 52H and 53AL”.

7 Item 12 of Schedule 6

Repeal the item, substitute:

12 Paragraph 52T(3)(cb)

Omit “section 52H”, substitute “sections 52H and 53AL”.

Part 6—Amendment of the Social Security and Veterans' Affairs Legislation Amendment Act 1995

8 Item 13 of Schedule 17

Repeal the item, substitute:

13 Subsection 52(1)

After “52H,”, insert “52ZA, 52ZCA,”.

Part 7—Amendment of the Veterans' Entitlements Act 1986 (carer amendments commencing on 1 July 1997)

9 Subparagraph 39(2)(c)(i)

Omit “42”, substitute “52”.

10 Paragraph 39(2A)(b)

Omit “education or employment”, substitute “education, unpaid voluntary work or paid employment”.

11 Paragraph 39(2A)(c)

Omit “10”, substitute “20”.

12 Subparagraph 45AB(2)(c)(i)

Omit “42”, substitute “52”.

13 Paragraph 45AB(4)(b)

Omit “education or employment”, substitute “education, unpaid voluntary work or paid employment”.

14 Paragraph 45AB(4)(c)

Omit “10”, substitute “20”.

Part 8—Amendment of the Veterans’ Entitlements Act 1986 relating to bereavement payments

15 Subdivision B of Division 12A of Part IIIB (heading)

Repeal the heading, substitute:

Subdivision B—Death of pensioner’s partner (where partner was receiving a pension or a social security pension)

16 Section 53J (note 2)

Repeal the note, substitute:

Note 2: As regards people receiving carer service pension or income support supplement, note that:

- (a) this Subdivision does not apply to such a pension or supplement that is being received under section 53X; and
- (b) Subdivision E applies to the situation where the partner who dies was not receiving a pension or a social security pension.

17 Subdivision E of Division 12A of Part IIIB (heading)

Repeal the heading, substitute:

Subdivision E—Death of person being cared for (where the carer was not the person’s partner or the person was not receiving a pension or a social security pension)

18 Section 53U (definition of *pension*)

Before “*pension*”, insert “*carer*”.

19 Paragraphs 53V(1)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) a person (the *pensioner*) is receiving a carer pension because he or she provides care for a person; and
- (b) the person being cared for dies; and
- (c) either:

- (i) the person being cared for was not the pensioner's partner; or
- (ii) the person being cared for was the pensioner's partner but was not receiving a pension or a social security pension immediately before his or her death.

20 Subsection 53V(1)

Omit "the pension", substitute "the carer pension".

21 Subsection 53V(4)

Before "pension" (wherever occurring), insert "carer".

22 Subsection 53V(6)

After "amount of the", insert "carer".

23 Subsection 53V(6) (note)

Before "pension", insert "carer".

24 Paragraph 53W(1)(a)

Before "pension", insert "carer".

25 After subsection 53W(1)

Insert:

(1A) A lump sum is payable to a person (the *pensioner*) under this section if:

- (a) the pensioner is receiving a carer pension; and
- (b) the person is caring for another person who is the pensioner's partner; and
- (c) the person being cared for dies; and
- (d) the person being cared for was not receiving a pension, a social security pension or a social security benefit immediately before his or her death.

26 Subsection 53W(2) (definition of *carer's current instalment*)

Before "pension", insert "carer".

Part 9—Amendment of the Veterans' Entitlements Act 1986 (minor technical amendments)

27 Paragraph 5H(8)(zb)

Repeal the paragraph, substitute:

- (zb) a payment to a veteran that is a bereavement payment under section 98A; or

28 Paragraph 5H(8)(zl) (last occurring)

Repeal the paragraph, substitute:

29 Paragraph 5L(10A)(b)

Repeal the paragraph, substitute:

- (b) income support supplement; or
- (c) a social security pension;

30 Subsection 5L(12)

After “service pension”, insert “or an income support supplement”.

31 Subparagraph 36H(2)(a)(iii)

Repeal the subparagraph, substitute:

- (iii) income support supplement; or
- (iv) a social security pension; and

32 Subsection 36H(2) (note)

Omit “Note:”, substitute “Note 1:”.

33 At the end of subsection 36H(2)

Add:

Note 2: For *social security pension* see subsection 5Q(1).

34 Subparagraph 37H(2)(a)(iii)

Repeal the subparagraph, substitute:

- (iii) income support supplement; or
- (iv) a social security pension; and

35 Subsection 37H(2) (note)

Omit “Note:”, substitute “Note 1:”.

36 At the end of subsection 37H(2)

Add:

Note 2: For *social security pension* see subsection 5Q(1).

37 Paragraph 52FA(1)(a)

Omit “or a social security pension”, substitute “, an income support supplement or a social security pension”.

38 Paragraph 52GA(1)(b)

Omit “or a social security pension”, substitute “, an income support supplement or a social security pension”.

39 Subparagraph 52GA(1)(c)(ii)

Omit “or a social security pension”, substitute “, an income support supplement or a social security pension”.

40 Subsection 93B(4)

Omit “21”, substitute “15B”.

41 Paragraph 118E(2)(a)

Omit “paragraph 118JA(c)”, substitute “paragraph 118A(1)(c)”.

42 Paragraph 118E(2)(b)

Omit “paragraph 118JA(a) or (b)”, substitute “paragraph 118A(1)(a) or (b)”.

43 Subsection 128(6)

After “States,” insert “of the Australian Capital Territory,”.

44 Schedule 5

Re-number the clauses in the Schedule as clauses 1 to 7.

Paper

Mr Scott presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Amendments including an amendment to the title agreed to.

Bill, as amended, agreed to, with an amended title.

Consideration in detail concluded.

On the motion of Mr Scott, by leave, the Bill was read a third time.

16 CHILD CARE PAYMENTS BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Ms Macklin addressing the House—

17 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 2 p.m.

PAPERS

The following papers were deemed to have been presented on 29 September 1997:

Aged Care Act—Principles under section—
96-1—

24 (18) September 1997.

26 September 1997.

96-3—24 September 1997.

Aged or Disabled Persons Care Act—Determination 24 September 1997.

Agricultural and Veterinary Chemicals Code Act—Regulations—Statutory Rules 1997 No. 264.

Airports Act—Regulations—Statutory Rules 1997 No. 269.

- Australian Capital Territory (Self-Government) Act—Regulations—Statutory Rules 1997 No. 267.
- Australian Citizenship Act—Regulations—Statutory Rules 1997 No. 262.
- Australian Wool Research and Promotion Organisation Act—Regulations—Statutory Rules 1997 No. 266.
- Cheques and Payment Orders Act—Regulations—Statutory Rules 1997 No. 276.
- Currency Act—Determination 1997 No. 6.
- Customs Act—Regulations—Statutory Rules 1997 Nos. 254, 255.
- Defence Act—Regulations—Statutory Rules 1997 Nos. 256, 257.
- Distillation Act—Regulations—Statutory Rules 1997 No. 253.
- Export Inspection (Establishment Registration Charges) Act—Regulations—Statutory Rules 1997 No. 265.
- Family Law Act—Regulations—Statutory Rules 1997 No. 251.
- Federal Court of Australia Act—
Regulations—Statutory Rules 1997 No. 249.
- Rules of Court—Statutory Rules 1997 No. 277.
- Income Tax Assessment Act 1936*—Regulations—Statutory Rules 1997 Nos. 270, 275.
- International Organizations (Privileges and Immunities) Act—Regulations—Statutory Rules 1997 Nos. 258, 259, 260, 261.
- Migration Act—Regulations—Statutory Rules 1997 No. 263.
- Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 1997 No. 248.
- National Health Act—Determination 1997 No. HIS 13.
- Radiocommunications Act—Spectrum re-allocation declaration—Regulation impact statements 1997 Nos. 1, 2, 3, 4.
- Sales Tax (Exemptions and Classifications) Act—Regulations—Statutory Rules 1997 No. 272.
- Sales Tax Assessment Act—Regulations—Statutory Rules 1997 No. 273.
- Service and Execution of Process Act—Regulations—Statutory Rules 1997 No. 250.
- States Grants (Primary and Secondary Education Assistance) Act—Regulations—Statutory Rules 1997 No. 268.
- Superannuation Contributions Tax (Assessment and Collection) Act—Regulations—Statutory Rules 1997 No. 271.
- Telecommunications Act 1997*—Regulations—Statutory Rules 1997 No. 252.
- Termination Payments Tax (Assessment and Collection) Act—Regulations—Statutory Rules 1997 No. 274.
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ATTENDANCE

All Members attended (at some time during the sitting) except Mr K. J. Andrews, Mr Downer, Mr Latham, Mr Pyne and Mr Sharp.

I. C. HARRIS

Clerk of the House of Representatives