

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Veterans' Affairs)*

**VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL  
(NO. 2) 1993**

**TABLE OF PROVISIONS**

**PART 1—PRELIMINARY**

**Section**

1. Short title
2. Commencement

**PART 2—AMENDMENTS OF THE VETERANS' ENTITLEMENTS  
ACT 1986**

*Division 1—Preliminary*

3. Principal Act

*Division 2—Allocated pensions*

4. Index of definitions
5. *Investment income* definitions

TABLE OF PROVISIONS—*continued*

Section

- 6. Certain assets to be disregarded in calculating the value of a person's assets
- 7. Value of annuities

*Division 3—Shares and other listed securities*

- 8. *Investment income* definitions

*Division 4—Veterans' Children Education Scheme*

- 9. Interpretation

PART 3—EXTENSION OF ADVANCE PHARMACEUTICAL ALLOWANCE

- 10. Repeal of Division 2 of Part VIIA
- 11. Eligibility for advance pharmaceutical allowance

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## A BILL

FOR

**An Act to amend the law relating to veterans' affairs,  
and for related purposes**

The Parliament of Australia enacts:

### PART 1—PRELIMINARY

#### Short title

- 5     **1.** This Act may be cited as the *Veterans' Affairs Legislation Amendment Act (No. 2) 1993*.

#### Commencement

- 2.(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- 10     (2) Division 2 of Part 2 commences immediately after Division 19 of Part 2 of the *Social Security Legislation Amendment Act (No. 3) 1992*.

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- (3) Division 4 of Part 2 commences on 1 January 1994.

## PART 2—AMENDMENTS OF THE VETERANS' ENTITLEMENTS ACT 1986

### *Division 1—Preliminary*

#### **Principal Act**

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3. In this Act, “**Principal Act**” means the *Veterans' Entitlements Act 1986*<sup>1</sup>.

### *Division 2—Allocated pensions*

#### **Index of definitions**

4. Section 5 of the Principal Act is amended by inserting the following 10  
entries in the index after the entry for “allied veteran”:

“Allocated annuity	5J(9)
Allocated pension	5J(9)”.

#### **Investment income definitions**

5. Section 5J of the Principal Act is amended: 15

- (a) by inserting the following definitions in subsection (1):  
“**‘allocated annuity’** has the meaning given by subsection (9);  
**‘allocated pension’** has the meaning given by subsection (9);”;
- (b) by adding at the end of subsection (1B) the following paragraph:  
“; (g) an allocated pension or allocated annuity.”; 20
- (c) by inserting after paragraph (1C)(e) the following paragraphs:  
“; (f) an immediate annuity that is not an allocated annuity;  
(g) a superannuation pension that is not an allocated pension.”;
- (d) by adding at the end of subsection (1C) the following Notes:  
“Note 4: An immediate annuity is dealt with under sections 46T and 52A. 25  
Note 5: A superannuation pension is dealt with under sections 46U and 52.  
Note 6: For ‘allocated annuity’ and ‘allocated pension’ see subsection (9).”;
- (e) by adding at the end the following subsection:  
“(9) A pension or annuity is an allocated one if either:  
(a) the rate of payment of the pension or annuity; or 30  
(b) the basis for variations in the rate of payment of the pension  
or annuity;  
is not fully defined in the relevant trust deed or contract.”.

#### **Certain assets to be disregarded in calculating the value of a person's assets**

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6. Section 52 of the Principal Act is amended by inserting in paragraph (1)(d) “that is not an allocated pension” after “person”.

### **Value of annuities**

7. Section 52A of the Principal Act is amended:

(a) by inserting after paragraph (2)(a) the following paragraph:

“(aa) an allocated annuity; or”;

(b) by inserting after subsection (4) (and before the annuity value calculator) the following subsection:

“(5) Subsection (4) does not apply to an allocated annuity.

Note 1: For ‘allocated annuity’ see subsection 5J(9).

Note 2: Allocated annuities are treated as managed investments (see paragraph 5J(1B)(g) and Subdivision AA of Division 8 of this Part).”.

### ***Division 3—Shares and other listed securities***

#### ***Investment income definitions***

8. Section 5J of the Principal Act is amended by omitting “in Australia” from the definition of “listed security” in subsection (1).

### ***Division 4—Veterans' Children Education Scheme***

#### **Interpretation**

9. Section 116 of the Principal Act is amended:

(a) by inserting “22(4) or” after “subsection” in subparagraph (b)(i) of the definition of “eligible child of a member of the Forces, or of a member of a Peacekeeping Force” in subsection (1);

(b) by inserting “22(4) or” after “subsection” in subparagraph (a)(ii) of the definition of “eligible child of a veteran” in subsection (1);

(c) by inserting “22(4) or” after “subsection” in subparagraph (b)(i) of the definition of “eligible child of a veteran” in subsection (1).

### **PART 3—EXTENSION OF ADVANCE PHARMACEUTICAL ALLOWANCE**

#### **Repeal of Division 2 of Part VIIA**

10. Section 17 of the *Veterans' Affairs Legislation Amendment Act (No. 2) 1991* is amended by omitting “1 January 1994” and substituting “1 January 1995”.

#### **Eligibility for advance pharmaceutical allowance**

11. Section 118F of the *Veterans' Entitlements Act 1986* is amended by adding at the end of subsection (1) the following Note:

“Note: This Division is subject to a sunset provision: see section 17 of the *Veterans' Affairs Legislation Amendment Act (No. 2) 1991*. The Division is due to be repealed on 1 January 1995.”.

*Veterans' Affairs Legislation Amendment*  
(No. 2) No. , 1993

**NOTE**

1. No. 27, 1986, as amended. For previous amendments, see No. 106, 1986 (as amended by Nos. 78 and 130, 1987); No. 130, 1986; No. 78, 1987 (as amended by No. 164, 1989); No. 88, 1987; No. 130, 1987 (as amended by No. 133, 1988); No. 13, 1988 (as amended by No. 83, 1989; and No. 73, 1991); Nos. 35 and 79, 1988; No. 134, 1988 (as amended by No. 164, 1989); No. 135, 1988 (as amended by Nos. 84 and 164, 1989; and No. 73, 1991); Nos. 59, 83, 84, 93 and 163, 1989; No. 164, 1989 (as amended by No. 56, 1990; and No. 73, 1991); Nos. 59, 83, 84, 93 and 163, 1989; No. 164, 1989 (as amended by No. 56, 1990; and 73, 1991); Nos. 56, 84 and 119, 1990; No. 2, 1991 (as amended by No. 73, 1991); No. 72, 1991; No. 73, 1991 (as amended by No. 74, 1991); Nos. 74, 122, 175 and 208, 1991; Nos. 12, 51, 70, 94 and 228, 1992; and No. 27, 1993.





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