

Version No. 011
State Concessions Act 1986
Act No. 109/1986

Version incorporating amendments as at 1 July 1997

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State Concessions Act 1986
Act No. 109/1986

Version incorporating amendments as at 1 July 1997

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to provide definitions of eligibility for concessions given by or under certain Acts.

2. Commencement

This Act comes into operation on a day or days to be proclaimed.

2A. Definition

In this Act—

"subordinate instrument" has the same meaning as in the **Interpretation of Legislation Act 1984**.

S. 2A
inserted by
No. 48/1987
s. 4(a).

3. References to Commonwealth Acts

A reference in this Act to a Commonwealth Act is a reference—

- (a) if that Act has been amended, to the Act as amended and in force for the time being; and
- (b) if that Act has been re-enacted or re-made (with or without modification), to that Act as re-enacted or re-made and in force for the time being; and

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Part 1—Preliminary

s. 3

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- (c) if that Act has been re-enacted or re-made (with or without modification) and subsequently amended, to that Act as re-enacted or re-made and subsequently amended and in force for the time being.
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PART 2—DEFINITIONS OF ELIGIBILITY

4. Eligible pensioner

- (1) A reference in an Act or subordinate instrument to an eligible pensioner within the meaning of this Act is a reference to a person who—
- (a) is a pensioner within the meaning of Part IV or Part V of the Social Security Act 1947 of the Commonwealth and (unless the person is permanently blind) whose annual rate of income is less than the prescribed rate of income applicable to the person, and the value of whose property is less than the prescribed property value applicable to the person; or
 - (b) receives a rehabilitation allowance under Part XVI of the Social Security Act 1947 of the Commonwealth and whose annual rate of income is less than the prescribed rate of income applicable to the person, and the value of whose property is less than the prescribed property value applicable to the person; or
 - (c) receives a sheltered employment allowance under Part XIV of the Social Security Act 1947 of the Commonwealth and whose annual rate of income is less than the prescribed rate of income applicable to the person, and the value of whose property is less than the prescribed property value applicable to the person; or
 - (d) receives a supporting parent's benefit under Part VI of the Social Security Act 1947 of the Commonwealth and whose annual rate of income is less than the prescribed rate of income applicable to the person, and the

S. 4(1)
amended by
No. 48/1987
s. 4(b).

S. 4(1)(a)
amended by
No. 48/1987
s. 4(c).

S. 4(1)(b)
amended by
No. 48/1987
s. 4(d).

S. 4(1)(c)
amended by
No. 48/1987
s. 4(e).

S. 4(1)(d)
amended by
No. 48/1987
s. 4(f).

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Part 2—Definitions of Eligibility

s. 4A

value of whose property is less than the prescribed property value applicable to the person; or

- (e) is a service pensioner within the meaning of section 35 of the Veterans' Entitlements Act 1986 of the Commonwealth and whose annual rate of income is less than the prescribed rate of income applicable to the person, and the value of whose property is less than the prescribed property value applicable to the person; or
- (f) receives or is eligible to receive a pension under section 13(1) of the Veterans' Entitlement Act 1986 of the Commonwealth as the widow of a deceased veteran.

(2) In sub-section (1)—

"prescribed rate of income" in relation to a person means the rate of income prescribed by or under an Act of the Commonwealth below which a person is entitled to hold a current Pensioner Health Benefits Card and current Transport Concession Card;

"prescribed property value" in relation to a person means the assets value prescribed by or under an Act of the Commonwealth below which a person is entitled to hold a current Pensioner Health Benefits Card and current Transport Concession Card.

4A. Eligible recipient

A reference in an Act or subordinate instrument to an eligible recipient within the meaning of this Act is a reference to a person who—

- (a) is an eligible pensioner within the meaning of section 4; or

S. 4A
inserted by
No. 48/1987
s. 4(g).

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Part 2—Definitions of Eligibility

s. 5

- (b) receives or is eligible to receive a pension under section 13(1) of the Veterans' Entitlement Act 1986 of the Commonwealth as a totally and permanently incapacitated veteran to whom section 24 of that Act applies.

5. Eligible beneficiary

A reference in an Act or subordinate instrument to an eligible beneficiary within the meaning of this Act is a reference to a person who—

- (a) is an eligible recipient within the meaning of section 4A; or
- (b) is a disadvantaged person under section 4C of the Health Insurance Act 1973 of the Commonwealth; or
- (c) is subject to a declaration under section 5, 5B, 5D or 5E of the Health Insurance Act 1973 of the Commonwealth; or
- (d) receives a sickness benefit under Part XIII of the Social Security Act 1947 of the Commonwealth.

S. 5
amended by
No. 48/1987
s. 4 (h).

S. 5(a)
amended by
No. 48/1987
s. 4(i)(i)(ii).

S. 5(d)
amended by
No. 48/1987
s. 4(j).

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Part 3—Amendment of Certain Acts

s. 6

PART 3—AMENDMENT OF CERTAIN ACTS

6. Consequential amendments

On the coming into operation of an item in the Schedule amending or repealing an Act, that Act is amended or repealed as set out in that item.

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Sch.

SCHEDULE

Section 7

CONSEQUENTIAL AMENDMENTS

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>	
1	Firearms Act 1958	In section 22AA(7), in the proviso, for paragraphs (a), (b) and (c) substitute "a person who is an eligible recipient within the meaning of the State Concessions Act 1986 ".	Sch. item 1 amended by No. 48/1987 s. 4(k)(i).
2	Geelong Waterworks and Sewerage Act 1958	<p>In section 124AA(1)—</p> <p>(a) for "a pensioner" substitute "an eligible recipient";</p> <p>(b) for "Municipalities Assistance Act 1973" substitute "State Concessions Act 1986".</p> <p>In section 124AA(4)(a) for "pensioner" (wherever occurring) substitute "eligible recipient".</p> <p>In section 124AA(5) for "pensioner" substitute "eligible recipient".</p> <p>In section 124AB(1) for the definition of "Eligible person" substitute—</p> <p style="padding-left: 40px;">"Eligible beneficiary" means a person who is an eligible beneficiary within the meaning of the State Concessions Act 1986."</p>	Sch. item 2 amended by No. 48/1987 s. 4(k)(ii).

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<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
2	Geelong Waterworks and Sewerage Act 1958 — <i>continued</i>	<p>In section 124AB(2)(a), for "eligible person" substitute "eligible beneficiary".</p> <p>In section 124AB(3), for "eligible person" (wherever occurring) substitute "eligible beneficiary".</p>
3	Land Tax Act 1958	<p>In section 91AB(1)—</p> <p>(a) in paragraph (a) for "a relevant pensioner" substitute "an eligible pensioner";</p> <p>(b) in paragraph (b) for "relevant" substitute "eligible".</p> <p>In section 91AB(2)—</p> <p>(a) for "a relevant pensioner" (wherever occurring) substitute "an eligible pensioner";</p> <p>(b) for "relevant pensioners" (wherever occurring) substitute "eligible pensioners".</p> <p>In section 91AB, for sub-section (3) substitute—</p> <p>"(3) For the purposes of this section, an eligible pensioner is a person who, at noon on 31 December immediately preceding the year for which land tax is assessed, is an eligible pensioner within the meaning of the State Concessions Act 1986".</p>

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<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
3	Land Tax Act 1958— continued	<p>In section 91AB(4) for "a relevant pensioner" (wherever occurring) substitute "an eligible pensioner".</p> <p>Sub-sections (5) and (6) of section 91AB are repealed.</p>
4	Local Government Act 1958	<p>In section 298(1)(a) for "in receipt of the maximum annual rate of pension under the Commonwealth Act known as the Social Services Act 1947–1971 or any amendment of that Act or other Act in substitution therefor" substitute "an eligible recipient within the meaning of the State Concessions Act 1986".</p> <p>In section 298(1)(b)(i) for "in receipt of such a pension" substitute "an eligible recipient".</p> <p>For section 298(1)(b) (ii) substitute—</p> <p>"(ii) an eligible recipient within the meaning of the State Concessions Act 1986".</p> <p>In section 298(1A)—</p> <p>(a) for "a pensioner" substitute "an eligible recipient";</p> <p>(b) for "Municipalities Assistance Act 1973" substitute "State Concessions Act 1986".</p> <p>In section 298(1B)(a) for "pensioner" (wherever occurring) substitute "eligible recipient".</p>

Sch. item 4 amended by No. 48/1987 s. 4(k)(iii)(iv).

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Sch.

Sch. item 5
amended by
No.48/1987
s. 4(k)(v)(vi).

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
4	Local Government Act 1958 — <i>continued</i>	<p>In section 298(1B)(b) for "pensioner" substitute "eligible recipient".</p> <p>In section 298(1B)(c) for "pensioner" (wherever occurring) substitute "eligible recipient".</p> <p>In section 298(1D) for "pensioner" substitute "eligible recipient".</p>
5	Melbourne and Metropolitan Board of Works Act 1958	<p>In section 239EA(1)—</p> <p>(a) for "a pensioner" substitute "an eligible recipient";</p> <p>(b) for "Municipalities Assistance Act 1973" substitute "State Concessions Act 1986".</p> <p>In section 239(EA)(4) for "pensioner" (wherever occurring) substitute "eligible recipient".</p> <p>In section 239EA(5) for "pensioner" substitute "eligible recipient".</p> <p>In section 239EAA(1), for the definition of "Eligible person" substitute—</p> <p>' "Eligible beneficiary" means a person who is an eligible beneficiary within the meaning of the State Concessions Act 1986.'. </p>

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<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
5	Melbourne and Metropolitan Board of Works Act 1958 — <i>continued</i>	<p>In section 239EAA(2)(a), for "eligible person" substitute "eligible beneficiary".</p> <p>In section 239EAA(3), for "eligible person" (wherever occurring) substitute "eligible beneficiary".</p>
6	Mildura Irrigation Trusts and Sunraysia Water Board Act 1958	<p>In section 159A(1)—</p> <p>(a) for "a pensioner" substitute "an eligible recipient";</p> <p>(b) for "Municipalities Assistance Act 1973" substitute "State Concessions Act 1986".</p> <p>In section 159A(4)(a) for "pensioner" (wherever occurring) substitute "eligible recipient".</p> <p>In section 159A(5) for "pensioner" substitute "eligible recipient".</p> <p>In section 159B(1) for the definition of "Eligible person" substitute—</p> <p style="padding-left: 20px;">' "Eligible beneficiary" means a person who is an eligible beneficiary within the meaning of the State Concessions Act 1986.'. </p> <p>In section 159B(2)(a) for "eligible person" substitute "eligible beneficiary".</p>

Sch. item 6 amended by No.48/1987 s. 4(k)(vii)(viii).

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<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
6	Mildura Irrigation Trusts and Sunraysia Water Board Act 1958 — <i>continued</i>	In section 159B(3) for "eligible person" (wherever occurring) substitute "eligible beneficiary".
7	Motor Boating Act 1961	In section 14, for "Repatriation Act 1920" substitute "Veterans' Entitlements Act 1986".
8	Motor Car Act 1958	<p>In section 7(1A) for "a pensioner within the meaning of the Municipalities Assistance Act 1973" substitute "an eligible pensioner within the meaning of the State Concessions Act 1986".</p> <p>In section 7(1B) for "a pensioner" substitute "an eligible pensioner".</p> <p>In section 7(2)(a) for "Repatriation Act 1920" substitute "Veterans' Entitlements Act 1986".</p> <p>In section 7(2A)(a) for "a pensioner within the meaning of the Municipalities Assistance Act 1973" substitute "an eligible pensioner within the meaning of the State Concessions Act 1986".</p>
9	Municipalities Assistance Act 1973	<p>In section 2 for sub-section (1) substitute—</p> <p>"(1) In this Act "pensioner" means a person who is an eligible recipient within the meaning of the State Concessions Act 1986."</p>

Sch. item 9 amended by No.48/1987 s. 4(k)(ix).

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<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>	
10	Sewerage Districts Act 1958	<p>In section 100B(1) for "a pensioner within the meaning of the Municipalities Assistance Act 1973" substitute "an eligible recipient within the meaning of the State Concessions Act 1986".</p> <p>In section 100B(4) for "pensioner" (wherever occurring) substitute "eligible recipient".</p> <p>In section 100B(5), for "pensioner" substitute "eligible recipient".</p>	Sch. item 10 amended by No.48/1987 s. 4(k)(x)(xi).
11	Stamps Act 1958	<p>In section 71A(3B), for paragraph (a) substitute—</p> <p>"(a) that the person, or each of the persons, is an eligible beneficiary within the meaning of the State Concessions Act 1986; and".</p>	
12	Water Act 1958	<p>In section 360A(1)—</p> <p>(a) for "a pensioner" substitute "an eligible recipient";</p> <p>(b) for "Municipalities Assistance Act 1973" substitute "State Concessions Act 1986".</p> <p>In section 360A(4)(a) for "pensioner" (wherever occurring) substitute "Eligible recipient".</p> <p>In section 360A(5) for "pensioner" substitute "eligible recipient".</p>	Sch. item 12 amended by No.48/1987 s. 4(k)(xii)(xiii).

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<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
12	Water Act 1958 — <i>continued</i>	In section 360B(1) for the definition of "Eligible person" substitute — ' "Eligible beneficiary" means a person who is an eligible beneficiary within the meaning of the State Concessions Act 1986 .'. In section 360B(2)(a) for "eligible person" substitute "eligible beneficiary". In section 360B(3) for "eligible person" (wherever occurring) substitute "eligible beneficiary".

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Endnotes

ENDNOTES

1. General Information

Dates of the Minister's second reading speech of the **State Concessions Act 1986** were:

Legislative Assembly: 30 October 1986

Legislative Council: 5 December 1986

Long title

The long title for the Bill for the **State Concessions Act 1986** was "A Bill to provide definitions of eligibility for certain concessions, to amend provisions in certain Acts for concessions and for other purposes."

The **State Concessions Act 1986** was assented to on 16 December 1986 and came into operation as follows:

Sections 1–6 and Schedule items 3, 7, 8 and 11 on 30 March 1987 (Government Gazette 25.3.87 page 695); Schedule items 1, 2, 4–6, 9, 10 and 12 on 1 December 1987 (Government Gazette 18.11.87 page 3072).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **State Concessions Act 1986** by Acts and subordinate instruments.

State Concessions (Amendment) Act 1987, No. 48/1987

Assent Date: 15.9.87

Commencement Date: 1.12.87: Government Gazette 18.11.87 p. 3072

Current State: All of Act in operation

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Endnotes

3. Explanatory Details

No entries at date of publication.