

State Concessions Bill

No.

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LEGISLATIVE COUNCIL

(Brought from the Legislative Assembly)

A BILL

for

An Act to provide definitions of eligibility for certain concessions, to amend provisions in certain Acts for concessions and for other purposes.

State Concessions Act 1986

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

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

Commencement.

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

References to Commonwealth Acts.

- 10 3. 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
15 (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.

PART 2—DEFINITIONS OF ELIGIBILITY

Eligible pensioner.

4. (1) A reference in an Act 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 III or Part IV 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 5
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 - (b) receives a rehabilitation allowance under Part VIII 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 15
 - (c) receives a sheltered employment allowance under Part VIIA 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 20
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 - (d) receives a supporting parent's benefit under Part IV^{AAA} 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 30
 - (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 35
 - (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. 40
- (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.

- 5 “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.

Eligible beneficiary.

- 10 5. A reference in an Act to an eligible beneficiary within the meaning of this Act is a reference to a person who—

- 15 (a) is an eligible pensioner within the meaning of section 4; 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 VII of the *Social Security Act 1947* of the Commonwealth.

PART 3—AMENDMENT OF CERTAIN ACTS

Consequential amendments.

- 20 6. 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.

SCHEDULE

Section 7.

Consequential Amendments

Item	Title of Act	Extent of Amendment or Repeal
1	<i>Firearms Act 1958</i>	In section 22AA (7), in the proviso, for paragraphs (a), (b) and (c) substitute "a person who is an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i> ".
2	<i>Geelong Waterworks and Sewerage Act 1958</i>	<p>In section 124AA (1)—</p> <p>(a) for "a pensioner" substitute "an eligible pensioner";</p> <p>(b) for "<i>Municipalities Assistance Act 1973</i>" substitute "<i>State Concessions Act 1986</i>".</p> <p>In section 124AA (4) (a) before "pensioner" (wherever occurring) insert "eligible".</p> <p>In section 124AA (5) before "pensioner" insert "eligible".</p> <p>In section 124AB (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 <i>State Concessions Act 1986</i>.'</p> <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	<i>Land Tax Act 1958</i>	<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 <i>State Concessions Act 1986</i>".</p> <p>In section 91AB (4) for "a relevant pensioner" (wherever occurring) substitute "an eligible pensioner".</p>

SCHEDULE—continued

Item	Title of Act	Extent of Amendment or Repeal
4	<i>Local Government Act 1958</i>	<p>Sub-sections (5) and (6) of section 91AB are repealed.</p> <p>In section 298 (1) (a) for “in receipt of the maximum annual rate of pension under the Commonwealth Act known as the <i>Social Services Act 1947—1971</i> or any amendment of that Act or other Act in substitution therefor” substitute “an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i>”.</p> <p>In section 298 (1) (b) (i) for “in receipt of such a pension” substitute “an eligible pensioner”.</p> <p>For section 298 (1) (b) (ii) substitute— “(ii) an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i>.”.</p> <p>In section 298 (1A)— (a) for “a pensioner” substitute “an eligible pensioner”; (b) for “<i>Municipalities Assistance Act 1973</i>” substitute “<i>State Concessions Act 1986</i>”.</p> <p>In section 298 (1B) (a) before “pensioner” (wherever occurring) insert “eligible”.</p> <p>In section 298 (1B) (b) before “pensioner” insert “eligible”.</p> <p>In section 298 (1B) (c) before “pensioner” (wherever occurring) insert “eligible”.</p> <p>In section 298 (1D) before “pensioner” insert “eligible”.</p>
5	<i>Melbourne and Metropolitan Board of Works Act 1958</i>	<p>In section 239EA (1)— (a) for “a pensioner” substitute “an eligible pensioner”; (b) for “<i>Municipalities Assistance Act 1973</i>” substitute “<i>State Concessions Act 1986</i>”.</p> <p>In section 239EAA (1), for the definition of “Eligible person” substitute— “Eligible beneficiary” means a person who is an eligible beneficiary within the meaning of the <i>State Concessions Act 1986</i>.”.</p> <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	<i>Mildura Irrigation Trusts and Sunraysia Water Board Act 1958</i>	<p>In section 159A (1)— (a) for “a pensioner” substitute “an eligible pensioner”;</p>

SCHEDULE—continued

Item	Title of Act	Extent of Amendment or Repeal
		(b) for " <i>Municipalities Assistance Act 1973</i> " substitute " <i>State Concessions Act 1986</i> ".
		In section 159A (4) (a) before "pensioner" (wherever occurring) insert "eligible".
		In section 159A (5) before "pensioner" insert "eligible".
		In section 159B (1) for the definition of "Eligible person" substitute— ' " Eligible beneficiary " means a person who is an eligible beneficiary within the meaning of the <i>State Concessions Act 1986</i> .'
		In section 159B (2) (a) for "eligible person" substitute "eligible beneficiary".
		In section 159B (3) for "eligible person" (wherever occurring) substitute "eligible beneficiary".
7	<i>Motor Boating Act 1961</i>	In section 14, for " <i>Repatriation Act 1920</i> " substitute " <i>Veterans' Entitlements Act 1986</i> ".
8	<i>Motor Car Act 1958</i>	In section 7 (1A) for "a pensioner within the meaning of the <i>Municipalities Assistance Act 1973</i> " substitute "an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i> ".
		In section 7 (1B) for "a pensioner" substitute "an eligible pensioner".
		In section 7 (2) (a) for " <i>Repatriation Act 1920</i> " substitute " <i>Veterans' Entitlements Act 1986</i> ".
		In section 71 (2A) (a) for "a pensioner within the meaning of the <i>Municipalities Assistance Act 1973</i> " substitute "an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i> ".
9	<i>Municipalities Assistance Act 1973</i>	In section 2 for sub-section (1) substitute— "(1) In this Act " pensioner " means a person who is an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i> ."
10	<i>Sewerage Districts Act 1958</i>	In section 100B (1) for "a pensioner within the meaning of the <i>Municipalities Assistance Act 1973</i> " substitute "an eligible pensioner within the meaning of the <i>State Concessions Act 1986</i> ".
		In section 100B (4) before "pensioner" (wherever occurring) insert "eligible".
11	<i>Stamps Act 1958</i>	In section 71A (3B), for paragraph (a) substitute—

SCHEDULE—continued

Item	Title of Act	Extent of Amendment or Repeal
12	Water Act 1958	<p>“(a) that the person, or each of the persons, is an eligible beneficiary within the meaning of the <i>State Concessions Act 1986</i>; and”.</p> <p>In section 360A (1)—</p> <p>(a) for “a pensioner” substitute “an eligible pensioner”;</p> <p>(b) for “<i>Municipalities Assistance Act 1973</i>” substitute “<i>State Concessions Act 1986</i>”.</p> <p>In section 360A (4) (a) before “pensioner” (wherever occurring) insert “eligible”.</p> <p>In section 360A (5) before “pensioner” insert “eligible”.</p> <p>In section 360B (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 <i>State Concessions Act 1986</i>.’.</p> <p>In section 360B (2) (a) for “eligible person” substitute “eligible beneficiary”.</p> <p>In section 360B (3) for “eligible person” (wherever occurring) substitute “eligible beneficiary”.</p>

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