

Carson & the Law Lords. Where now ?

Carson loses her fight with the Law Lords

It was a great disappointment to learn that the Law Lords rejected Annette Carson's appeal in her claim of discrimination. Your Committee believe their Lordships were deprived of sufficient vital information that may have resulted in a different outcome.

With this in mind we have already launched three separate lines of attack that may yet win the day for us....More information later.

D P

SO LET BATTLE COMMENCE. WE HAVE THE TOOLS, NOW LETS FINISH THE JOB!!!

First Thoughts

Denying annual uprating to half UK's expatriate pensioners (including those in Australia), while allowing it to the other half (including those in the USA and the EU), is to all reasonable people unmistakable discrimination.

The Human Rights Act 1998 (HRA) was enacted, supposedly, to 'allow' Britons to invoke European Court of Human Rights ECHR principles in English courts. The Home Secretary and the Chairman of the UK Bar Council gave an assurance that HRA had changed the Constitution by superimposing a form of higher law. Parliamentary diehards however succeeded in incorporating a catch clause whereby, even when it was clear that a government action was in breach of ECHR, a judge could either allow precedence to the domestic legislation causing the breach, or issue a 'Declaration of Incompatibility'. Then the issue must be handed back to the Minister for a political decision. A court can still not overturn an Act.

Few judges dare to defy Government policy even to the gentle extent of declaring incompatibility; many seem determined to defer to Parliament, no matter how blatant the breach, to the extent that, far from facilitating access to the Convention, HRA is an impediment.

The only reason advanced by the UK government for failing to uprate our pensions is that it needs

our uprating (but evidently not that of pensioners in the USA and elsewhere) "to give a decent standard of living to poor UK resident pensioners". It is in truth going to UK resident pensioners, in the form (among other things) of a Winter Fuel Allowance at four times the total cost of our uprating. But it is not just the poor who benefit - all pensioners get it (even some expats whose winter is warmer than a typical British summer). Many suspect the true reason is that pensioners in Britain now represent one third of those who vote.

Very many British pensioners in Australia with no assets and no other income than a frozen UK pension and a part Centrelink pension are living close to the poverty line. In the name of equity and common humanity, the fight for pensions parity must be pursued with all the vigour at our command. The Federal Government must adopt a more active role since the greatest beneficiaries will be Australian taxpayers; repeal of the British policy will lead to an immediate direct saving in support costs for British pensioners of \$100 million annually, while the total increased foreign exchange income will be half a billion dollars per year.

The adverse judgment by four Lords of Appeal, as predicted, echoed the lower courts in deferring to the will of the executive and legislature, no matter how inequitable and illogical their posture. But a shining exception was the dissenting judgment of Lord Carswell who, after a clear and fair and forthright exposition of the fundamentals, said he would have allowed the appeal. He will not be alone in his views. The task facing us is to search out like-minded people in both the law and politics. Lord Carswell gives us renewed confidence and determination. Pensions Discrimination is unfair and in breach of the European Convention on Human Rights.

Carson & the Law Lords Where Now

The rejection of Annette Carson's appeal by a majority vote in the House of Lords was disappointing and infuriating – but not unexpected. Although a defeat, there emerged for the first time a champion of our cause among the highest judges in the land.

Background

As we shall see in the brief analysis which follows, the courts had accepted that the UK discriminatory policy breaches the European Convention on Human Rights (ECHR) which Britain helped formulate, then signed and ratified in 1951. Its purpose was to establish a set of

human rights principles with which all signatory countries would comply, but it could only be directly accessed in Strasbourg.

Britain enacted the Human Rights Act 1998 (HRA) in order, the Government said, to enable UK citizens to seek ECHR protection in UK courts, but Parliament incorporated a catch clause whereby, even if the court did find a breach of ECHR, it could not overturn an Act, it could only return the issue to the Minister concerned. Moreover, the Government insisted that there could be no appeal to Strasbourg before having sought redress under HRA. This is what Annette Carson was obliged to do.

Sadly a majority of British judges and legal practitioners with strongly reactionary tendencies insist they have no duty to determine breaches of ECHR, their prime responsibility being to implement domestic legislation as written. The Carson action fell at this first reactionary hurdle in the High Court, the Appeal Court concurred, and as we now see, a majority of the Law Lords endorsed this view.

Of those rejecting the appeal, Lords Nicholls and Rodger made no contribution to the argumentation while Lord Walker merely endorsed the lower courts' view that Carson was not comparable to uprated pensioners - without providing his own reasoning.

The Opposition

The principal opponent was Lord Hoffmann. He conceded that Carson's pension rights were a possession for the purposes of the Convention but then asserted that UK domestic legislation has primacy (the comparison was with UK residents instead of with uprated expats). He said

1. discrimination on the grounds of race or gender alone called for close examination by the courts, any other ground needs merely a rational explanation by the Parliament
2. contributions have only a tenuous link with pension amount
3. The DWP may choose countries for uprating on the simple ground of economic advantage and has no obligation to justify in the courts the different sums it elects to pay
4. Distinguishing (he implied discriminating) between UK residents and expats is 'internationally acceptable' but produced no evidence [in fact Britain alone employs this policy]

Lord Hoffmann's dissertation comprised airy generalities culled from lower court judgments, confused the source of funding of NI outlays with social housing and cuttingly suggested expats might next be claiming benefits like job seekers [by retirees?], and maternity [by pensioners?].

The Champion

Lord Carswell's opinion was a breath of fresh air, brisk and factual. His key assertions were that the matters in

issue between the parties were (i) whether the difference in treatment of pensioners residing in different countries amounted to discrimination, and (ii) if so, whether it was objectively justifiable.

A summary of what he had to say is on the next page BH

Where Now

The Carson legal action has run its course in the UK. Only the South African pensioners who initiated the Carson litigation can decide whether to take it to Strasbourg. Meantime BAPA is in touch with its legal advisers as to what other action might be possible.

Now we must turn to Westminster where we have a new Government with a much reduced majority. We must urgently establish the extent of our support. Parliamentary questions must be asked, the DWP position challenged, all based on the electrifying opinion laid down by Lord Carswell.

Federal Minister Kay Patterson expressed her disappointment with the Lords outcome and swore she would not give up the battle. (See below) We need to press her for positive action and to marshal our support among all politicians here, Federal and State. Australia must rise up in wrath against the injustice

But all this effort requires volunteers, angry and articulate, to take on specific tasks. Too often in the past such calls have fallen on deaf ears. Your Committee has been fighting the frozen pensions cause for years, some for 12 years or more. We have reached the time when we rally need some of our younger members to come on board. There is a battle to be fought and it can be won – but only with fresh blood bringing new ideas.

Federal Minister

SENATOR THE HON KAY PATTERSON UK House of Lords decision lets down pensioners

The Howard Government is very disappointed by a ruling from the United Kingdom's House of Lords Appeal Committee, which continues to deny indexed pensions for nearly a quarter of a million UK pensioners living in Australia.

The Minister for Family and Community Services, Senator Kay Patterson, rejected today's ruling by the Committee that it was lawful for the UK Government to refuse to pay indexed pensions into countries, such as Australia. "The ruling is both unfair and discriminatory and I will not let the matter rest here," said Senator Patterson. (Cont'd)

“The Howard Government still believes the UK’s policy is discriminatory in a moral sense, even if it were technically lawful. “The UK government’s policy is simply unfair and it should recognise the compelling moral arguments for paying UK pensioners their proper entitlements.

“These people have contributed over many years to earn their pension rights. They have contributed on the same basis as people living in the UK, former residents now in the all European Union countries and other selected countries such as the United States, Israel or the Philippines. Yet they are denied the same benefits. “There are more than 236,400 UK pensioners in Australia and over time their UK pensions become increasingly worthless, leaving Australian taxpayers to pick up the tab. About 170,000 of these UK pensioners also receive means-tested Australian pensions.

“I will continue to pursue this matter with the UK government on behalf of all UK pensioners in Australia, and even more importantly the Australian taxpayer.

“I am considering further actions that we might take and am committed to resolving this issue,” Senator Patterson said.

Summary of the judgement & reflections thereon

Lord Carswell was the only judge who found in our favour. Frankly, he was the only one who seemed to understand the meaning of “discrimination”. Two of the others made extensive comments, but the other two just “concurred”. We have been “conned” by the “curs”.

This summary contains some direct quotes, some paraphrase of what Carswell said, and some comments of my own. So please treat this as a report by a kind of journalist rather than by a court shorthand writer.

He started by saying “*I have reached a different conclusion in the appeal of Mrs Carson and I shall therefore set out my views on her case as shortly as I can.*” Different, that is, from what the four other judges wrote. He cited this quote from the judge who heard the Original case way back in 2002

“Very many of the expatriate United Kingdom pensioners who do not receive uprated pensions have a strong and understandable sense of grievance. They paid their contributions calculated in the same way as pensioners now living here and in, say, the United States, yet they do not receive the same pension. They feel that they have been deprived of an increasingly substantial part of the fruit of their contributions.”

Spot on!

*“It is clear from Laws LJ’s (Laws was one of the judges in the Appeals Court) exposition of the legislation that as far as domestic law is concerned that **difference of treatment is in accordance with the law** and has to be endured by Mrs Carson and other pensioners similarly affected, who can only hope that their appeals to logic and a sense of*

fair play will eventually prevail, contrary to their experience to date”.

This is true. The law does make a difference between resident pensioners and expatriate pensioners, and then gives the government the right to treat all we expatriates differently. Naturally, we are aggrieved, but this is the law. What we are claiming is that this law is unjust and unfair. If all expatriates had their pensions frozen, or even if all expatriates got no pension at all, that would be legal, and we would not like it, but at least it would not be discriminatory.

The question then is “*Has the Human Rights Act 1998 made it unlawful for the Government to operate legislation which has such an effect?*”

There were no real differences between the five judges on technical matters. It was accepted by all that a pension is property, and that discriminating on the basis of residence abroad was within the ambit of Article 14 of the Human Rights Convention, which prohibits discrimination.

The government side argued that there was no discrimination, but Carswell disagreed. “*the arguments presented, which found favour with the majority of your Lordships, as well as with Stanley Burnton J and the Court of Appeal, but I have to say that they seem to me misdirected.*”

A lot of what the government has argued at all stages is that you cannot compare pensioners living in different countries, because of different rates of exchange, different cost of living, different social security systems. Paragraph 98 is so good a statement of our case that I quote it in full:

98. “*In my opinion the comparison in this case should be a simple one, between the appellant Mrs Carson and other contributing pensioners who reside in the United Kingdom or in countries where their pensions are uprated by our government. She and other pensioners who reside in countries in which their pensions are not uprated are unquestionably treated differently, to their disadvantage, by reason of their residence in those countries. I consider it fallacious to argue that because the exchange rates may vary and the cost of living in those countries may differ from the United Kingdom, the appellant and pensioners in like condition cannot be compared with pensioners residing in the United Kingdom or in countries where pensions are uprated. That makes as little sense as arguing that pensioners in the United Kingdom could not be compared with each other because some are better off through possession of other income or because some live frugally and others spend their money in a different way. How persons spend their income and where they do so are matters for their own choice. Some may choose to live in a country where the cost of living is low or the exchange rate favourable, a course not*

uncommon in previous generations, which may or may not carry with it disadvantages, but that is a matter for their personal choice. **The common factor for purposes of comparison is that all of the pensioners, in whichever country they may reside, have duly paid the contributions required to qualify for their pensions.** If some of them are not paid pensions at the same rate as others, **that in my opinion constitutes discrimination for the purposes of article 14.** It is not a matter of comparing the economic state of third countries, as the European Commission on Human Rights stated in *Corner v United Kingdom* (unreported), 17 May 1985, (App No 11271/84) which is set out in paragraph 74 of Laws LJ's judgment [2003] 3 All ER 577, 609. **It is a matter of simple justice between groups of people who have paid the same contributions.**"

This is what I have maintained, and what people who write to the bep email group say. People who live in "Liverpool Leeds or Manchester (for I don't care)" might very well have different bus fares, different council taxes, and might pay different rents than what they would pay in London. But they all get the same annual indexation. And people who live in Europe all get the same exchange rate, but might pay different prices if they live in Venice or in Heidelberg, but they all get the same pension. So why pick out Australia or South Africa?

The government has claimed that it has the right to decide how to spend public money, to which Carswell responded: **"If the government had put forward sufficient reasons of economic or state policy to justify the difference in treatment, I should have been properly ready to yield to its decision-making power in those fields. It has not done so."**

All the government has done is to put forward the claim that it would cost too much.

"In short, pensions were becoming too expensive to pay at the full rate to all those who had contributed, so the government had to find some means of keeping down the cost, and the chosen means of doing so was to deprive one class of uprating. Inclusion of individual pensioners in this class depended on the adventitious matter of whether this country had in the past entered into a reciprocal agreement with the particular states in which they reside. I do not find it possible to regard the selection of this class for less favourable treatment as a matter of high state policy or an exercise in macro-economics. It has the appearance rather of the selection of a convenient target for saving money."

Because, in other words, we do not vote?

100. "Mr Howell QC argued .. that since the government has no legal obligation to pay any pensions at all to persons resident abroad they cannot complain when they receive some part but not all of the pensions payable to pensioners resident in the United Kingdom. The government has, however, paid

to pensioners resident abroad the amount of their pensions, with or without uprating, depending on their place of residence. It was accepted by Mr Howell that the ground for its doing so was the fact that the pensioners had paid pension contributions. **Once it is accepted that pensions should be paid to contributing pensioners resident abroad, then no justification remains for paying some less than others and less than UK residents."**

Be grateful for small mercies. Even the dogs eat the crumbs which fall from the Master's table.

101. "Mr Howell then argued that if the appellant has any entitlement it is only to the amount of the standard pension payable at the time when she became eligible to receive it. That amount itself contains a number of increases added to the basic pension (that applied Ed.) when the statutory figure was first fixed. I see no logical ground for the submission that the appellant should be entitled to receive those increases but not any subsequent ones. It was also argued that uprating is discretionary and is done to meet the needs of pensioners in the United Kingdom, being fixed by reference to increases in the cost of living in this country. If the uprating were done purely on the basis of need, one might expect that these pensions would be means-tested or that there might be regional variations in the rates of pension payable, to reflect variations in the cost of living throughout the country. This is manifestly not the case, which disproves the thesis that uprating is purely discretionary to meet financial need."

103. "I therefore do not consider that the case for justifying the difference in treatment has been made out. The government may have been entitled under domestic law to take this course if it so chose, but for the reasons which I have indicated I consider that article 14 of the Convention operates to prevent such discrimination."

104. **"I would therefore allow the appeal and declare that regulation 3 of the Social Security Benefits Up-rating Regulations 2001 (SI 2001/910) is unlawful and of no effect as being incompatible with Mrs Carson's Convention rights contained in article 14 of the Convention taken together with article 1 of the First Protocol. I would see considerable merit in making the invalidity prospective only, but since the majority of your Lordships do not agree with my conclusion concerning the unlawful nature of the regulation I do not feel it necessary to discuss the point"**

One of the strategies we are now exploring is to have regulation 3 of the Social Security Benefits Up-rating Regulations annulled. We have some friends in the UK Parliament who might be willing to set this ball rolling.

(Reader's letter)

So the Lords has turned down Annette's appeal to have her pension increased in line with pensions paid to British residents. She has paid into the system like everybody else and to deny her the same benefits on the grounds that she chooses to live somewhere else is, in effect, theft.

Steve Devereux, Beuste, France

Observations

Many people think that the next step must be to the European courts. However it is by no means certain that anything will be accomplished by going to Europe.

The solution is not legal - it is political. The government will now smile smugly and say it is quite legal for them to treat expatriate pensioners any way they like. Under the law, pensioners are not entitled to any benefit at all if they live outside Great Britain. So you get your frozen pension as a concession, out of the goodness of their hearts!

The law lords are supposed to be experts in the law, but unfortunately they seem to lack a certain amount of common knowledge, or common sense, and they certainly are misinformed on the details of the National Insurance System. Whether this is because they are as ignorant as the population at large, or because the barrister working for our side did not set them straight, we have no way of knowing.

For example:

"If payment of contributions is a sufficient condition for being entitled to a contributory benefit, Ms Carson should be entitled to all contributory benefits, like maternity benefit and job-seekers allowance. But she does not suggest that she is."

Maternity benefit? A new world record? Damn it the lady is unmarried.

Anyone familiar with the NI system could have told him that the contribution is made up of several parts. The married women's reduced rate excluded any right to a pension, whereas voluntary class 3 contributions (which Ms Carson paid) relate only to the pension and nothing else.

Besides, the same voluntary contributions are payable by people resident in South Africa as those resident in the Philippines. Why then are the pension rights not the same?

The law lords also made the mistake of dividing pensioners into only two classes - those that are indexed and those that are not. Those who are indexed are predominantly those who live in Britain. But it is wrong to compare these with us, because it leads to the erroneous conclusion that we are not entitled to anything and should be content with what we get. In fact the indexed class consists of those who live in Britain, those who live in that extension of Britain usually referred to as "Europe", those who live in USA the Philippines, Israel, Turkey, and a few Caribbean islands.

The only relevant comparison is not our level of pension as against that of UK residents, but ours as against British residents in the USA etc.

One of the law lords wrote a lot of twaddle about the meaning of discrimination. It was much more than a judgment - much more like a thesis. Maybe he is a candidate for an LLD degree. He seemed unable to see the simple comparison mentioned in the previous paragraph.

Trawling through the two previous judgments and the present one, it seems to me that each level of the system has disagreed somewhat with the lower court, but invented new reasons of its own for knocking us back. Europe does not need new arguments; it only needs to fall back on the old ones. J N

Readers' Letters

Pensions Minister Mr Stephen Timms readily gave support for the issue of free passports to WW2 war veterans as thanks for their wartime service.

The plan, announced by the Home Secretary in May 2004 meant that all those who helped serve our nation in WW2 could apply for a free passport in time for the 60th anniversary of VE and VJ days in 2005.

Mr Timms said: "The courage and sacrifice of those who fought and worked during World War II must never be forgotten. It was their efforts that changed the course of history and liberated Europe and the East. After the success of the free passports for Veterans program for the D-Day landings, I think a free passport is one way we can show our gratitude to those who gave so much for our freedom and security."^ends^

Your committee should suggest to Mr Timms another way for his department to show appreciation would be to rescind the present law prohibiting the indexation of pensions for those of us who live in the so named "Frozen Countries"

Mr Timms is an honest man who has done much good work in his community and we are hoping his words are not just empty rhetoric. D P

One thing that seems not to have been mentioned was that the Australian Government had a reciprocal agreement with the U.K. up until 2001, and withdrew only because the U.K. refused to honour the agreement.

This would appear to have been left out of the argument by our defence, as that would have put a "spike" in the Law Lords assertion that those with this agreement were entitled to the Pension upgrade.

Building OUR future

Exactly, why should my brother in New Jersey who contributed less than I did into the scheme, receive a higher rate of retirement benefits than I do just because I live in Australia? I personally think we should forget about comparing our rates with what they would be if we lived in the UK. Just focus on comparing our rates with what they would be if we were living in a 'privileged country. Pat

It is obvious that the Lords were already inclined to find against us, perhaps under instructions from the government or, perhaps, because they are under threat of abolition and did not want to stir the pot.

In either event the whole exercise was one of justifying government policy under the guise of determining justice. The bias is obvious and should stand us in good stead in our appeal to the European Court. The main problem now is that for many of our number "justice delayed is justice denied" in a very real sense.

Martin

I am an engineer (retired) not a politician, not a legal beagle just a plain straight forward citizen. How can Lord Hoffman possibly claim that there is nothing Irrational about according different treatment to people who live abroad. If of course all pensions were frozen when citizens decided to live in another country for whatever reason then I would find it difficult to argue against it. The facts are that if you decide to retire to the USA you get treated differently than if you decide to retire to Australia. How can anyone say that that is not irrational. It is more than that it is stupid. Justification of course is an old chestnut and should be exposed for what it is - Legal tomfoolery. Politicians agree to treaties, Citizens could not on their own enter in to these arrangements so it is not justifiable either. It was evident for a long time that due to the movement and organisation of the Lords, Labour would not support any move that may increase expenditure. I hope that the Strasbourg Court lives up to it's name HUMAN RIGHTS that should see the politicians off right smart.

Strength to your elbow James.

Regards Ron.

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OK, we've had a set-back - as it happens not unexpected. Where we go from here is not yet finalised but we still have a number of options open - options BAPA has been planning for over the last few years.

However whichever road ahead we discover, through our professional advisers, to be the most likely to succeed we will need YOUR cooperation and active assistance. Having been fighting this battle for over 13 years the BAPA leadership is growing old - though by no means decrepit. WE REALLY DO NEED SOME OF OUR YOUNGER MEMBERS TO COME ON BOARD AND RELIEVE THE PRESSURE. At present the average age of your committee is close to 80.

Brian Havard, our President, has developed a good level of legal knowledge on our problems over the years and is considering the significance of the judgement of the Law Lords. He is involved with Phil Shiner, who had so much success with fighting for the Gurkhas in their discrimination battle. We may have lost a battle but we have not lost the war. In fact the judgement of Lord Carswell has gone a long way towards lifting the credibility of our contention that we are entitled to Parity for all expatriate British Age Pensioners.

Please spread the word, give copies of this newsletter to others, encourage others to join, and, out of your generosity, make a contribution to the BAPA Fighting Fund, if you have not already done so this year.

A membership and/or contribution form is enclosed with this bumper edition of our newsletter.

For more copies drop a line to the Editor:
BAPA, PO Box 8, Mooloolaba, Qld 4557.

BAPA has members in the following countries
Antigua - Australia - Canada - Colombia
England - Guernsey - Malaysia - New Zealand
Northern Ireland - Sark - South Africa
Thailand - USA - & Wales

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Member of the World Alliance of British Expatriate Pensioners

Affiliated to PARITY & the National Pensioners Convention

Member of the Discrimination Law Association

BAPA disclaims responsibility for the accuracy of this information. You must seek independent advice from a tax agent or accountant or other professional person.

Tax Deductability

A member of BAPA has secured a ruling that allows a deduction for contributions to the Fighting Fund. This ruling is called a "Private Ruling", but it will be made public on the ATO web site.

It may not make much difference to your tax if your income is moderate or your contribution was moderate, because you may already be below the threshold for tax after taking into account the senior Australians tax offset.

If your contribution was substantial you should make sure either that you thoroughly understand the rulings or you have professional help from a tax agent or accountant. In either case, make sure that your explanation is clear, so that the worst they can do to you is knock back your claim.

We believe that the terms of the ruling are wide enough to cover the new member fee of \$20 as well as any amounts given for the fighting fund. Only amounts contributed on or after 1st July 2004 and before 1st July 2005 count. We do not know for certain that the deduction will still be allowed for subsequent tax years.

The amount you are claiming is not a donation, and should not be claimed under question D8 of the tax return. It should be entered in the supplementary section of the tax return at question D15 - Other deductions - not claimable at items D1 to D14 or elsewhere on your tax return.

This question has a write-in panel in which you have to describe the nature of the deduction.

Be sure not to call it a "donation". We have had advice dating back to 1992 that a donation to BAPA is not deductible under D8 because BAPA does not qualify as a public benevolent institution. Instead, call it "a subscription to BAPA", and attach an explanation on a separate sheet. You are claiming under taxation ruling TR 2000/7, as amplified by private ruling 29897.

If you have a taxation agent or accountant doing your tax return, draw his/her attention to the general taxation ruling, which is on the ATO web site but difficult to find because of the labyrinth of menus

Here is the text of the general taxation ruling under which the deduction is allowed.

At Paragraph 55 of Taxation Ruling TR 2000/7, the Commissioner states: 55. Pensioners or self-funded retirees may choose to join a representative association. In considering a claim for a deduction under section 8-1 of the Act for payments to these associations, regard must be given to the objects and activities of each particular association. If the activities of a pensioner or retiree association are incidental and relevant to the gaining of the member's assessable income, subscriptions paid to these associations is deductible under section 8-1 of the Act. An example of such activities is where an association is primarily established to provide investment or taxation information to members.

Wording to be used as "Description of claim" under D15 on the Tax Form

“The deduction I am claiming at question D15 is a contribution to the British Australian Pensioner Association Incorporated. The activities of the association are consistent with Taxation Ruling TR 2000/7 as amplified by private ruling 29897.”

UPP (Undeducted Purchase Price)

Australian taxation law allows the Undeducted Purchase Price (UPP) of all pensions originating in the UK to be taken into account when calculating Taxable Income.

The UPP of any pension is the total value of all contributions made over the years during which you were earning entitlement from that fund.

The UPP deductions can be applied to all pensions received from the UK, whether private or government. If you have not claimed this form of deduction on your pension or pensions in the past, you can backdate your claim for a maximum of 3 years.

Allowance for these deductions is made in Section 27H of the Income Tax Assessment Act. In order to claim for UPP deductions you will need to provide documentary evidence of your contributions. A letter to your Pension Fund Managers or, in the case of a Government Pension, to the Dept for Work & Pensions in the UK, should get you all the information you need.

In the case of the UK Government National Insurance or Age Pension, you also have the option of calculating the annual deduction on the basis of 8% of the annual pension received. Generally speaking the 8% option is the best one to choose. It is well worth making a claim. Three years back deductions for a pensioner couple can add up to several thousand dollars, with possibly several hundred a year thereafter.

BAPA British Australian Pensioner Association Inc

Box 35, Christies Beach, South Australia, 5165

Membership and/or Fighting Fund Contribution Form

If you are already a member and have not already made a 2005 contribution to our Fighting Fund please send a copy of this form with your contribution, so that we can check we have your details correctly, ticking the box asking whether you are already a member.

Also please print out copies of this form and pass them to any of your friends or acquaintances who are British expatriate pensioners. At this time the more new members we can get the better.

Title: Mr / Mrs Etc.

Please tick if you are a member

Please enter year you first drew the pension, or will draw it

First name

Last name

Address line 1

Address line 2

City or Suburb

State

Country
if not Australia

Postcode

E-mail Address

Professional and/or acquired skills

I enclose the once off joining fee of \$..20.00.....

Plus an optional contribution to the Fighting Fund of \$.....

Total \$.....

I hereby apply to become a member of the British Australian Pensioner Association Inc.

Signed Date/...../20.....

Please make your cheque out to British Australian Pensioner Association and send it with this form to:

The Membership secretary
BAPA,
PO Box 8,
Mooloolaba, Qld., 4557
AUSTRALIA

OUR AIM IS FOR PARITY NOT CHARITY