



# Social Security Legislation Amendment Act (No. 3) 1991

No. 175 of 1991

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SCHEDULE  
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# Social Security Legislation Amendment Act (No. 3) 1991

No. 175 of 1991

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**An Act to amend the *Social Security Act 1991*, and for  
related purposes**

*[Assented to 25 November 1991]*

The Parliament of Australia enacts:

## **PART 1—PRELIMINARY**

### **Short title etc.**

**1.(1)** This Act may be cited as the *Social Security Legislation Amendment Act (No. 3) 1991*.

**(2)** In this Act, “**Principal Act**” means the *Social Security Act 1991*.

### **Commencement**

**2.(1)** This Part, Divisions 3 and 6 of Part 2 and paragraphs 98(b) and (c) commence on the day on which this Act receives the Royal Assent.

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(2) Division 1 of Part 2 and Part 2 of the Schedule are taken to have commenced on 17 August 1991.

(3) Subject to subsections (2), (4), (5) and (6), Part 5 commences, or is taken to have commenced, on 12 November 1991.

(4) Part 4 of the Schedule commences on 12 November 1991, immediately after the commencement of section 25 of the *Social Security (Disability and Sickness Support) Amendment Act 1991*.

(5) Part 5 of the Schedule commences on 12 November 1991 or, if section 3 of the *Health Insurance Amendment Act 1991* commences on a later day, immediately after that commencement.

Note: if section 3 of the *Health Insurance Amendment Act 1991* does not commence, Part 5 of the Schedule does not commence.

(6) The following provisions commence on 1 January 1992:

(a) Divisions 2 and 4 of Part 2;

(b) sections 36 to 40, section 42, paragraph 43(b) and paragraph 44(a);

(c) Divisions 8, 9, 10 and 12 (except paragraphs 98(b) and (c)) of Part 2;

(d) Parts 3 and 4;

(e) Part 3 of the Schedule.

(7) Division 5 of Part 2 commences on 20 March 1992.

(8) Section 74 commences on 26 March 1992.

(9) Section 41, paragraph 43(a) and paragraph 44(b) commence on 1 April 1992.

(10) Division 11 of Part 2 (except section 74) commences on 1 July 1992.

### **Application of amendments**

3.(1) The amendments made by Division 9 apply in relation to children born on or after 1 January 1992.

(2) The amendments made by sections 51 to 55 and 57 apply to instalments of family allowance supplement that fall due on or after 1 January 1992.

(3) The amendments made by section 56 apply to compensation received on or after 1 January 1992.

## **PART 2—AMENDMENT OF THE SOCIAL SECURITY ACT 1991**

### ***Division 1—Special child bereavement payments***

#### **Amendment of Subdivision heading**

4. The heading to Subdivision A of Division 10 of Part 2.17 of the Principal Act is amended by adding at the end “***(General)***”.

**Continuation of qualification for family allowance for bereavement rate continuation period where recipient's only FA child dies**

5. Section 886 of the Principal Act is amended by adding at the end the following Note:

“Note: if a person fails to satisfy paragraph (d), the person may still be qualified for family allowance for 4 weeks after the death of the child under section 890AA.”.

**Bereavement payments on death of dependent child**

6. Section 887 of the Principal Act is amended by adding at the end the following Note:

“Note 4: if a person fails to satisfy paragraph (d), the person may still be qualified for payments under Subdivision AA for 4 weeks after the death of the child: see section 890AB.”.

7. After Subdivision A of Division 10 of Part 2.17 of the Principal Act the following Subdivision is inserted:

***“Subdivision AA—Death of dependent child (special short-term assistance)”***

**Continuation of qualification for family allowance for 4 weeks in some cases where recipient's only FA child dies**

“890AA. If:

- (a) a person is receiving family allowance for a dependent child; and
- (b) the child dies; and
- (c) the child was the only FA child of the person; and
- (d) the person is not qualified for family allowance under section 886 in respect of the child;

the person is to be qualified for family allowance, for the period of 4 weeks that starts on the day on which the child died, as if the child had not died.

**Bereavement payments on death of dependent child**

“890AB. If:

- (a) a person is receiving family allowance; and
- (b) a dependent child of the person dies; and
- (c) immediately before the child died, the person's family allowance rate included an FA child rate for the child; and
- (d) the person is not qualified for payments under Subdivision A to cover the bereavement period;

the person is qualified for payments under this Subdivision to cover the period of 4 weeks that starts on the day on which the child died.



**Continued payment of family allowance**

“890AC. If a person is qualified for payments under this Subdivision in relation to the death of a dependent child, the person’s family allowance rate, during the period of 4 weeks that starts on the day on which the child dies, is to be calculated as if the child had not died.”.

**Continued child disability allowance during bereavement rate continuation period where CDA child dies**

8. Section 991 of the Principal Act is amended by adding at the end the following Note:

“Note: if a person fails to satisfy paragraph (c), the person may still be qualified for family allowance for 4 weeks after the death of the child under section 992AA.”.

9. After Subdivision A of Division 10 of Part 2.19 of the Principal Act the following Subdivision is inserted:

***“Subdivision AA—Death of dependent child (special short-term assistance)***

**Continuation of qualification for child disability allowance for 4 weeks in some cases where recipient’s CDA child dies**

“992AA. (1) If:

- (a) a person is receiving child disability allowance for a young person; and
- (b) the young person dies; and
- (c) the person is not qualified for child disability allowance under section 991 in respect of the young person;

the person is to be qualified for child disability allowance, for the period of 4 weeks that starts on the day on which the young person died, as if:

- (d) the young person had not died; and
- (e) the young person had received the care and attention referred to in paragraph 954(b).

“(2) The rate at which the child disability allowance is to be paid during the 4 week period is the rate at which the allowance was paid to the person on the payday immediately before the day on which the young person died.”.

**Amendment of Subdivision heading**

10. The heading to Subdivision A of Division 10 of Part 2.20 of the Principal Act is amended by adding at the end “*(General)*”.

**Continued double orphan pension during bereavement rate continuation period where DOP child dies**

11. Section 1033 of the Principal Act is amended by adding at the end the following Note:

“Note: if a person fails to satisfy paragraph (c), the person may still be qualified for family allowance for 4 weeks after the death of the child under section 1034AA.”.

12. After Subdivision A of Division 10 of Part 2.20 of the Principal Act the following Subdivision is inserted:

***“Subdivision AA—Death of dependent child (special short-term assistance)”***

**Continuation of qualification for child disability allowance for 4 weeks in some cases where recipient’s DOP child dies**

“1034AA. If:

- (a) a person is receiving double orphan pension for a young person; and
- (b) the young person dies; and
- (c) the person is not qualified for double orphan pension under section 1033 in respect of the young person;

the person is to be qualified for double orphan pension, for the period of 4 weeks that starts on the day on which the young person died, as if the young person had not died.”.

***Division 2—Education Entry Payment for Sole Parent Pensioners***

**How to work out a person’s sole parent pension rate**

13. Section 269 of the Principal Act is amended by adding at the end the following Note:

“Note: if the person undertakes a course of study, he or she may be qualified for education entry payments under section 665A.”.

14. After Part 2.13 of the Principal Act the following Part is inserted:

**“PART 2.13A—EDUCATION ENTRY PAYMENT**

**Payment to a sole parent pensioner**

“665A. A person is qualified for an education entry payment under this section if:

- (a) the person is receiving a sole parent pension; and
- (b) the person is qualified to receive education supplement under the AUSTUDY scheme; and
- (c) the person has not received a payment under this Part for which he or she made a claim in the current calendar year.

**Amount of section 665A payment**

“665B. The amount of an education entry payment under section 665A is \$200.

**Need for a claim**

“665C. A person is not qualified for an education entry payment under section 665A unless:

- (a) the person makes a claim for the payment; and

- (b) the claim is in writing and in a form approved by the Secretary.”.

***Division 3—Extension of hardship provisions***

**Repeal of section 5A**

15. Section 5A of the Principal Act is repealed.

**General definitions**

16. Section 23 of the Principal Act is amended by inserting in subsection (1) the following definition:

“‘family member’, in relation to a person, means:

- (a) the partner, father or mother of the person; or
- (b) a sister, brother or child of the person; or
- (c) another person who, in the opinion of the Secretary, should be treated for the purposes of this definition as one of the person’s relations described in paragraph (a) or (b);”.

**Move to area of lower employment prospects**

17. Section 518 of the Principal Act is amended by omitting “section 5A” from the Note to subsection (3) and substituting “subsection 23(1)”.

**Move to area of lower employment prospects**

18. Section 597 of the Principal Act is amended by omitting “section 5A” from the Note to subsection (3) and substituting “subsection 23(1)”.

**Application of financial hardship rules—pensions**

19. Section 1130 of the Principal Act is amended:

- (a) by inserting after subsection (6) the following subsection:

“(6A) If:

- (a) section 1129 applies to a person; and
- (b) the person, or the person’s partner, owns residential premises; and
- (c) the premises are an unrealisable asset; and
- (d) a family member of the person, or of the partner, lives at the premises; and
- (e) one of the following conditions is satisfied:
  - (i) the family member previously provided substantial care for the person or the partner at the premises at a time when the premises were the principal home of the person or the partner;
  - (ii) the family member has resided at the premises for

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a period of, or periods that add up to, 10 years or more;

(iii) the family member is:

(A) a child of the person or the partner; and

(B) disabled;

and the person or the partner is promoting the independent living of the family member; and

(f) it is not reasonable to expect the premises to be sold or otherwise used to provide income support for the person;

the Secretary, in working out the amount per year that could reasonably be expected to be obtained from a purely commercial application of the premises, is to have regard to whether the family member is financially capable of obtaining suitable alternative accommodation.

Note: for 'family member' see subsection 23(1).";

(b) by omitting from subsection (7) "Subsection (6) does" and substituting "Subsections (6) and (6A) do".

**Saving of "family member" determinations**

20. Schedule 1A to the Principal Act is amended by adding at the end the following clause:

**Saving of "family member" determinations**

"40. A determination that was in force under paragraph (c) of the definition of 'family member' in section 5A immediately before the commencement of Division 3 of Part 2 of the *Social Security Legislation Amendment Act (No. 3) 1991*, has effect, from the commencement of that Division as if it were a determination under paragraph (c) of the definition of 'family member' in subsection 23(1)."

***Division 4—Extension of job search allowance and sickness allowance qualification***

**Family relationships definitions—children**

21. Section 5 of the Principal Act is amended:

(a) by omitting paragraph (b) of the definition of "independent young person" in subsection (1) and substituting the following paragraph:

"(b) has, at a time when the person was not living at such a home:

(i) been employed on a full-time basis; or

(ii) been registered by the CES in an allowance category as being unemployed;

for a period of, or for periods that total, at least 13 weeks;";

(b) by adding at the end of the definition of "independent young person" in subsection (1) the following Note:

"Note: for 'allowance category' see subsection 23(4A).";

- (c) by inserting in subsection (1) the following definition:  
“‘**substitute care**’, in relation to a person, means care of the person:  
(a) provided by a carer (other than the natural or adoptive parent of the person) in the carer’s home under the law of a State or Territory; and  
(b) for which no substitute care allowance or other allowance for the upkeep of the person is being paid to the carer by an authority of the State or Territory;”.

**Qualification for job search allowance**

22. Section 513 of the Principal Act is amended by inserting before the Notes the following subsection:

*Qualification for certain 15 year olds*

“(2) Subject to sections 514, 515 and 519, a person is qualified for job search allowance in respect of a period if:

- (a) throughout the period, the person has turned 15 but has not turned 16; and  
(b) the person satisfies the Secretary that throughout the period the person is unemployed; and  
(c) throughout the period, or for each period within the period, the person either:  
(i) satisfies the activity test; or  
(ii) is not required to satisfy the activity test; and  
(d) the person satisfies the Secretary that the person:  
(i) has an employment history involving full-time employment that was on either a permanent basis or a regular casual basis; or  
(ii) has received an offer of employment of that kind but has been unable to take up the offer for reasons beyond the person’s control; and  
(e) immediately before the period begins:  
(i) the person has reached the minimum school leaving age for the State or Territory in which the person is living; or  
(ii) a formal exemption from attending school has been granted in respect of the person by the education authority of the State or Territory in which the person is living; and  
(f) throughout the period, the person:  
(i) does not live at a home of either parent of the person; and

- (ii) does not receive regular financial support from either parent of the person; and
- (iii) is an Australian resident; and
- (iv) is in Australia; and
- (v) is registered by the CES in an allowance category as being unemployed.”.

**Qualification for sickness allowance**

**23.** Section 666 of the Principal Act is amended by inserting after subsection (1) the following subsection:

*Qualification for certain 15 year olds*

“(1A) A person is qualified for sickness allowance in respect of a period if:

- (a) throughout the period the person has turned 15 but has not turned 16; and
- (b) throughout the period the person is incapacitated for work because of sickness or an accident; and
- (c) the incapacity is caused wholly or virtually wholly by a medical condition arising from the sickness or accident; and
- (d) the incapacity is, or is likely to be, of a temporary nature; and
- (e) either:
  - (i) the person satisfies the Secretary that the person has suffered, or is likely to suffer, a loss of salary, wages or other income of a similar nature because of the incapacity; or
  - (ii) the person satisfies the Secretary that, if the person were able to work, the person would be, or would be likely to be, qualified for job search allowance or newstart allowance in respect of the period; or
  - (iii) the person was receiving, or is likely to be receiving, a social security pension immediately before the beginning of the period; and
- (f) the person satisfies the Secretary that the person:
  - (i) has an employment history involving full-time employment that was on either a permanent basis or a regular casual basis; or
  - (ii) has received an offer of employment of that kind but has been unable to take up the offer for reasons beyond the person’s control; and
- (g) immediately before the period begins:
  - (i) the person has reached the minimum school leaving age for the State or Territory in which the person is living; or
  - (ii) a formal exemption from attending school has been

granted in respect of the person by the education authority of the State or Territory in which the person is living; and

- (h) throughout the period, the person:
- (i) does not live at a home of either parent of the person; and
  - (ii) does not receive regular financial support from either parent of the person; and
  - (iii) is, or is likely to be, an Australian resident; and
  - (iv) is, or is likely to be, in Australia.”.

**Rate of job search allowance (under 18) and sickness allowance (under 18)**

24. Section 1067 of the Principal Act is amended:

- (a) by adding the following word and paragraph at the end of item 1 in column 2 of Table B of point 1067-B1:  
“; and (c) not a person who has turned 16 and is in substitute care”;
- (b) by adding the following word and paragraph at the end of item 2 in column 2 of Table B of point 1067-B1:  
“; or (c) a person who has turned 16 and is in substitute care”;
- (c) by omitting Note 2 of point 1067-B1 and substituting the following Note:  
“Note 2: for ‘dependent child’, ‘homeless person’, ‘independent young person’ and ‘substitute care’ see section 5.”.

***Division 5—Rent assistance***

**Rate of disability support pension (people under 21 who are not blind)**

25. Section 1066A of the Principal Act is amended:

- (a) by inserting after paragraph 1066A-EA2 (c) the following word and paragraphs:  
“; or (ca) a homeless person; or  
(cb) an independent young person;”;
- (b) by adding at the end of point 1066A-EA2 the following Note:  
“Note 4: for ‘homeless person’ and ‘independent young person’ see subsection 5 (1).”.
- (c) by omitting from point 1066A-EA4 “26” and substituting “18”;
- (d) by omitting from point 1066A-EA6 “26” and substituting “18”;
- (e) by omitting from point 1066A-EA7 “26” (wherever occurring) and substituting “18”;
- (f) by omitting from point 1066A-EB5 “26” and substituting “18”;
- (g) by omitting from point 1066A-EB7 “26” and substituting “18”;
- (h) by omitting from point 1066A-EB8 “26” (wherever occurring) and substituting “18”.

**Rate of disability support pension (people under 21 who are blind)**

26. Section 1066B of the Principal Act is amended:

- (a) by inserting after paragraph 1066B-EA2 (c) the following word and paragraphs:
  - “; or (ca) a homeless person; or
  - (cb) an independent young person;”;
- (b) by adding at the end of point 1066B-EA2 the following Note:  
“Note 4: for ‘homeless person’ and ‘independent young person’ see subsection 5(1).”.
- (c) by omitting from point 1066B-EA4 “26” and substituting “18”;
- (d) by omitting from point 1066B-EA6 “26” and substituting “18”;
- (e) by omitting from point 1066B-EA7 “26” (wherever occurring) and substituting “18”;
- (f) by omitting from point 1066B-EB5 “26” and substituting “18”;
- (g) by omitting from point 1066B-EB7 “26” and substituting “18”;
- (h) by omitting from point 1066B-EB8 “26” (wherever occurring) and substituting “18”.

**Rate of job search allowance (under 18) and sickness allowance (under 18)**

27. Section 1067 of the Principal Act is amended:

- (a) by inserting after paragraph 1067-F1 (b) the following word and paragraphs:
  - “; or (ba) a homeless person; or
  - (bb) an independent young person;”;
- (b) by adding at the end of point 1067-F1 the following Note:  
“Note 4: for ‘homeless person’ and ‘independent young person’ see subsection 5(1).”.
- (c) by omitting from point 1067-F4 “26” and substituting “18”;
- (d) by omitting from point 1067-F6 “26” and substituting “18”;
- (e) by omitting from point 1067-F7 “26” (wherever occurring) and substituting “18”.

**Rate of job search allowance (18 or over) and newstart allowance and sickness allowance (18 or over)**

28. Section 1068 of the Principal Act is amended:

- (a) by omitting from point 1068-F6 “26” and substituting “18”;
- (b) by omitting from point 1068-F8 “26” and substituting “18”;
- (c) by omitting from point 1068-F9 “26” (wherever occurring) and substituting “18”.

***Division 6—Commonwealth funded employment programs***

**General definitions**

29. Section 23 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘**Commonwealth funded employment program**’ means a Commonwealth program of funding to a community or group where the funding is



based, either wholly or partly, on the number of people in that community or group who are, or are likely to be, qualified for job search or newstart allowance;”.

**Job search allowance not payable in certain situations**

30. Section 526 of the Principal Act is amended by inserting after paragraph (1)(d) the following paragraph:

“(da) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program (see section 532A); or”.

31. The Principal Act is amended by inserting after section 532 the following section:

**Commonwealth funded employment program exclusion**

“532A. A job search allowance is not payable to a person for a period if the person has received, or may receive, income for that period that is paid by a community or group from funds provided under a Commonwealth funded employment program.

Note: for ‘Commonwealth funded employment program’ see subsection 23(1).”.

**Newstart allowance not payable in certain situations**

32. Section 608 of the Principal Act is amended by inserting after paragraph (1)(d) the following paragraph:

“(da) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program (see section 614A); or”.

33. The Principal Act is amended by inserting after section 614 the following section:

**Commonwealth funded employment program exclusion**

“614A. A newstart allowance is not payable to a person for a period if the person has received, or may receive, income for that period that is paid by a community or group from funds provided under a Commonwealth funded employment program.

Note: for ‘Commonwealth funded employment program’ see subsection 23(1).”.

**Rate of job search allowance (under 18) and sickness allowance (under 18)**

34. Section 1067 of the Principal Act is amended by adding at the end of point 1067-C2 the following word, paragraph and Note:

“; or (d) the person’s partner is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program.

Note: for ‘Commonwealth funded employment program’ see subsection 23(1).”.

**Rate of job search allowance (18 or over) and newstart allowance and sickness allowance (18 or over)**

35. Section 1068 of the Principal Act is amended by adding at the end of point 1068-C3 the following word, paragraph and Note:

“; or (d) the person’s partner is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program.

Note: for ‘Commonwealth funded employment program’ see subsection 23(1).”.

***Division 7—Assets and income tests changes for family allowance and family allowance supplement***

***Social security benefit liquid assets test definitions***

36. Section 14A of the Principal Act is amended:

- (a) by omitting from subsection (1) “this Act, unless the contrary intention appears” and substituting “Parts 2.11, 2.12 and 2.14”;
- (b) by omitting from paragraph (1)(a) “*Companies Act 1981*” and substituting “Corporations Law”;
- (c) by adding at the end of subsection (1) the following Note:  
“Note: the Corporations Law is set out in section 82 of the *Corporations Act 1989*.”;
- (d) by omitting from subsection (2) “this Act” and substituting “Parts 2.11, 2.12 and 2.14”.

37. After section 19A of the Principal Act the following section is inserted:

***Financial hardship provisions liquid assets test definition***

“19B.(1) In sections 1132A and 1132B (family allowance and family allowance supplement hardship rules):

‘liquid assets’, in relation to a person, means:

- (a) the person’s cash; and
- (b) the person’s shares and debentures in a public company within the meaning of the Corporations Law; and
- (c) any amount deposited with, or lent to, a bank, building society, credit union or other financial institution by the person (whether or not the amount can be withdrawn or repaid immediately); and
- (d) any amount due, and able to be paid, to the person by, or on behalf of, a former employer of the person; and
- (e) any other readily realisable assets of the person;

but does not include an amount that is a qualifying eligible termination payment for the purposes of Subdivision AA of Part III of the Income Tax Assessment Act.

Note: the Corporations Law is set out in section 82 of the *Corporations Act 1989*.

“(2) For the purposes of sections 1132A and 1132B, a person’s liquid assets are taken to include:

- (a) the liquid assets of the person’s partner; and
- (b) the liquid assets of an FA child of the person.”.

#### **Qualification for individual family allowance**

**38.** Section 838 of the Principal Act is amended:

(a) by inserting after paragraph (c) the following word and paragraph:

“; and (d) the value of the person’s assets does not exceed \$600,000.”;

(b) by adding at the end the following Notes and subsection:

“Note 3: for the assets that are to be disregarded in valuing a person’s assets see section 1118.

Note 4: for the valuation of an asset that is subject to a charge or encumbrance see section 1121.

Note 5: the amount referred to in paragraph (1)(d) is indexed annually in line with CPI increases (see sections 1191 to 1194).

“(2) For the purposes of paragraph (1)(d), the value of the assets of a person is taken to include:

- (a) the value of the assets of the person’s partner; and
- (b) the value of the assets of the person’s FA child or FA children.”.

#### **Qualification for family allowance supplement**

**39.** Section 895 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) For the purposes of paragraph (1)(d), the value of the assets of a person is taken to include:

- (a) the value of the assets of the person’s partner; and
- (b) the value of the assets of the person’s FA child or FA children.

Note: for ‘FA child’ see subsection 6(1).”.

**40.** After section 1132 of the Principal Act the following sections are inserted:

#### **Access to financial hardship rules—family allowance**

“1132A.(1) The Secretary may determine that paragraph 838(1)(d) (family allowance assets test) does not apply to a person if:

- (a) the application of that paragraph would disqualify the person for family allowance; and
- (b) the person lodges with the Department, in a form approved by the Secretary, a request that paragraph 838(1)(d) not apply to the person; and
- (c) the request includes a statement signed by the person estimating the person’s taxable income for the current financial year; and

- (d) the Secretary is satisfied that the estimate is reasonable; and
- (e) the amount of the estimate is less than the threshold amount worked out under subsection (2); and
- (f) the value of the person's liquid assets is less than:
  - (i) if the person is a member of a couple—\$10,000; or
  - (ii) if the person is not a member of a couple—\$6,000.

Note: for 'liquid assets' see section 19B.

“(2) In subsection (1):

**'threshold amount'** means the amount worked out using the following formula:

$$(\text{MBR} \times 2) + (624 \times \text{FAC})$$

where:

**MBR** is the maximum basic rate of age pension payable to a person who has a pensioner partner;

**FAC** is the number of FA children of the person.

Note: for the maximum basic rate of age pension see point 1064-B1 of Pension Rate Calculator A in section 1064.

“(3) For the purposes of paragraph (1)(c), if the person is a member of a couple, the person's taxable income for a financial year is taken to include the taxable income for that year of the person's partner.

#### **Access to financial hardship rules—family allowance supplement**

“1132B.(1) The Secretary may determine that paragraph 895(1)(d) (family allowance supplement assets test) does not apply to a person if:

- (a) the application of that paragraph would disqualify the person for family allowance supplement; and
- (b) the value of the person's assets does not exceed \$600,000; and
- (c) the person lodges with the Department, in a form approved by the Secretary, a request that paragraph 895(1)(d) not apply to the person; and
- (d) the request includes a statement signed by the person estimating the person's taxable income for the current financial year; and
- (e) the Secretary is satisfied that the estimate is reasonable; and
- (f) the amount of the estimate is less than the threshold amount worked out under subsection (2); and
- (g) the value of the person's liquid assets is less than:
  - (i) if the person is a member of a couple— \$10,000; or
  - (ii) if the person is not a member of a couple— \$6,000.

Note: for 'liquid assets' see section 19B.

“(2) For the purposes of subsection (1):

**'threshold amount'** means the amount worked out using the following formula:

$$(\text{MBR} \times 2) + (624 \times \text{FAC})$$

where:

**MBR** is the maximum basic rate of age pension payable to a person who has a pensioner partner;

**FAC** is the number of FA children of the person.

Note: for the maximum basic rate of age pension see point 1064-B1 of Pension Rate Calculator A in section 1064.

“(3) For the purposes of paragraph (1)(b), the value of the person’s assets is taken to include:

- (a) the value of the assets of the person’s partner; and
- (b) the value of the assets of the person’s FA child or FA children.

“(4) For the purposes of paragraph (1)(d), if the person is a member of a couple, the person’s taxable income for a financial year is taken to include the taxable income for that year of the person’s partner.

#### **Date of effect of favourable decision under section 1132A or 1132B**

“1132C.(1) If the Secretary:

- (a) decides under subsection 1132A(1) that paragraph 838(1)(d) does not apply to a person; or
- (b) decides under subsection 1132B(1) that paragraph 895(1)(d) does not apply to a person;

the day on which that decision takes effect is worked out under this section.

“(2) Subject to subsections (3), (4) and (5), the decision takes effect on the day on which the decision was made or on such later or earlier day (not being a day more than 3 months before the decision was made) as is specified in the decision.

#### *Notified decision—review sought within 3 months*

“(3) If:

- (a) a decision (in this subsection called the ‘**previous decision**’) is made under subsection 1132A(1) or 1132B(1) about a person; and
- (b) a notice is given to the person advising the person of the making of the previous decision; and
- (c) a person applies to the Secretary under section 1240, within 3 months after the notice is given, for review of the previous decision; and
- (d) a favourable decision is made as a result of the application for review;

the favourable decision takes effect on the day on which the previous decision took effect.

*Notified decision—review sought after 3 months*

“(4) If:

- (a) a decision (in this subsection called the ‘**previous decision**’) is made under subsection 1132A(1) or 1132B(1) about a person; and
- (b) a notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240, more than 3 months after the notice is given, for review of the previous decision; and
- (d) a favourable decision is made as a result of the application for review;

the favourable decision takes effect on the day on which the person sought the review.

*Decision not notified*

“(5) If:

- (a) a decision (in this subsection called the ‘**previous decision**’) is made under subsection 1132A(1) or 1132B(1) about a person; and
- (b) no notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240 for review of the previous decision; and
- (d) a favourable decision is made as a result of the application for review;

the favourable decision takes effect on the day on which the previous decision took effect.

**Date of effect of adverse decision under section 1132A or 1132B**

“1132D. If the Secretary:

- (a) decides under subsection 1132A(1) that paragraph 838(1)(d) does apply to a person; or
- (b) decides under subsection 1132B(1) that paragraph 895(1)(d) does apply to a person;

the decision takes effect on the day on which the person’s request under paragraph 1132A(1)(b) or 1132B(1)(c) was lodged with the Department.”.

**Rate of family allowance supplement**

**41.** Section 1070 of the Principal Act is amended:

- (a) by omitting from Table D of point 1070-D14 “\$18,000” and substituting “\$20,700”;

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- (b) by omitting from the Note to point 1070-D14 “CPI increases (see sections 1191 to 1194)” and substituting “AWE increases (see sections 1195 to 1198)”.

**Indexed and adjusted amounts**

42. Section 1190 of the Principal Act is amended by inserting after item 34 in the Table the following item:

“34A. Assets value limit for FA AVL [paragraph 838(1)(d)]  
family allowance

**CPI Indexation Table**

43. Section 1191 of the Principal Act is amended:

- (a) by omitting item 16 from the Table;  
(b) by inserting after item 24 of the Table the following item:

“24A. FA AVL 1 January June most recent \$250.00”.  
June quarter before  
reference quarter

**AWE Indexation Table**

44. Section 1195 of the Principal Act is amended:

- (a) by omitting from column 4 of the Table “most recent calendar year before indexation day” and substituting “calendar year that begins 2 years before indexation day”;  
(b) by adding after item 1 of the Table the following item:

“2. FAS free area 1 January calendar year calendar year  
that begins 2 years immediately  
before before reference  
indexation day calendar year”.

***Division 8—Child disability allowance***

**Increase in rates of child disability allowance and youth disability supplement**

45. A provision of the Principal Act referred to in column 3 of the Table has effect as if:

- (a) the current figure on 1 January 1992 (after indexation has occurred) in relation to the corresponding amount in column 2 were increased by adding the amount in column 4; and  
(b) that increase were an indexation or adjustment under Part 3.16 of the Principal Act.

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TABLE			
Column 1 Item	Column 2 Amount to be increased	Column 3 Provision in which amount specified	Column 4 Amount to be added to current figure
1	CDA—fortnightly rate	subsection 967(1)	\$4.30
2	youth disability supplement—annual rate	point 1066A-C1, point 1066B-C1	\$111.80
3	youth disability supplement— fortnightly rate	point 1066A-C1, point 1066B-C1	\$4.30

**Rate of child disability allowance**

**46.** Section 967 of the Principal Act is amended by adding at the end of subsection (1) the following Note:

“Note 2: on 1 January 1992 the fortnightly rate of child disability allowance is to be increased by \$4.30 under section 45 of the *Social Security Legislation Amendment Act (No. 3) 1991*. This is in addition to the annual CPI indexation occurring on 1 January 1992.”.

**Rate of disability support pension (people under 21 who are not blind)**

**47.** Section 1066A of the Principal Act is amended by adding at the end of point 1066A-C1 the following Note:

“Note 2: on 1 January 1992 the rate of youth disability supplement is to be increased by \$111.80 (\$4.30 per fortnight), under section 45 of the *Social Security Legislation Amendment Act (No. 3) 1991*. This is in addition to the annual CPI indexation occurring on 1 January 1992.”.

***Division 9—Extension of lodgment period for claims for family payments***

**48.** Section 844 of the Principal Act is repealed and the following section is substituted:

**Backdating—birth of child**

“844. If:

- (a) a person has a dependent child; and
- (b) the person lodges a claim for family allowance in respect of the dependent child within 13 weeks of the birth of the dependent child;

the person’s provisional commencement day is the day on which the dependent child is born.”.

**Backdating—birth of child**

**49.** Section 899 of the Principal Act is amended:

- (a) by omitting from paragraph (1) (b) “4” and substituting “13”;



(b) by omitting subsection (2).

50. After section 1002 of the Principal Act the following section is inserted:

**Backdating—birth of child**

“1002A. If:

- (a) a person is qualified for a double orphan pension for a young person; and
- (b) the person lodges a claim for double orphan pension for the young person within 13 weeks of the birth of the young person; the person’s provisional commencement day is the day on which the young person is born.

Note: for ‘provisional commencement day’ see section 1002.”.

***Division 10—Calculation of family allowance supplement payments***

**Qualification for family allowance supplement**

51. Section 895 of the Principal Act is amended by adding at the end the following subsection:

“(5) If:

- (a) a person gives a notice under subsection 912 (1) setting out an estimate of the person’s taxable income for a tax year; and
  - (b) the Secretary accepts the notice under subsection 912 (2); and
  - (c) the Secretary makes a determination to give effect to the acceptance of the notice;
- subsection (3) of this section is to be disregarded in working out the date of effect of the determination.”.

**Notice estimating taxable income**

52. Section 912 of the Principal Act is amended by adding at the end the following word and paragraph:

“; and (c) the Secretary is satisfied that the estimate is reasonable.”.

**Recalculation if failure to notify FAS notifiable event**

53. Section 915 of the Principal Act is amended:

(a) by omitting paragraphs (d) and (e) and substituting the following paragraph:

“(d) the person’s taxable income for that year:

- (i) exceeds 125% of the person’s taxable income for the tax year that is, when the event occurs, the base tax year; and
- (ii) exceeds 125% of the person’s taxable income free area limit at that time;”.

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**(b)** by adding at the end the following Notes:

“Note 3: for ‘base year’ see point 1070-D4 of the Family Allowance Supplement Rate Calculator.

Note 4: for ‘taxable income free area limit’ see point 1070-D14 of the Family Allowance Supplement Rate Calculator.”.

**Failure to notify FAS notifiable event—date of effect of section 915 determination**

**54.** Section 947 of the Principal Act is amended:

**(a)** by omitting paragraphs (d) and (e) and substituting the following paragraph:

“(d) the person’s taxable income for that tax year:

(i) exceeds 125% of the person’s taxable income for the tax year that is, when the event occurs, the base tax year; and

(ii) exceeds 125% of the person’s taxable income free area limit at that time; and”;

**(b)** by adding at the end the following Notes and subsection:

“Note 2: for ‘base year’ see point 1070-D4 of the Family Allowance Supplement Rate Calculator.

Note 3: for ‘taxable income free area limit’ see point 1070-D14 of the Family Allowance Supplement Rate Calculator.

“(2) If subsection (1) applies to 2 or more FAS notifiable events in the one tax year, the later determination takes effect on the day on which the event that results in paragraph (1)(d) first being satisfied for that tax year occurs.”.

**Rate of family allowance supplement**

**55.** Section 1070 of the Principal Act is amended:

**(a)** by omitting from paragraph 1070-D6(b) “and” (last occurring);

**(b)** by omitting paragraph 1070-D6(c);

**(c)** by inserting after point 1070-D6 the following point:

*Change to appropriate tax year because of effect of assumed notifiable event on taxable income for later tax year*

“1070-D6A. If:

(a) an assumed notifiable event occurs in relation to a person after the end of the base tax year and before the beginning of the FAS period; and

(b) point 1070-D6 does not make the year in which the event occurs (in this point called the ‘event tax year’) the appropriate tax year; and

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(c) the person's taxable income for the tax year that follows the event tax year:

(i) is likely to exceed 125% of the person's taxable income for the base tax year; and

(ii) is likely to exceed 125% of the person's taxable income free area limit;

the appropriate tax year, for the purposes of applying this Module to the person for:

(d) the part of the FAS period in which the event occurs that comes after the end of the event tax year; and

(e) the next FAS period after the one referred to in paragraph (d);

is the tax year that follows the event tax year.

Note: for 'assumed notifiable event' see section 916.';

(d) by omitting from paragraph 1070-D7(b) "and" (last occurring);

(e) by omitting paragraph 1070-D7(c);

(f) by inserting after point 1070-D7 the following point:

*Change to appropriate tax year because of effect of notifiable event on taxable income for later tax year*

"1070-D7A. If:

(a) a notifiable event occurs in relation to a person; and

(b) point 1070-D7 does not make the year in which the event occurs (in this point called the 'event tax year') the appropriate tax year; and

(c) the person's taxable income for the tax year that follows the event tax year:

(i) is likely to exceed 125% of the person's taxable income for the base tax year; and

(ii) is likely to exceed 125% of the person's taxable income free area limit;

the appropriate tax year, for the purposes of applying this Module to the person for:

(d) the part of the FAS period in which the event occurs that comes after the end of the event tax year; and

(e) the next FAS period after the one referred to in paragraph (d);

is the tax year that follows the event tax year.

Note: for 'notifiable event' see section 917.';

**Person may have to repay amount where both lump sum and pension, benefit or allowance payments have been received**

56. Section 1166 of the Principal Act is amended:

- (a) by omitting from subsection (2) “The” and substituting “Subject to subsection (5), the”;
- (b) by adding at the end (before the examples) the following subsections:

“(5) If:

- (a) subsection (1) applies to payments of pension, benefit or allowance paid to a person for a particular period (in this section called the ‘**overpayment recovery period**’); and
- (b) the Secretary is satisfied that family allowance supplement would have been payable to the person, or the person’s partner, for some or all of the overpayment recovery period if:
  - (i) the person or the person’s partner had claimed family allowance supplement for that period; and
  - (ii) neither the person nor the person’s partner had been receiving a social security pension or benefit during that period;

the amount specified in the notice under subsection (1) is to be reduced by the notional FAS entitlement.

“(6) For the purposes of subsection (5), the **notional FAS entitlement** is the amount of family allowance supplement that the person or the person’s partner would, in the Secretary’s opinion, have received during the overpayment recovery period if:

- (a) the person or the person’s partner had claimed family allowance supplement for that period; and
- (b) neither the person nor the person’s partner had been receiving a social security pension or benefit during that period.”.

**Overpayments arising under this Act**

57. Section 1223 of the Principal Act is amended by inserting after subsection (2) the following subsection:

“(2A) Subsection (1) does not apply to an amount if:

- (a) the amount has been paid to a person by way of family allowance supplement; and
- (b) the amount was paid to the person in a tax year; and
- (c) the tax year has not yet ended.”.

***Division 11—Bereavement payments***

**General definitions**

58. Section 23 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘payday’ in relation to a person, means:

- (a) if the person is receiving a social security pension—a pension payday; and
- (b) if the person is receiving a social security benefit—a day on which an instalment of the benefit would normally be paid to the person; and
- (c) if the person is receiving a service pension—a pension payday within the meaning of the *Veterans’ Entitlements Act 1986*.”

**Amendment of Subdivision heading**

59. The heading to Subdivision A of Division 9 of Part 2.2 of the Principal Act is amended by omitting “*pensioner*”.

**Qualification for payments under this Subdivision**

60. Section 82 of the Principal Act is amended:

- (a) by omitting paragraphs (1)(d) and (e) and substituting the following paragraphs:

“(d) immediately before the partner died, the partner:

- (i) was receiving a social security pension; or
- (ii) was receiving a service pension; or
- (iii) was a long-term social security recipient; and

- (e) on the person’s payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:

- (i) the amount that would otherwise be payable to the person under section 85 (person’s continued rate) on that payday; and
- (ii) the amount that would otherwise be payable to the person under section 83 (continued payment of partner’s pension or benefit) on the partner’s payday immediately before the first available bereavement adjustment payday.”

- (b) by adding at the end the following subsections:

“(5) For the purposes of this section, a person is a **long term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and
- (b) in respect of the previous 12 months, the person:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a social security benefit; or
  - (iii) was receiving a service pension; or
  - (iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person’s receipt of social security pension, social security benefit or service pension, or the person’s status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (5)(b) or had the status of a benefit increase partner, or a combination of these, for 46 weeks of the previous 52.”.

#### **Continued payment of partner’s pension or benefit**

**61.** Section 83 of the Principal Act is amended by omitting “pension paydays” and substituting “partner’s paydays”.

#### **Lump sum payable in some circumstances**

**62.** Section 84 of the Principal Act is amended in the Method Statement:

- (a) by omitting from paragraph (a) of Step 1 “pension” and substituting “person’s”;
- (b) by omitting from paragraph (b) of Step 1 “pension” and substituting “partner’s”;
- (c) by omitting from Step 1 “**combined pensioner couple rate**” and substituting “**combined rate**”;
- (d) by omitting from Step 2 “pension” and substituting “person’s”;
- (e) by omitting from Step 3 “pensioner couple”;
- (f) by omitting from Step 4 “pension paydays” and substituting “paydays of the partner”;
- (g) by omitting from Step 5 “of pension paydays in the bereavement lump sum period” and substituting “obtained in Step 4”.

#### **Effect of death of person entitled to payments under this Subdivision**

**63.** Section 86 of the Principal Act is amended in the Method Statement:

- (a) by omitting from paragraph (a) of Step 1 “pension” and substituting “person’s”;

- (b) by omitting from paragraph (b) of Step 1 “that pension payday” and substituting “the partner’s payday immediately after the day on which the person dies”;
- (c) by omitting from Step 1 “**combined pensioner couple rate**” and substituting “**combined rate**”;
- (d) by omitting from Step 2 “pension” and substituting “person’s”;
- (e) by omitting from Step 3 “pensioner couple”;
- (f) by omitting from Step 4 “pension paydays” and substituting “paydays of the partner”.

#### **Amendment of Subdivision heading**

64. The heading to Subdivision A of Division 10 of Part 2.3 of the Principal Act is amended by omitting “*pensioner*”.

#### **Qualification for payments under this Subdivision**

65. Section 146F of the Principal Act is amended:

- (a) by omitting paragraphs (1)(d) and (e) and substituting the following paragraphs:

“(d) immediately before the partner died, the partner:

- (i) was receiving a social security pension; or
- (ii) was receiving a service pension; or
- (iii) was a long-term social security recipient; and

- (e) on the person’s payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:

- (i) the amount that would otherwise be payable to the person under section 146J (person’s continued rate) on that payday; and

- (ii) the amount that would otherwise be payable to the person under section 146G (continued payment of partner’s pension or benefit) on the partner’s payday immediately before the first available bereavement adjustment payday;”.

- (b) by adding at the end the following subsections:

“(5) For the purposes of this section, a person is a **long-term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and

- (b) in respect of the previous 12 months, the person:

- (i) was receiving a social security pension; or
- (ii) was receiving a social security benefit; or
- (iii) was receiving a service pension; or

(iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person’s receipt of social security pension, social security benefit or service pension, or the person’s status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (5)(b) or had the status of a benefit increase partner, or a combination of these, for 46 weeks of the previous 52.”.

**Continued payment of partner’s pension or benefit**

66. Section 146G of the Principal Act is amended by omitting “pension paydays” and substituting “partner’s paydays”.

**Lump sum payable in some circumstances**

67. Section 146H of the Principal Act is amended in the Method Statement:

- (a) by omitting from paragraph (a) of Step 1 “pension” and substituting “person’s”;
- (b) by omitting from paragraph (b) of Step 1 “pension” and substituting “partner’s”;
- (c) by omitting from Step 1 “**combined pensioner couple rate**” and substituting “**combined rate**”;
- (d) by omitting from Step 2 “pension” and substituting “person’s”;
- (e) by omitting from Step 3 “pensioner couple”;
- (f) by omitting from Step 4 “pension paydays” and substituting “paydays of the partner”;
- (g) by omitting from Step 5 “of pension paydays in the bereavement lump sum period” and substituting “obtained in Step 4”.

**Effect of death of person entitled to payments under this Subdivision**

68. Section 146K of the Principal Act is amended in the Method Statement:

- (a) by omitting from paragraph (a) of Step 1 “pension” and substituting “person’s”;
- (b) by omitting from paragraph (b) of Step 1 “that pension payday” and substituting “the partner’s payday immediately after the day on which the person dies”;
- (c) by omitting from Step 1 “**combined pensioner couple rate**” and substituting “**combined rate**”;
- (d) by omitting from Step 2 “pension” and substituting “person’s”;
- (e) by omitting from Step 3 “pensioner couple”;



- (f) by omitting from Step 4 “pension paydays” and substituting “paydays of the partner”.

**Amendment of Subdivision heading**

69. The heading to Subdivision A of Division 10 of Part 2.16 of the Principal Act is amended by omitting “*pensioner*”.

**Qualification for payments under this Subdivision**

70. Section 822 of the Principal Act is amended:

- (a) by omitting paragraphs (1)(d) and (e) and substituting the following paragraphs:

“(d) immediately before the partner died, the partner:

(i) was receiving a social security pension; or

(ii) was receiving a service pension; or

(iii) was a long-term social security recipient; and

- (e) on the person’s payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:

(i) the amount that would otherwise be payable to the person under section 825 (person’s continued rate) on that payday; and

(ii) the amount that would otherwise be payable to the person under section 823 (continued payment of partner’s pension or benefit) on the partner’s payday immediately before the first available bereavement adjustment payday;”.

- (b) by adding at the end the following subsections:

“(5) For the purposes of this section, a person is a **long-term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and

- (b) in respect of the previous 12 months, the person:

(i) was receiving a social security pension; or

(ii) was receiving a social security benefit; or

(iii) was receiving a service pension; or

(iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person’s receipt of social security pension, social security benefit or service pension, or the person’s status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or

- (b) the person was receiving one or other of the payments referred to in paragraph (5)(b) or had the status of a benefit increase partner, or a combination of these, for 46 weeks of the previous 52.”.

**Continued payment of partner’s pension or benefit**

71. Section 823 of the Principal Act is amended by omitting “pension paydays” and substituting “partner’s paydays”.

**Lump sum payable in some circumstances**

72. Section 824 of the Principal Act is amended in the Method Statement:

- (a) by omitting from paragraph (a) of Step 1 “pension” and substituting “person’s”;
- (b) by omitting from paragraph (b) of Step 1 “pension” and substituting “partner’s”;
- (c) by omitting from Step 1 “**combined pensioner couple rate**” and substituting “**combined rate**”;
- (d) by omitting from Step 2 “pension” and substituting “person’s”;
- (e) by omitting from Step 3 “pensioner couple”;
- (f) by omitting from Step 4 “pension paydays” and substituting “paydays of the partner”;
- (g) by omitting from Step 5 “of pension paydays in the bereavement lump sum period” and substituting “obtained in Step 4”.

**Effect of death of person entitled to payments under this Subdivision**

73. Section 826 of the Principal Act is amended in the Method Statement:

- (a) by omitting from paragraph (a) of Step 1 “pension” and substituting “person’s”;
- (b) by omitting from paragraph (b) of Step 1 “that pension payday” and substituting “the partner’s payday immediately after the day on which the person dies”;
- (c) by omitting from Step 1 “**combined pensioner couple rate**” and substituting “**combined rate**”;
- (d) by omitting from Step 2 “pension” and substituting “person’s”;
- (e) by omitting from Step 3 “pensioner couple”;
- (f) by omitting from Step 4 “pension paydays” and substituting “paydays of the partner”.

**Qualification for widowed person allowance**

74. Section 315 of the Principal Act is amended:

- (a) by omitting from subparagraph (1)(e)(i) “12” and substituting “14”;

- (b) by omitting from sub-subparagraph (1)(e)(ii)(A) “12” and substituting “14”.

**Amendment of Division heading**

75. The heading to Division 9 of Part 2.11 of the Principal Act is amended by omitting “*(death of dependent child)*”.

76. Before Subdivision A of Division 9 of Part 2.11 of the Principal Act the following Subdivision is inserted in Division 9:

**“Subdivision AA—Death of partner**

**Qualification for payments under this Subdivision**

“589A.(1) If:

- (a) a person is receiving a job search allowance; and
- (b) the person is a long-term social security recipient; and
- (c) the person is a member of a couple; and
- (d) the person’s partner dies; and
- (e) immediately before the partner died, the partner:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a service pension; or
  - (iii) was a long-term social security recipient; and
- (f) on the person’s payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:
  - (i) the amount that would otherwise be payable to the person under section 589D (person’s continued rate) on that payday; and
  - (ii) the amount (if any) that would otherwise be payable to the person, under section 589B (continued payment of partner’s pension or benefit) on the partner’s payday immediately before the first available bereavement adjustment payday;

the person is qualified for payments under this Subdivision to cover the bereavement period.

Note 1: section 589B provides for the payment to the person, up to the first available bereavement adjustment payday, of amounts equal to the instalments that would have been paid to the person’s partner during that period if the partner had not died.

Note 2: section 589C provides for a lump sum that represents the instalments that would have been paid to the person’s partner, between the first available bereavement adjustment payday and the end of the bereavement period, if the partner had not died.

“(2) A person who is qualified for payments under this Subdivision may choose not to receive payments under this Subdivision.

“(3) An election under subsection (2):

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- (a) must be made by written notice to the Secretary; and
- (b) may be made after the person has been paid an amount or amounts under this Subdivision; and
- (c) cannot be withdrawn after the Department has taken all the action required to give effect to that election.

“(4) If a person is qualified for payments under this Subdivision in relation to the partner’s death, the rate at which job search allowance is payable to the person during the bereavement period is, unless the person has made an election under subsection (2), governed by section 589D.

“(5) For the purposes of this section, a person is a **long-term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and
- (b) in respect of the previous 12 months, the person:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a social security benefit; or
  - (iii) was receiving a service pension; or
  - (iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person’s receipt of social security pension, social security benefit or service pension, or the person’s status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (5) (b) or had the status of a benefit increase partner, or a combination of these, for 46 weeks of the previous 52.”.

**Continued payment of partner’s pension or benefit**

“589B. If a person is qualified for payments under this Subdivision in relation to the death of the person’s partner, there is payable to the person, on each of the partner’s paydays in the bereavement rate continuation period, an amount equal to the amount that would have been payable to the partner on that payday if the partner had not died.

Note: if the partner was a benefit increase partner, the person will not receive payments under this section, but will continue to receive payments for the partner under section 589D.

**Lump sum payable in some circumstances**

“589C. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and

- (b) the first available bereavement adjustment payday occurs before the end of the bereavement period;

there is payable to the person as a lump sum an amount worked out using the lump sum calculator at the end of this section.

### **LUMP SUM CALCULATOR**

This is how to work out the amount of the lump sum:

#### *Method statement*

*Step 1.* Add up:

- (a) the amount that, if the person's partner had not died, would have been payable to the person on the person's payday immediately before the first available bereavement adjustment payday; and
- (b) the amount (if any) that, if the partner had not died, would have been payable to the partner on the partner's payday immediately before the first available bereavement adjustment payday;

the result is called the **combined rate**.

*Step 2.* Work out the amount that, but for section 589D, would have been payable to the person on the person's payday immediately before the first available bereavement adjustment payday: the result is called the **person's individual rate**.

*Step 3.* Take the person's individual rate away from the combined rate: the result is called the **partner's instalment component**.

*Step 4.* Work out the number of the partner's paydays in the bereavement lump sum period.

*Step 5.* Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable to the person under this section.

#### **Adjustment of a person's job search allowance rate**

"589D. If:

- (a) a person is qualified for payments under this Subdivision; and
- (b) the person does not elect under subsection 589A(2) not to receive payments under this Subdivision;

the rate of the person's job search allowance during the bereavement period is worked out as follows:

- (c) during the bereavement rate continuation period, the rate of job search allowance payable to the person is the rate at which the allowance would have been payable to the person if the person's partner had not died;

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- (d) during the bereavement lump sum period (if any), the rate at which job search allowance is payable to the person is the rate at which the allowance would be payable to the person apart from this Subdivision.

**Effect of death of person entitled to payments under this Subdivision**

“589E. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the person dies within the bereavement period; and
- (c) the Secretary does not become aware of the death of the person’s partner before the person dies;

there is payable, to such person as the Secretary thinks appropriate, as a lump sum, an amount worked out using the lump sum calculator at the end of this section.

### **LUMP SUM CALCULATOR**

This is how to work out the amount of the lump sum:

#### *Method statement*

**Step 1.** Add up:

- (a) the amount that, if neither the person nor the person's partner had died, would have been payable to the person on the person's payday immediately after the day on which the person dies; and
- (b) the amount (if any) that, if neither the person nor the person's partner had died, would have been payable to the person's partner on the partner's payday immediately after the day on which the person died;

the result is called the **combined rate**.

**Step 2.** Work out the amount that, but for section 589D, would have been payable to the person on the person's payday immediately after the day on which the person died if the person had not died: the result is called the **person's individual rate**.

**Step 3.** Take the person's individual rate away from the combined pensioner couple rate: the result is called the **partner's instalment component**.

**Step 4.** Work out the number of paydays of the partner in the period that commences on the day after the person dies and ends on the day on which the bereavement period ends.

**Step 5.** Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable under this section.

#### **Matters affecting payments under this Subdivision**

"589F.(1) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) after the person's partner died, an amount to which the partner would have been entitled if the partner had not died has been paid under this Act or under Part III of the Veterans' Entitlements Act; and
- (c) the Secretary is not satisfied that the person has not had the benefit of that amount;

the following provisions have effect:

- (d) the amount referred to in paragraph (b) is not recoverable from the person or from the personal representative of the person's

partner, except to the extent (if any) that the amount exceeds the amount payable to the person under this Subdivision;

- (e) the amount payable to the person under this Subdivision is to be reduced by the amount referred to in paragraph (b).

“(2) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the amount to which the person’s partner would have been entitled if the person’s partner had not died has been paid under this Act or under Part III of the Veterans’ Entitlements Act, within the bereavement period, into an account with a bank, credit union or building society (in this subsection called the ‘**financial institution**’); and
- (c) the financial institution pays to the person, out of the account, an amount not exceeding the total of the amounts paid as mentioned in paragraph (b);

the financial institution is, in spite of anything in any other law, not liable to any action, claim or demand by the Commonwealth, the personal representative of the person’s partner or anyone else in respect of the payment of that money to the person.”.

#### **Bereavement payments on death of dependent child**

77. Section 590 of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

#### **Continued payment of child-related amounts**

78. Section 591 of the Principal Act is amended by omitting “Division” and substituting “Subdivision”.

#### **Lump sum payable in some circumstances**

79. Section 592 of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

#### **Death of recipient**

80. Section 592A of the Principal Act is amended by inserting before subsection (1) the following subsections:

“(1AA) If:

- (a) a person is receiving a job search allowance; and
- (b) either:
  - (i) the person is not a member of a couple; or
  - (ii) the person is a member of a couple and the person’s partner:
    - (A) is not receiving a social security pension; and
    - (B) is not receiving a social security benefit; and
    - (C) is not receiving a service pension; and



(c) the person dies;  
there is payable, to such person as the Secretary thinks appropriate, an amount equal to the amount that would have been payable to the person under this Act on the pension payday after the person's death if the person had not died.

“(1AB) If an amount is paid under subsection (1AA) in respect of a person, the Commonwealth is not liable to any action, claim or demand for any further payment under that subsection in respect of the person.

Note 1: for amounts owing to the recipient before the recipient's death see section 570.

Note 2: for death of a person qualified for bereavement payments under Subdivision AA see section 589E.”.

### **Amendment of Division heading**

**81.** The heading to Division 9 of Part 2.12 of the Principal Act is amended by omitting “(*death of dependent child*)”.

**82.** Before Subdivision A of Division 9 of Part 2.12 of the Principal Act the following Subdivision is inserted in Division 9:

#### ***“Subdivision AA—Death of partner***

#### **Qualification for payments under this Subdivision**

“660LA.(1) If:

- (a) a person is receiving a newstart allowance; and
- (b) the person is a long-term social security recipient; and
- (c) the person is a member of a couple; and
- (d) the person's partner dies; and
- (e) immediately before the partner died, the partner:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a service pension; or
  - (iii) was a long-term social security recipient; and
- (f) on the person's payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:
  - (i) the amount that would otherwise be payable to the person under section 660LD (person's continued rate) on that payday; and
  - (ii) the amount (if any) that would otherwise be payable to the person, under section 660LB (continued payment of partner's pension or allowance) on the partner's payday immediately before the first available bereavement adjustment payday;

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the person is qualified for payments under this Subdivision to cover the bereavement period.

Note 1: section 660LB provides for the payment to the person, up to the first available bereavement adjustment payday, of amounts equal to the instalments that would have been paid to the person's partner during that period if the partner had not died.

Note 2: section 660LC provides for a lump sum that represents the instalments that would have been paid to the person's partner, between the first available bereavement adjustment payday and the end of the bereavement period, if the partner had not died.

“(2) A person who is qualified for payments under this Subdivision may choose not to receive payments under this Subdivision.

“(3) An election under subsection (2):

- (a) must be made by written notice to the Secretary; and
- (b) may be made after the person has been paid an amount or amounts under this Subdivision; and
- (c) cannot be withdrawn after the Department has taken all the action required to give effect to that election.

“(4) If a person is qualified for payments under this Subdivision in relation to the partner's death, the rate at which job search allowance is payable to the person during the bereavement period is, unless the person has made an election under subsection (2), governed by section 660LD.

“(5) For the purposes of this section, a person is a **long-term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and
- (b) in respect of the previous 12 months, the person:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a social security benefit; or
  - (iii) was receiving a service pension; or
  - (iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person's receipt of social security pension, social security benefit or service pension, or the person's status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (5)(b) or had the status of a benefit increase partner, or a combination of these for 46 weeks of the previous 52.”.

**Continued payment of partner's pension or benefit**

“660LB. If a person is qualified for payments under this Subdivision in relation to the death of the person's partner, there is payable to the person, on each of the partner's paydays in the bereavement rate continuation period, an amount equal to the amount that would have been payable to the partner on that payday if the partner had not died.

Note: if the partner was a benefit increase partner, the person will not receive payments under this section, but will continue to receive payments for the partner under section 660LD.

**Lump sum payable in some circumstances**

“660LC. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) the first available bereavement adjustment payday occurs before the end of the bereavement period;

there is payable to the person as a lump sum an amount worked out using the lump sum calculator at the end of this section.

***LUMP SUM CALCULATOR***

This is how to work out the amount of the lump sum:

*Method statement*

*Step 1.* Add up:

- (a) the amount that, if the person's partner had not died, would have been payable to the person on the person's payday immediately before the first available bereavement adjustment payday; and
- (b) the amount (if any) that, if the partner had not died, would have been payable to the partner on the partner's payday immediately before the first available bereavement adjustment payday;

the result is called the **combined rate**.

*Step 2.* Work out the amount that, but for section 660LD, would have been payable to the person on the person's payday immediately before the first available bereavement adjustment payday: the result is called the **person's individual rate**.

*Step 3.* Take the person's individual rate away from the combined rate: the result is called the **partner's instalment component**.

*Step 4.* Work out the number of the partner's paydays in the bereavement lump sum period.

*Step 5.* Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable to the person under this section.

**Adjustment of a person's newstart allowance rate**

“660LD. If:

- (a) a person is qualified for payments under this Subdivision; and
- (b) the person does not elect under subsection 660LA(2) not to receive payments under this Subdivision;

the rate of the person's newstart allowance during the bereavement period is worked out as follows:

- (c) during the bereavement rate continuation period, the rate of newstart allowance payable to the person is the rate at which the allowance would have been payable to the person if the person's partner had not died;
- (d) during the bereavement lump sum period (if any), the rate at which newstart allowance is payable to the person is the rate at which the allowance would be payable to the person apart from this Subdivision.

**Effect of death of person entitled to payments under this Subdivision**

“660LE. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) the person dies within the bereavement period; and
- (c) the Secretary does not become aware of the death of the person's partner before the person dies;

there is payable, to such person as the Secretary thinks appropriate, as a lump sum, an amount worked out using the lump sum calculator at the end of this section.

### **LUMP SUM CALCULATOR**

This is how to work out the amount of the lump sum:

#### *Method statement*

*Step 1.* Add up:

- (a) the amount that, if neither the person nor the person's partner had died, would have been payable to the person on the person's payday immediately after the day on which the person dies; and
- (b) the amount (if any) that, if neither the person nor the person's partner had died, would have been payable to the person's partner on the partner's payday immediately after the day on which the person died;

the result is called the **combined rate**.

*Step 2.* Work out the amount that, but for section 660LD, would have been payable to the person on the person's payday immediately after the day on which the person died if the person had not died: the result is called the **person's individual rate**.

*Step 3.* Take the person's individual rate away from the combined pensioner couple rate: the result is called the **partner's instalment component**.

*Step 4.* Work out the number of paydays of the partner in the period that commences on the day after the person dies and ends on the day on which the bereavement period ends.

*Step 5.* Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable under this section.

#### **Matters affecting payments under this Subdivision**

“660LF.(1) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) after the person's partner died, an amount to which the partner would have been entitled if the partner had not died has been paid under this Act or under Part III of the Veterans' Entitlements Act; and
- (c) the Secretary is not satisfied that the person has not had the benefit of that amount;

the following provisions have effect:

- (d) the amount referred to in paragraph (b) is not recoverable from the person or from the personal representative of the person's

partner, except to the extent (if any) that the amount exceeds the amount payable to the person under this Subdivision;

- (e) the amount payable to the person under this Subdivision is to be reduced by the amount referred to in paragraph (b).

“(2) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the amount to which the person’s partner would have been entitled if the person’s partner had not died has been paid under this Act or under Part III of the Veterans’ Entitlements Act, within the bereavement period, into an account with a bank, credit union or building society (in this subsection called the ‘**financial institution**’); and
- (c) the financial institution pays to the person, out of the account, an amount not exceeding the total of the amounts paid as mentioned in paragraph (b);

the financial institution is, in spite of anything in any other law, not liable to any action, claim or demand by the Commonwealth, the personal representative of the person’s partner or anyone else in respect of the payment of that money to the person.”.

#### **Bereavement payments on death of dependent child**

83. Section 660M of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

#### **Continued payment of child-related amounts**

84. Section 660N of the Principal Act is amended by omitting “Division” and substituting “Subdivision”.

#### **Lump sum payable in some circumstances**

85. Section 660O of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

#### **Death of recipient**

86. Section 660P of the Principal Act is amended by inserting before subsection (1) the following subsections:

“(1AA) If:

- (a) a person is receiving a newstart allowance; and
- (b) either:
  - (i) the person is not a member of a couple; or
  - (ii) the person is a member of a couple and the person’s partner:
    - (A) is not receiving a social security pension; and
    - (B) is not receiving a social security benefit; and
    - (C) is not receiving a service pension; and

(c) the person dies;  
there is payable, to such person as the Secretary thinks appropriate, an amount equal to the amount that would have been payable to the person under this Act on the pension payday after the person's death if the person had not died.

“(1AB) If an amount is paid under subsection (1AA) in respect of a person, the Commonwealth is not liable to any action, claim or demand for any further payment under that subsection in respect of the person.

Note 1: for amounts owing to the recipient before the recipient's death see section 653.

Note 2: for death of a person qualified for bereavement payments under Subdivision AA see section 660LE.”.

87. Before Subdivision A of Division 9 of Part 2.14 of the Principal Act the following Subdivision is inserted in Division 9:

***“Subdivision AA—Death of partner***

**Qualification for payments under this Subdivision**

“728PA.(1) If:

- (a) a person is receiving a sickness allowance; and
- (b) the person is a long-term social security recipient; and
- (c) the person is a member of a couple; and
- (d) the person's partner dies; and
- (e) immediately before the partner died, the partner:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a service pension; or
  - (iii) was a long-term social security recipient; and
- (f) on the person's payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:
  - (i) the amount that would otherwise be payable to the person under section 728PD (person's continued rate) on that payday; and
  - (ii) the amount (if any) that would otherwise be payable to the person, under section 728PB (continued payment of partner's pension or allowance) on the partner's payday immediately before the first available bereavement adjustment payday;

the person is qualified for payments under this Subdivision to cover the bereavement period.

Note 1: section 728PB provides for the payment to the person, up to the first available bereavement adjustment payday, of amounts equal to the instalments that would have been paid to the person's partner during that period if the partner had not died.

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Note 2: section 728PC provides for a lump sum that represents the instalments that would have been paid to the person's partner, between the first available bereavement adjustment payday and the end of the bereavement period, if the partner had not died.

“(2) A person who is qualified for payments under this Subdivision may choose not to receive payments under this Subdivision.

“(3) An election under subsection (2):

- (a) must be made by written notice to the Secretary; and
- (b) may be made after the person has been paid an amount or amounts under this Subdivision; and
- (c) cannot be withdrawn after the Department has taken all the action required to give effect to that election.

“(4) If a person is qualified for payments under this Subdivision in relation to the partner's death, the rate at which job search allowance is payable to the person during the bereavement period is, unless the person has made an election under subsection (2), governed by section 728PD.

“(5) For the purposes of this section, a person is a **long-term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and
- (b) in respect of the previous 12 months, the person:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a social security benefit; or
  - (iii) was receiving a service pension; or
  - (iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person's receipt of social security pension, social security benefit or service pension, or the person's status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (5) (b) or had the status of a benefit increase partner, or a combination of these, for 46 weeks of the previous 52.

**Continued payment of partner's pension or benefit**

“728PB. If a person is qualified for payments under this Subdivision in relation to the death of the person's partner, there is payable to the person, on each of the partner's paydays in the bereavement rate continuation period, an amount equal to the amount that would have been payable to the partner on that payday if the partner had not died.

Note: if the partner was a benefit increase partner, the person will not receive payments under this section, but will continue to receive payments for the partner under section 728PD.



**Lump sum payable in some circumstances**

“728PC. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the first available bereavement adjustment payday occurs before the end of the bereavement period;

there is payable to the person as a lump sum an amount worked out using the lump sum calculator at the end of this section.

***LUMP SUM CALCULATOR***

This is how to work out the amount of the lump sum:

*Method statement*

*Step 1.* Add up:

- (a) the amount that, if the person’s partner had not died, would have been payable to the person on the person’s payday immediately before the first available bereavement adjustment payday; and
- (b) the amount (if any) that, if the partner had not died, would have been payable to the partner on the partner’s payday immediately before the first available bereavement adjustment payday;

the result is called the **combined rate**.

*Step 2.* Work out the amount that, but for section 728PD, would have been payable to the person on the person’s payday immediately before the first available bereavement adjustment payday: the result is called the **person’s individual rate**.

*Step 3.* Take the person’s individual rate away from the combined rate: the result is called the **partner’s instalment component**.

*Step 4.* Work out the number of the partner’s paydays in the bereavement lump sum period.

*Step 5.* Multiply the partner’s instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable to the person under this section.

**Adjustment of a person’s sickness allowance rate**

“728PD. If:

- (a) a person is qualified for payments under this Subdivision; and
- (b) the person does not elect under subsection 728PA(2) not to receive payments under this Subdivision;

the rate of the person’s sickness allowance during the bereavement period is worked out as follows:

- (c) during the bereavement rate continuation period, the rate of sickness allowance payable to the person is the rate at which the allowance would have been payable to the person if the person's partner had not died;
- (d) during the bereavement lump sum period (if any), the rate at which sickness allowance is payable to the person is the rate at which the allowance would be payable to the person apart from this Subdivision.

**Effect of death of person entitled to payments under this Subdivision**

“728PE. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) the person dies within the bereavement period; and
- (c) the Secretary does not become aware of the death of the person's partner before the person dies;

there is payable, to such person as the Secretary thinks appropriate, as a lump sum, an amount worked out using the lump sum calculator at the end of this section.

### **LUMP SUM CALCULATOR**

This is how to work out the amount of the lump sum:

*Method statement*

*Step 1.* Add up:

- (a) the amount that, if neither the person nor the person's partner had died, would have been payable to the person on the person's payday immediately after the day on which the person dies; and
- (b) the amount (if any) that, if neither the person nor the person's partner had died, would have been payable to the person's partner on the partner's payday immediately after the day on which the person died;

the result is called the **combined rate**.

*Step 2.* Work out the amount that, but for section 728PD, would have been payable to the person on the person's payday immediately after the day on which the person died if the person had not died: the result is called the **person's individual rate**.

*Step 3.* Take the person's individual rate away from the combined pensioner couple rate: the result is called the **partner's instalment component**.

*Step 4.* Work out the number of paydays of the partner in the period that commences on the day after the person dies and ends on the day on which the bereavement period ends.

*Step 5.* Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable under this section.

#### **Matters affecting payments under this Subdivision**

"728PF.(1) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) after the person's partner died, an amount to which the partner would have been entitled if the partner had not died has been paid under this Act or under Part III of the Veterans' Entitlements Act; and
- (c) the Secretary is not satisfied that the person has not had the benefit of that amount;

the following provisions have effect:

- (d) the amount referred to in paragraph (b) is not recoverable from the person or from the personal representative of the person's

partner, except to the extent (if any) that the amount exceeds the amount payable to the person under this Subdivision;

- (e) the amount payable to the person under this Subdivision is to be reduced by the amount referred to in paragraph (b).

“(2) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the amount to which the person’s partner would have been entitled if the person’s partner had not died has been paid under this Act or under Part III of the Veterans’ Entitlements Act, within the bereavement period, into an account with a bank, credit union or building society (in this subsection called the ‘**financial institution**’); and
- (c) the financial institution pays to the person, out of the account, an amount not exceeding the total of the amounts paid as mentioned in paragraph (b);

the financial institution is, in spite of anything in any other law, not liable to any action, claim or demand by the Commonwealth, the personal representative of the person’s partner or anyone else in respect of the payment of that money to the person.”.

#### **Bereavement payments on death of dependent child**

**88.** Section 728Q of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

#### **Continued payment of child-related amounts**

**89.** Section 728R of the Principal Act is amended by omitting “Division” and substituting “Subdivision”.

#### **Lump sum payable in some circumstances**

**90.** Section 728S of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

#### **Death of recipient**

**91.** Section 728T of the Principal Act is amended by inserting before subsection (1) the following subsections:

“(1AA) If:

- (a) a person is receiving a sickness allowance; and
- (b) either:
  - (i) the person is not a member of a couple; or
  - (ii) the person is a member of a couple and the person’s partner:
    - (A) is not receiving a social security pension; and
    - (B) is not receiving a social security benefit; and
    - (C) is not receiving a service pension; and

(c) the person dies;

there is payable, to such person as the Secretary thinks appropriate, an amount equal to the amount that would have been payable to the person under this Act on the pension payday after the person's death if the person had not died.

“(1AB) If an amount is paid under subsection (1AA) in respect of a person, the Commonwealth is not liable to any action, claim or demand for any further payment under that subsection in respect of the person.

Note 1: for amounts owing to the recipient before the recipient's death see section 721.

Note 2: for death of a person qualified for bereavement payments under Subdivision AA see section 728PE.”.

### **Amendment of Division heading**

92. The heading to Division 9 of Part 2.15 of the Principal Act is amended by omitting “*(death of dependent child)*”.

93. Before Subdivision A of Division 9 of Part 2.15 of the Principal Act the following Subdivision is inserted in Division 9:

#### ***“Subdivision AA—Death of partner***

### **Qualification for payments under this Subdivision**

“768A.(1) If:

- (a) a person is receiving a special benefit; and
- (b) the person is a long-term social security recipient; and
- (c) the person is a member of a couple; and
- (d) the person's partner dies; and
- (e) immediately before the partner died, the partner:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a service pension; or
  - (iii) was a long-term social security recipient; and
- (f) on the person's payday immediately before the first available bereavement adjustment payday, the amount that would be payable to the person if the person were not qualified for payments under this Subdivision is less than the sum of:
  - (i) the amount that would otherwise be payable to the person under section 768D (person's continued rate) on that payday; and
  - (ii) the amount (if any) that would otherwise be payable to the person, under section 768B (continued payment of partner's pension or benefit) on the partner's payday immediately before the first available bereavement adjustment payday;

the person is qualified for payments under this Subdivision to cover the bereavement period.

Note 1: section 768B provides for the payment to the person, up to the first available bereavement adjustment payday, of amounts equal to the instalments that would have been paid to the person's partner during that period if the partner had not died.

Note 2: section 768C provides for a lump sum that represents the instalments that would have been paid to the person's partner, between the first available bereavement adjustment payday and the end of the bereavement period, if the partner had not died.

“(2) A person who is qualified for payments under this Subdivision may choose not to receive payments under this Subdivision.

“(3) An election under subsection (2):

- (a) must be made by written notice to the Secretary; and
- (b) may be made after the person has been paid an amount or amounts under this Subdivision; and
- (c) cannot be withdrawn after the Department has taken all the action required to give effect to that election.

“(4) If a person is qualified for payments under this Subdivision in relation to the partner's death, the rate at which job search allowance is payable to the person during the bereavement period is, unless the person has made an election under subsection (2), governed by section 768D.

“(5) For the purposes of this section, a person is a **long-term social security recipient** if:

- (a) the person is either receiving a social security benefit or is a benefit increase partner; and
- (b) in respect of the previous 12 months, the person:
  - (i) was receiving a social security pension; or
  - (ii) was receiving a social security benefit; or
  - (iii) was receiving a service pension; or
  - (iv) was a benefit increase partner.

“(6) A person is taken to satisfy the requirements of paragraph (5)(b) if:

- (a) the person's receipt of social security pension, social security benefit or service pension, or the person's status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (5)(b) or had the status of a benefit increase partner, or a combination of these for 46 weeks of the previous 52.”.

**Continued payment of partner's pension or benefit**

“768B. If a person is qualified for payments under this Subdivision in relation to the death of the person's partner, there is payable to the person, on each of the partner's paydays in the bereavement rate continuation period, an amount equal to the amount that would have been payable to the partner on that payday if the partner had not died.

Note: if the partner was a benefit increase partner, the person will not receive payments under this section, but will continue to receive payments for the partner under section 768D.

**Lump sum payable in some circumstances**

“768C. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) the first available bereavement adjustment payday occurs before the end of the bereavement period;

there is payable to the person as a lump sum an amount worked out using the lump sum calculator at the end of this section.

### **LUMP SUM CALCULATOR**

This is how to work out the amount of the lump sum:

#### *Method statement*

*Step 1.* Add up:

- (a) the amount that, if the person's partner had not died, would have been payable to the person on the person's payday immediately before the first available bereavement adjustment payday; and
- (b) the amount (if any) that, if the partner had not died, would have been payable to the partner on the partner's payday immediately before the first available bereavement adjustment payday;

the result is called the **combined rate**.

*Step 2.* Work out the amount that, but for section 768D, would have been payable to the person on the person's payday immediately before the first available bereavement adjustment payday: the result is called the **person's individual rate**.

*Step 3.* Take the person's individual rate away from the combined rate: the result is called the **partner's instalment component**.

*Step 4.* Work out the number of the partner's paydays in the bereavement lump sum period.

*Step 5.* Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable to the person under this section.

#### **Adjustment of a person's special benefit rate**

"768D. If:

- (a) a person is qualified for payments under this Subdivision; and
- (b) the person does not elect under subsection 768A(2) not to receive payments under this Subdivision;

the rate of the person's special benefit during the bereavement period is worked out as follows:

- (c) during the bereavement rate continuation period, the rate of special benefit payable to the person is the rate at which the allowance would have been payable to the person if the person's partner had not died;
- (d) during the bereavement lump sum period (if any), the rate at which special benefit is payable to the person is the rate at which the allowance would be payable to the person apart from this Subdivision.



**Effect of death of person entitled to payments under this Subdivision**

“768E. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the person dies within the bereavement period; and
- (c) the Secretary does not become aware of the death of the person’s partner before the person dies;

there is payable, to such person as the Secretary thinks appropriate, as a lump sum, an amount worked out using the lump sum calculator at the end of this section.

***LUMP SUM CALCULATOR***

This is how to work out the amount of the lump sum:

*Method statement*

**Step 1.** Add up:

- (a) the amount that, if neither the person nor the person’s partner had died, would have been payable to the person on the person’s payday immediately after the day on which the person dies; and
- (b) the amount (if any) that, if neither the person nor the person’s partner had died, would have been payable to the person’s partner on the partner’s payday immediately after the day on which the person died;

the result is called the **combined rate**.

**Step 2.** Work out the amount that, but for section 768D, would have been payable to the person on the person’s payday immediately after the day on which the person died if the person had not died: the result is called the **person’s individual rate**.

**Step 3.** Take the person’s individual rate away from the combined pensioner couple rate: the result is called the **partner’s instalment component**.

**Step 4.** Work out the number of paydays of the partner in the period that commences on the day after the person dies and ends on the day on which the bereavement period ends.

**Step 5.** Multiply the partner’s instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable under this section.

**Matters affecting payments under this Subdivision**

“768F.(1) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) after the person’s partner died, an amount to which the partner would have been entitled if the partner had not died has been paid under this Act or under Part III of the Veterans’ Entitlements Act; and
- (c) the Secretary is not satisfied that the person has not had the benefit of that amount;

the following provisions have effect:

- (d) the amount referred to in paragraph (b) is not recoverable from the person or from the personal representative of the person’s partner, except to the extent (if any) that the amount exceeds the amount payable to the person under this Subdivision;
- (e) the amount payable to the person under this Subdivision is to be reduced by the amount referred to in paragraph (b).

“(2) If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person’s partner; and
- (b) the amount to which the person’s partner would have been entitled if the person’s partner had not died has been paid under this Act or under Part III of the Veterans’ Entitlements Act, within the bereavement period, into an account with a bank, credit union or building society (in this subsection called the ‘**financial institution**’); and
- (c) the financial institution pays to the person, out of the account, an amount not exceeding the total of the amounts paid as mentioned in paragraph (b);

the financial institution is, in spite of anything in any other law, not liable to any action, claim or demand by the Commonwealth, the personal representative of the person’s partner or anyone else in respect of the payment of that money to the person.”.

**Bereavement payments on death of dependent child**

94. Section 769 of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

**Lump sum payable in some circumstances**

95. Section 771 of the Principal Act is amended by omitting “Division” (wherever occurring) and substituting “Subdivision”.

**Death of recipient**

96. Section 771A of the Principal Act is amended by inserting before subsection (1) the following subsections:

“(1AA) If:

- (a) a person is receiving a special benefit; and
- (b) either:
  - (i) the person is not a member of a couple; or
  - (ii) the person is a member of a couple and the person's partner:
    - (A) is not receiving a social security pension; and
    - (B) is not receiving a social security benefit; and
    - (C) is not receiving a service pension; and
- (c) the person dies;

there is payable, to such person as the Secretary thinks appropriate, an amount equal to the amount that would have been payable to the person under this Act on the pension payday after the person's death if the person had not died.

“(IAB) If an amount is paid under subsection (IAA) in respect of a person, the Commonwealth is not liable to any action, claim or demand for any further payment under that subsection in respect of the person.

Note 1: for amounts owing to the recipient before the recipient's death see section 756.

Note 2: for death of a person qualified for bereavement payments under Subdivision AA see section 768E.”.

### ***Division 12—Assets test (primary production assets)***

#### ***Assets test definitions***

97. Section 11 of the Principal Act is amended:

- (a) by inserting in subsection (1) the following definitions:

“ ‘**fishing operations**’ means:

- (a) operations relating directly to the taking or catching of fish, turtles, crustacea, oysters or other shellfish; or
- (b) oyster farming; or
- (c) pearling operations;

but does not include:

- (d) whaling; or
- (e) operations conducted otherwise than for the purposes of a business;

‘**forest operations**’ means:

- (a) the planting or tending in a plantation or forest of trees intended for felling; or
- (b) the felling of trees in a plantation or forest;

but does not include operations conducted otherwise than for the purposes of a business;

‘**primary producer**’ means a person whose principal occupation is primary production;

**'primary production'** means production resulting directly from:

- (a) the cultivation of land; or
- (b) the maintenance of animals or poultry for the purpose of selling them or their bodily produce, including natural increase; or
- (c) fishing operations; or
- (d) forest operations;

and includes the manufacture of dairy produce by the person who produced the raw material used in that manufacture;";

(b) by inserting after subsection (3) the following subsection:

“(3A) A reference in this Act to the value of a **liability** of a person is, if the liability is shared by the person with another person, a reference to the value of the person’s share of the liability.”.

#### **Effect of charge or encumbrance on value of assets**

98. Section 1121 of the Principal Act is amended:

(a) by adding at the end of subsection (1) the following Note:

“Note: this section does not apply to an asset to which section 1121A (primary production assets) applies.”;

(b) by omitting subsection (2) and substituting the following subsection:

“(2) Subsection (1) does not apply to a charge or encumbrance over an asset of a person to the extent that:

- (a) the charge or encumbrance is a collateral security; or
- (b) the charge or encumbrance was given for the benefit of a person other than the person or the person’s partner.”;

(c) by omitting subsection (5).

99. After section 1121 of the Principal Act the following section is inserted:

#### **Effect of certain liabilities on value of assets used in primary production**

“1121A. (1) For the purposes of working out the value of a person’s assets under this Act, if:

(a) the person is:

- (i) a primary producer; or
- (ii) a family member of a primary producer; and

(b) the person has assets (including real property) that are, in the Secretary’s opinion, used for the purposes of carrying on that primary production; and

(c) the person also has liabilities that are, in the Secretary’s opinion, related to the carrying on of the primary production;

then:

- (d) section 1121 does not apply in relation to the assets referred to in paragraph (b); and
- (e) those assets are taken to be a single asset (in this section called the **'primary production asset'**); and
- (f) the value of that single asset is worked out under subsection (2).

Note: for 'family member' see subsection 23 (1).

“(2) The value of a person’s primary production asset is worked out in the following way:

*Method statement*

- Step 1.* Add together the value of the assets referred to in paragraph (1) (b): the result is called the **unencumbered value**.
- Step 2.* Add together the value of the liabilities referred to in paragraph (1) (c): the result is called the **total liability**.
- Step 3.* Take the total liability away from the unencumbered value: the result is the value of the person’s primary production asset.

“(3) If the result under Step 3 of the Method statement is less than nil, the value of the primary production asset is taken to be nil.”

**PART 3—AMENDMENT OF THE HEALTH INSURANCE ACT 1973**

**Principal Act**

**100.** In this Part, **“Principal Act”** means the *Health Insurance Act 1973*<sup>2</sup>.

**101.** After section 5E of the Principal Act the following section is inserted:

**Disadvantaged persons (persons receiving family allowance supplement)**

*Person receiving family allowance supplement on 31 December 1991*

“5EA. (1) If family allowance supplement:

- (a) was payable to a person on 31 December 1991; and
- (b) is payable to the person on 1 January 1992;

the Secretary must declare the person to be a disadvantaged person within the meaning of this section.

“(2) If a declaration is made about a person under subsection (1), the person is a disadvantaged person in respect of the period beginning on 1 January 1992 and ending on the day on which family allowance supplement ceases to be payable to the person.

*Social Security Legislation Amendment (No. 3) No. 175, 1991*

“(3) After the period referred to in subsection (2) ends, subsection (1) cannot apply to the person again.

*Person not receiving family allowance supplement on 31 December 1991*

“(4) If:

(a) family allowance supplement was not payable to a person on 31 December 1991 but becomes payable to the person on or after 1 January 1992; and

(b) the family allowance supplement is payable to the person at the maximum payment rate;

the Secretary must declare the person to be a disadvantaged person within the meaning of this section.

“(5) If a declaration is made about a person under subsection (4), the person is a disadvantaged person in respect of the period beginning on the day on which family allowance supplement becomes payable to the person at the maximum payment rate and ending on the day on which it ceases to be payable to the person at that rate.

“(6) In this section:

**‘family allowance supplement’** means family allowance supplement under the *Social Security Act 1991*;

**‘maximum payment rate’** means a rate of family allowance supplement that has not been reduced under the taxable income test referred to in section 1070 of the *Social Security Act 1991*;

**‘Secretary’** means the Secretary to the Department of Social Security.”.

**Review of decisions under sections 5 to 5EA**

102. Section 5F of the Principal Act is amended by omitting “5E” and substituting “5EA”.

**Declarations of person to be disadvantaged person not to overlap**

103. Section 5G of the Principal Act is amended by omitting from subsection (1) “or 5E” and substituting “, 5E or 5EA”.

**PART 4—AMENDMENT OF THE NATIONAL HEALTH ACT 1953**

**Principal Act**

104. In this Part, **“Principal Act”** means the *National Health Act 1953*<sup>4</sup>.

*Social Security Legislation Amendment (No. 3) No. 175, 1991*

**Interpretation**

**105.** Section 84 of the Principal Act is amended by omitting paragraph (ab) of the definition of “concessional beneficiary” in subsection (1).

**PART 5—CONSEQUENTIAL AMENDMENTS**

**Consequential amendments**

**106.** The Acts specified in the Schedule are amended as set out in the Schedule.

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**SCHEDULE**

Section 106

**CONSEQUENTIAL AMENDMENTS**

**PART 1—AMENDMENTS RELATING TO DISABILITY  
SUPPORT PENSION AND SICKNESS ALLOWANCE**

***Data-matching Program (Assistance and Tax) Act 1990***

**Section 3 (subparagraph (c)(ii) of the definition of “personal assistance”):**

Omit “invalid”, substitute “disability support”.

**Section 3 (subparagraph (c)(viii) of the definition of “personal assistance”):**

Omit the subparagraph.

**Section 3 (subparagraph (c)(xii) of the definition of “personal assistance”):**

Omit “benefit”, substitute “allowance”.

***Defence (Re-establishment) Act 1965***

**Paragraph 48(2)(a):**

- (a) Omit “invalid” (first occurring), substitute “disability support”.
- (b) Omit “an invalid”, substitute “a disability support”.

**Paragraph 48(2)(b):**

Omit “an invalid”, substitute “a disability support”.

**Paragraph 49C(2)(a):**

- (a) Omit “invalid” (first occurring), substitute “disability support”.
- (b) Omit “an invalid”, substitute “a disability support”.

**Paragraph 49C(2)(b):**

Omit “an invalid”, substitute “a disability support”.

***Health Insurance Act 1973***

**Subsection 3(1) (paragraph (aa) of the definition of “dependant”):**

Omit “4C or”.

**Subsection 3(1) (sub-subparagraph (aa)(iii)(C) of the definition of “dependant”):**

- (a) Omit “invalid”, substitute “disability support”.
- (b) Omit “such a”, substitute “an invalid”.



**SCHEDULE—continued**

**Subsection 3(1) (definition of “DSS benefit dependant”):**

- (a) Omit “unemployment benefit”, substitute “newstart allowance”.
- (b) Omit “sickness benefit”, substitute “sickness allowance”.

**Subsection 5G (1):**

Omit “or by virtue of section 4C”.

***National Health Act 1953***

**Subsection 4(1) (subparagraph (c)(iii) of the definition of “dependant” (second occurring)):**

- (a) Omit “an invalid”, substitute “a disability support”.
- (b) Insert “or invalid pension” after “pension” (second occurring).

**Subsection 4(1) (subparagraph (aa)(i) of the definition of “pensioner”):**

Omit “benefit”, substitute “allowance”.

**Subsection 4(1) (subparagraph (aa)(ii) of the definition of “pensioner”):**

Omit “such a”.

**Subsection 4(3):**

Omit “subsection (1D)”, substitute “paragraphs (1D)(c) and (d)”.

**Paragraph 4(3)(a):**

- (a) After “an invalid pension,”, insert “a disability support pension,”.
- (b) After “a sickness benefit”, insert “, a sickness allowance”.

**Subsection 84(1) (sub-subparagraph (a)(iii)(C) of the definition of “dependant”):**

- (a) Omit “an invalid”, substitute “a disability support”.
- (b) Omit “such a”, substitute “an invalid”.

***Re-establishment and Employment Act 1945***

**Paragraph 151(a):**

- (a) Omit “invalid” (first occurring), substitute “disability support”.
- (b) Omit “an invalid”, substitute “a disability support”.

**Paragraph 151(b):**

Omit “an invalid”, substitute “a disability support”.

**SCHEDULE—continued**

***Social Security Act 1991***

**Paragraph 5(10)(c):**

Omit “benefit”, substitute “allowance”.

**Paragraph 14A(3)(a):**

Omit “benefit”, substitute “allowance”.

**Subparagraph 14A(3)(b)(ii):**

Omit “benefit”, substitute “allowance”.

**Subsection 23(1) (definition of “incentive allowance”):**

Omit the definition.

**Subsection 23 (10) (Note 1):**

Omit “679”, substitute “688”.

**Subsection 23 (10) (Note 2):**

Omit “682”, substitute “691”.

**Subsection 23 (10B):**

Omit “668A”, substitute “674”.

**Section 25 (including the Note):**

Repeal the section.

**Paragraph 175B(c):**

Omit “invalid”, substitute “disability support”.

**Paragraph 186(2)(b):**

Omit “invalid”, substitute “disability support”.

**Paragraph 225B(d):**

Omit “invalid”, substitute “disability support”.

**Sub-subparagraph 249(2)(b)(i)(B):**

Omit the sub-subparagraph, substitute:

“(B) an invalid pension or a disability support pension; or”.

**Sub-subparagraph 249(2)(b)(i)(D):**

Omit the sub-subparagraph, substitute:

“(D) a special needs invalid pension or a special needs disability support pension; or”.

**SCHEDULE—continued**

**Sub-subparagraph 262(2)(b)(i)(B):**

Omit the sub-subparagraph, substitute:

“(B) an invalid pension or a disability support pension; or”.

**Sub-subparagraph 362(2)(b)(i)(B):**

Omit the sub-subparagraph, substitute:

“(B) an invalid pension or a disability support pension; or”.

**Sub-subparagraph 362(2)(b)(i)(D):**

Omit the sub-subparagraph, substitute:

“(D) a special needs invalid pension or a special needs disability support pension; or”.

**Sub-subparagraph 372(2)(b)(i)(B):**

Omit the sub-subparagraph, substitute:

“(B) an invalid pension or a disability support pension; or”.

**Subsection 514(1) (paragraph (a) of the definition of “sickness period”):**

Omit the paragraph, substitute:

“(a) for which the person would be qualified for a sickness allowance under section 666 if subsections 666(6), (7) and (8) were disregarded; and”.

**Paragraph 519(4)(b):**

(a) Omit “668A”, substitute “674”.

(b) Omit “benefit” (twice occurring), substitute “allowance”.

**Subparagraph 521(1)(a)(ii):**

Omit the subparagraph.

**Subparagraph 521(2)(c)(iv):**

Omit the subparagraph, substitute:

“(iv) a sickness benefit or a sickness allowance;”.

**Paragraph 541(6)(b):**

Omit “or sickness benefit”, substitute “, sickness benefit or sickness allowance”.

**Subsection 594(1) (paragraph (a) of the definition of “change sickness period”):**

Omit the paragraph, substitute:

“(a) for which the person would be qualified for a sickness allowance under section 666 if subsections 666(6), (7) and (8) were disregarded; and”.

**SCHEDULE—continued**

**Subsection 594(1) (paragraph (a) of the definition of “sickness period”):**

Omit the paragraph, substitute:

“(a) for which the person would be qualified for a sickness allowance under section 666 if subsections 666(6), (7) and (8) were disregarded; and”.

**Paragraph 598(4)(b):**

Omit the paragraph, substitute:

“(b) because of section 674 (sickness allowance liquid assets test waiting period), the person is not qualified for sickness allowance during the period of 4 weeks that starts on the day on which the person becomes incapacitated for work; and”.

**Subparagraph 600(1)(a)(ii):**

Omit the subparagraph.

**Subparagraph 600(2)(c)(iv):**

Omit the subparagraph, substitute:

“(iv) a sickness benefit or a sickness allowance;”.

**Paragraph 623(6)(b):**

Omit “or sickness benefit”, substitute “, sickness benefit or sickness allowance”.

**Paragraph 664C(d):**

Omit “(d)”, substitute “(c)”.

**Paragraph 664C(e):**

Omit “(e)”, substitute “(d)”.

**Paragraph 666(1)(g):**

(a) Omit “a”, substitute “the”.

(b) Omit “be”, substitute “be,”.

**Paragraph 774(b):**

Omit “invalid”, substitute “disability support”.

**Subparagraph 784(2)(a)(ii):**

Omit “an invalid”, substitute “a disability support”.

**Subsection 796(3):**

Omit “invalid”, substitute “disability support”.

**Paragraph 1064(1)(b):**

Omit “invalid”, substitute “disability support”.

**SCHEDULE—continued**

**Section 1064 (Pension Rate Calculator A—point 1064-F5—definition of “combined maximum rates”):**

Omit all words after “person’s partner” (first occurring).

**Paragraph 1065(1)(b):**

Omit “of”, substitute “payable to”.

**Section 1066A (Pension Rate Calculator D—point 1066A-EB13—Table EB—column 3 of item 5):**

Omit “\$1,040”, substitute “\$1,300”.

**Section 1066A (Pension Rate Calculator D—point 1066A-F3—Table F-1—column 3 of item 1):**

Omit “\$2,080”, substitute “\$2,184”.

**Section 1066A (Pension Rate Calculator D—point 1066A-F3—Table F-1—column 3 of item 2):**

Omit “\$1,820”, substitute “\$1,924”.

**Section 1066A (Pension Rate Calculator D—point 1066A-F3—Table F-1—column 3 of item 3):**

Omit “\$1,820”, substitute “\$1,924”.

**Section 1066A (Pension Rate Calculator D—point 1066A-F3—Table F-1—column 3 of item 4):**

Omit “\$1,820”, substitute “\$1,924”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 3 of item 1):**

Omit “\$780.00”, substitute “\$834.60”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 3 of item 2):**

Omit “\$780.00”, substitute “\$834.60”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 3 of item 3):**

Omit “\$780.00”, substitute “\$834.60”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 3 of item 4):**

Omit “\$390.00”, substitute “\$417.30”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 5 of item 1):**

Omit “\$260.00”, substitute “\$278.20”.

**SCHEDULE—continued**

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 5 of item 2):**

Omit “\$260.00”, substitute “\$278.20”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 5 of item 3):**

Omit “\$130.00”, substitute “\$139.10”.

**Section 1066A (Pension Rate Calculator D—point 1066A-G10—Table G-1—column 5 of item 4):**

Omit “\$130.00”, substitute “\$139.10”.

**Section 1066B (Pension Rate Calculator E—point 1066B-F2—Table F):**

Before “eligible”, insert “not” in column 2 of item 3.

**Section 1067 (Benefit Rate Calculator A—point 1067-F5—paragraph (b)):**

Omit “benefit” (first occurring), substitute “allowance”.

**Section 1067 (Benefit Rate Calculator A—point 1067-F5—subparagraph (b)(ii)):**

Omit the subparagraph, substitute:

“(ii) an amount by way of rent assistance.”.

**Section 1067 (Benefit Rate Calculator A—point 1067-J12—Example):**

Omit “invalid”, substitute “disability support”.

**Section 1068 (Benefit Rate Calculator B—point 1068-H11—Example):**

Omit “invalid”, substitute “disability support”.

**Subsection 1112(1):**

Omit “benefit” (first occurring), substitute “allowance”.

**Subsection 1128(1):**

Omit “benefit” (first occurring), substitute “allowance”.

**Subsection 1134(3):**

(a) Omit “146,”, substitute “146S,”.

(b) Omit “, 409, 460 and 512”, substitute “and 409”.

**Heading to Division 1 of Part 3.13:**

Omit the heading, substitute:

**SCHEDULE—continued**

***“Division 1—Social security pensions (excluding rehabilitation allowance)”.***

**Subsection 1163(6) (Note):**

Omit “benefit”, substitute “allowance”.

**Subsection 1165(6) (Example 2):**

Omit “benefit” (wherever occurring), substitute “allowance”.

**Subsection 1166(4) (Example 2):**

Omit “benefit”, substitute “allowance”.

**Section 1167:**

Omit “698”, substitute “708”.

**Section 1167 (Note 3):**

Omit the Note, substitute:

“Note 3: section 708 deals with limitations on the amount of sickness allowance payable.”.

**Section 1171:**

Omit “698”, substitute “708”.

**Section 1171 (Note 3):**

Omit the Note, substitute:

“Note 3: section 708 deals with limitations on the amount of sickness allowance payable.”.

**Subparagraph 1187(1A)(a)(iii):**

Omit “benefit”, substitute “allowance”.

**Subsection 1191(1) (CPI Indexation Table—item 30):**

Omit the item.

**Section 1211:**

Omit “666(1)(g),”, substitute “666(1)(h),”.

**Section 1211 (Note 1):**

(a) Omit “section 667”, substitute “section 672”.

(b) Omit “benefit”, substitute “allowance”.

**Section 1212 (Note 5):**

Omit “disability support pensions”, substitute “invalid pensions”.

**Paragraph 1213(1)(b):**

Omit “invalid”, substitute “disability support”.

**SCHEDULE—continued**

**Subsection 1213A(1):**

Omit “invalid”, substitute “disability support”.

**Paragraph 1223A(3)(b):**

Omit the paragraph, substitute:

“(b) section 103 (disability support pension);”.

**Paragraph 1223A(3)(j):**

Omit the paragraph.

**Paragraph 1223A(3)(n):**

Omit the paragraph, substitute:

“(n) section 684 (sickness allowance);”.

**Paragraph 1223B(2)(b):**

Omit the paragraph, substitute:

“(b) section 141 (disability support pension);”.

**Paragraph 1223B(2)(e):**

Omit the paragraph.

**Paragraph 1223B(2)(i):**

Omit the paragraph, substitute:

“(i) section 728E (sickness allowance).”.

***Veterans’ Entitlements Act 1986***

**Subsection 5E(1) (definition of “partnered (partner getting pension)” —Note):**

Omit “sheltered employment or”.

**Subsection 5F(1) (paragraph (c) of the definition of “child”):**

Omit the paragraph, substitute:

“(c) a disability support pension; or”.

**Subparagraph 5H(8)(w)(iii):**

Omit the subparagraph, substitute:

“(iii) a disability support pension; or”.

**Subsection 5H(8) (Note after paragraph (zg)):**

Omit “sheltered employment or”.

**Subsection 5J(1) (definition of “assessable period” —Note):**

Omit “sheltered employment or”.



**SCHEDULE—continued**

**Subsection 5Q(1) (definition of “social security benefit”):**

Omit the definition, substitute:

“‘**social security benefit**’ means:

- (a) job search allowance under Part 2.11; or
- (b) newstart allowance under Part 2.12; or
- (c) sickness allowance under Part 2.14; or
- (d) special benefit under Part 2.15;

of the Social Security Act;”.

**Subsection 5Q(1) (definition of “social security pension”):**

Omit the definition, substitute:

“‘**social security pension**’ means:

- (a) age pension under Part 2.2; or
- (b) disability support pension under Part 2.3; or
- (c) wife pension under Part 2.4; or
- (d) carer pension under Part 2.5; or
- (e) sole parent pension under Part 2.6; or
- (f) widowed person allowance under Part 2.7; or
- (g) widow B pension under Part 2.8; or
- (h) rehabilitation allowance under Part 2.10;

of the Social Security Act;”.

**Section 36C (Note):**

Omit “sheltered employment and rehabilitation allowances”, substitute “a rehabilitation allowance”.

**Sub-subparagraph 36H(2)(a)(iii)(B):**

Omit “invalid”, substitute “disability support”.

**Sub-subparagraph 36P(1)(d)(ii)(B):**

Omit the sub-subparagraph, substitute:

“(B) a disability support pension; or”.

**Sub-subparagraph 36P(1)(d)(ii)(E):**

Omit the sub-subparagraph.

**Sub-subparagraph 36P(1)(d)(ii)(G):**

Omit “invalid”, substitute “disability support”.

**Section 37C (Note):**

Omit “sheltered employment and rehabilitation allowances”, substitute “a rehabilitation allowance”.

**SCHEDULE—continued**

**Sub-subparagraph 37H(2)(a)(iii)(B):**

Omit “invalid”, substitute “disability support”.

**Sub-subparagraph 37P(1)(d)(ii)(B):**

Omit the sub-subparagraph, substitute:  
“(B) a disability support pension; or”.

**Sub-subparagraph 37P(1)(d)(ii)(E):**

Omit the sub-subparagraph.

**Sub-subparagraph 37P(1)(d)(ii)(G):**

Omit “invalid”, substitute “disability support”.

**Paragraph 38(2)(a):**

Omit “invalid”, substitute “disability support”.

**Section 38C (Note):**

Omit “sheltered employment and rehabilitation allowances”, substitute “a rehabilitation allowance”.

**Sub-subparagraph 38H(2)(a)(iii)(B):**

Omit the sub-subparagraph, substitute:  
“(B) disability support pension;”.

**Sub-subparagraph 38P(1)(d)(ii)(B):**

Omit the sub-subparagraph, substitute:  
“(B) a disability support pension; or”.

**Sub-subparagraph 38P(1)(d)(ii)(E):**

Omit the sub-subparagraph.

**Sub-subparagraph 38P(1)(d)(ii)(G):**

Omit “invalid”, substitute “disability support”.

**Section 39C (Note):**

Omit “sheltered employment and rehabilitation allowances”, substitute “a rehabilitation allowance”.

**Sub-subparagraph 39R(1)(d)(ii)(B):**

Omit the sub-subparagraph, substitute:  
“(B) a disability support pension; or”.

**Sub-subparagraph 39R(1)(d)(ii)(E):**

Omit the sub-subparagraph.

**SCHEDULE—continued**

**Sub-subparagraph 39R(1)(d)(ii)(G):**

Omit “invalid”, substitute “disability support”.

**Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children—point 41-C5—Note):**

Omit “sheltered employment or”.

**Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children—point 41-D5—Table D-2—Note 2):**

Omit “sheltered employment or”.

**Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children—point 41-E3—Note):**

Omit “sheltered employment or”.

**Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children—point 41-E8—Table E-2—Note 2):**

Omit “sheltered employment or”.

**Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children—point 41-F4—Table F-2—Note):**

Omit “sheltered employment or”.

**Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-D5—Note 1):**

Omit “sheltered employment or”.

**Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-E11—Table E-2—Note 3):**

Omit “sheltered employment or”.

**Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-F3—Note):**

Omit “sheltered employment or”.

**Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-F5—Note 2):**

Omit “sheltered employment or”.

**Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-F11—Table F-2—Note 3):**

Omit “sheltered employment or”.

**Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-G4—Table G-2—Note 3):**

Omit “sheltered employment or”.

**SCHEDULE—continued**

**Section 44 (Service Pension Rate Calculator for Widows and Non-Illness Separated Wives—point 44-C5—Note 1):**

Omit “sheltered employment or”.

**Section 44 (Service Pension Rate Calculator for Widows and Non-Illness Separated Wives—point 44-D9—Table D—Note 3):**

Omit “sheltered employment or”.

**Section 44 (Service Pension Rate Calculator for Widows and Non-Illness Separated Wives—point 44-E3—Note):**

Omit “sheltered employment or”.

**Section 44 (Service Pension Rate Calculator for Widows and Non-Illness Separated Wives—point 44-E8—Table E-2—Note 3):**

Omit “sheltered employment or”.

**Section 44 (Service Pension Rate Calculator for Widows and Non-Illness Separated Wives—point 44-F4—Table F-2—Note 3):**

Omit “sheltered employment or”.

**Subparagraph 58N(a)(iv):**

Omit “sheltered employment allowance or”.

***Veterans’ Entitlements (Transitional Provisions and Consequential Amendments) Act 1986***

**Paragraph 10(4)(a):**

Omit “invalid”, substitute “disability support”.

**PART 2—CONSEQUENTIAL AMENDMENT OF THE SOCIAL SECURITY ACT 1991 (commencing 17 August 1991)**

**Paragraph 887(c):**

Omit “FAS”, substitute “FA”.

**Section 887:**

Omit “Division”, substitute “Subdivision”.

**Section 888:**

Omit “Division”, substitute “Subdivision”.

**Section 889:**

Omit “Division”, substitute “Subdivision”.

**Subsection 890(2):**

Omit “Division”, substitute “Subdivision”.

**SCHEDULE—continued**

**PART 3—CONSEQUENTIAL AMENDMENT OF THE SOCIAL SECURITY ACT 1991 (commencing 1 January 1992)**

**Section 842:**

Omit “844,”.

**Subsection 843(1):**

Omit “subsection (2)”, substitute “this section and section 844”.

**Section 1001:**

After “section 1002”, insert “or section 1002A”.

**Subsection 1002(1):**

After “subsection (2)”, insert “and section 1002A”.

**Paragraph 1239(1)(b):**

Omit “or 5E”, substitute “, 5E or 5EA”.

**Paragraph 1240(1)(b):**

Omit “or 5E”, substitute “, 5E or 5EA”.

**Paragraph 1247(1)(b):**

Omit “or 5E”, substitute “, 5E or 5EA”.

**PART 4—CONSEQUENTIAL AMENDMENT OF THE SOCIAL SECURITY ACT 1991 (commencing 12 November 1991)**

**Subsection 1163(5):**

After “disability support pension,”, insert “special needs disability support pension or”.

**PART 5—CONSEQUENTIAL AMENDMENT OF THE HEALTH INSURANCE ACT 1973**

**Subsection 8(1A) (definition of “concessional beneficiary”):**

After paragraph (f), insert:

“(fa) a person to whom subsection 146T(1) of the *Social Security Act 1991* applies; or

(fb) a person to whom subsection 146U(1) of the *Social Security Act 1991* applies; or”.

**Subsection 8(1A) (paragraph (a) of the definition of “dependant”):**

After “(f),” insert “(fa), (fb),”.

**NOTES**

1. No. 46, 1991. For previous amendments, see Nos. 68, 69, 70, 73, 74, 115 and 116, 1991.
2. No. 42, 1974, as amended. For previous amendments, see No. 58, 1975; Nos. 59, 91, 101, 109 and 157, 1976; No. 75, 1977; Nos. 36, 89 and 133, 1978; Nos. 53 and 123, 1979; No. 132, 1980; Nos. 118 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 54 and 139, 1983; Nos. 15, 46, 63, 120, 135 and 165, 1984; Nos. 24, 65, 70, 95 and 167, 1985; Nos. 28, 75 and 94, 1986; Nos. 44, 131, 132 and 141, 1987; Nos. 85, 87, 99 and 155, 1988; Nos. 59, 84, 95 and 164, 1989; Nos. 3, 106 and 141, 1990; Nos. 6, 57, 68, 70, 73, 84 and 116, 1991.
3. No. 27, 1936, as amended. For previous amendments, see No. 88, 1936; No. 5, 1937; No. 46, 1938; No. 30, 1939; Nos. 17 and 65, 1940; Nos. 58 and 69, 1941; Nos. 22 and 50, 1942; No. 10, 1943; Nos. 3 and 28, 1944; Nos. 4 and 37, 1945; No. 6, 1946; Nos. 11 and 63, 1947; No. 44, 1948; No. 66, 1949; No. 48, 1950; No. 44, 1951; Nos. 4, 28 and 90, 1952; Nos. 1, 28, 45 and 81, 1953; No. 43, 1954; Nos. 18 and 62, 1955; Nos. 25, 30 and 101, 1956; Nos. 39 and 65, 1957; No. 55, 1958; Nos. 12, 70 and 85, 1959; Nos. 17, 18, 58 and 108, 1960; Nos. 17, 27 and 94, 1961; Nos. 39 and 98, 1962; Nos. 34 and 69, 1963; Nos. 46, 68, 110 and 115, 1964; Nos. 33, 103 and 143, 1965; Nos. 50 and 83, 1966; Nos. 19, 38, 76 and 85, 1967; Nos. 4, 70, 87 and 148, 1968; Nos. 18, 93 and 101, 1969; No. 87, 1970; Nos. 6, 54 and 93, 1971; Nos. 5, 46, 47, 65 and 85, 1972; Nos. 51, 52, 53, 164 and 165, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 26 and 126, 1974; Nos. 80 and 117, 1975; Nos. 50, 53, 56, 98, 143, 165 and 205, 1976; Nos. 57, 126 and 127, 1977; Nos. 36, 57, 87, 90, 123, 171 and 172, 1978; Nos. 12, 19, 27, 43, 62, 146, 147 and 149, 1979; Nos. 19, 24, 57, 58, 124, 133, 134 and 159, 1980; Nos. 61, 92, 108, 109, 110, 111, 154 and 175, 1981; Nos. 29, 38, 39, 76, 80, 106 and 123, 1982; Nos. 14, 25, 39, 49, 51, 54 and 103, 1983; Nos. 14, 42, 47, 63, 76, 115, 124, 165 and 174, 1984; No. 123, 1984 (as amended by No. 65, 1985); Nos. 47, 49, 104, 123, 168 and 174, 1985; No. 173, 1985 (as amended by No. 49, 1986); Nos. 41, 46, 48, 51, 109, 112 and 154, 1986; No. 49, 1986 (as amended by No. 141, 1987); No. 52, 1986 (as amended by No. 141, 1987); No. 90, 1986 (as amended by No. 141, 1987); Nos. 23, 58, 61, 120, 145 and 163, 1987; No. 62, 1987 (as amended by No. 108, 1987); No. 108, 1987 (as amended by No. 138, 1987); No. 138, 1987 (as amended by No. 11, 1988); No. 139, 1987 (as amended by Nos. 11 and 78, 1988); Nos. 8, 11, 59, 75, 78, 80, 87, 95, 97, 127 and 153, 1988; Nos. 2, 11, 56, 70, 73, 105, 107, 129, 163 and 167, 1989; No. 97, 1989 (as amended by No. 105, 1989); Nos. 20, 35, 45, 57, 58, 60, 61, 87, 119 and 135, 1990; and Nos. 4, 5, 6, 48, 55 and 100, 1991.
4. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 92, 118, 163 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 35, 54 and 139, 1983; Nos. 46, 63, 72, 120, 135 and 165, 1984; Nos. 24, 53, 65, 70, 95, 127 and 167, 1985; Nos. 28, 75, 94 and 115, 1986; Nos. 22, 44, 72, 118, 131 and 132, 1987; Nos. 79, 87, 99 and 155, 1988; No. 95, 1989; Nos. 3, 84, 106 and 141, 1990; and Nos. 6 and 83, 1991.

*Social Security Legislation Amendment (No. 3) No. 175, 1991*

**NOTES—continued**

**NOTES ABOUT SECTION HEADINGS IN SOCIAL SECURITY ACT 1991**

1. On 12 November 1991 the heading to section 18 is amended by omitting "*Incentive allowance*" and substituting "*Activity*".
2. On 12 November 1991 the heading to section 1213A is amended by omitting "*invalid pension*" and substituting "*disability support pension*".

[*Minister's second reading speech made in—  
House of Representatives on 10 October 1991  
Senate on 17 October 1991*]