



# Social Security Legislation Amendment Act (No. 3) 1992

No. 230 of 1992

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AMENDMENTS OF THE SOCIAL SECURITY ACT 1991



# Social Security Legislation Amendment Act (No. 3) 1992

No. 230 of 1992

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

[Assented to 24 December 1992]

The Parliament of Australia enacts:

## **PART 1—PRELIMINARY**

### **Short title etc.**

5 1.(1) This Act may be cited as the *Social Security Legislation  
Amendment Act (No.3) 1992*.

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

### **Commencement**

10 2.(1) The following provisions commence on the day on which this  
Act receives the Royal Assent:

- (a) Part 1;
- (b) Divisions 20, 21 and 22 of Part 2;
- (c) Part 3.



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(2) Part 1 of Schedule 1 is taken to have commenced on 26 June 1992, immediately after the *Social Security (Family Payment) Amendment Act 1992* received the Royal Assent.

(3) The following provisions commence, or are taken to have commenced, on 1 January 1993: 5

- (a) Divisions 1, 13 and 15 of Part 2;
- (b) sections 20, 23, 24 and 25;
- (c) sections 37 and 38;
- (d) Schedule 2 and Part 1 of Schedule 4.

(4) The following provisions commence, or are taken to have commenced, on 1 January 1993, immediately after the commencement of the *Social Security (Family Payment) Amendment Act 1992*: 10

- (a) Division 14 of Part 2;
- (b) sections 39 and 40;
- (c) paragraphs 41(b) and (c); 15
- (d) Parts 2 and 3 of Schedule 1;
- (e) Part 1 of Schedule 3.

(5) Division 23 of Part 2 commences, or is taken to have commenced, on 1 January 1993, immediately after the commencement of Part 2 of Schedule 2 of the *Social Security Legislation Amendment Act (No. 2) 1992*. 20

(6) Division 9 of Part 2 commences on 28 January 1993.

(7) Sections 35 and 36 and Division 11 of Part 2 commence on 1 March 1993.

(8) The following provisions commence on 20 March 1993: 25

- (a) Divisions 2, 3, 5 and 8 of Part 2 (except sections 20, 23, 24 and 25 and paragraphs 41(b) and (c));
- (b) sections 33 and 34;
- (c) Division 12 of Part 2;
- (d) Part 2 of Schedule 4. 30

(9) Divisions 16 and 17 of Part 2 commence on 25 March 1993.

(10) Division 10 of Part 2 and Part 2 of Schedule 3 commence on 1 April 1993.

(11) Division 4 of Part 2 commences on 1 July 1993.

(12) Division 18 of Part 2 commences on 20 September 1993. 35

(13) Division 19 commences on:

- (a) 1 October 1993; or
- (b) the date of report to the Senate by a Senate standing or select committee on the application of Division 19;

whichever is the later.

**Application**

5 **3.(1)** The amendments made by Division 8 of Part 2 (except paragraphs 41(b) and (c)) apply to instalments of pension, benefit, allowance or family payment that fall due on or after 20 March 1993.

(2) The amendments made by Division 9 of Part 2 apply to instalments of social security pension or social security benefit that fall due on or after 28 January 1993.

10 (3) The amendments made by Division 12 of Part 2 apply to determinations made on or after 20 March 1993 to grant special benefit, even if the claim for special benefit was made before that day.

(4) The amendments made by Division 13 of Part 2 apply to:

(a) a decision of an officer under the *Social Security Act 1991*; and

15 (b) a decision under section 5A, 5B, 5C, 5D, 5E or 5EA of the *Health Insurance Act 1973*;

if the decision is made on or after 1 January 1993.

20 (5) The amendments made by Division 21 of Part 2 apply not only to debts that arise on or after the day on which this Act receives the Royal Assent under subsection 11(6) of the *Data-matching Program (Assistance and Tax) Act 1990* but also to debts that arose before that day.

**PART 2—AMENDMENTS OF THE SOCIAL SECURITY ACT  
1991**

***Division 1—Maintenance income***

25 **Index of definitions**

4. Section 3 of the Principal Act is amended by inserting in the Index:

“disability expenses maintenance 10(1)”.

***Income test definitions***

30 5. Section 8 of the Principal Act is amended by inserting after paragraph (8)(j) the following paragraph:

“(ja) disability expenses maintenance;

Note: for ‘disability expenses maintenance’ see subsection 10(6).”.

***Maintenance income definitions***

6. Section 10 of the Principal Act is amended:

35 (a) by adding “but does not include disability expenses maintenance;” at the end of the definition of “maintenance income” in subsection (1);

- (b) by omitting “or” (last occurring) from paragraph (b) of the definition of “special maintenance income”;
- (c) by omitting paragraph (c) of the definition of “special maintenance income” in subsection (1);
- (d) by inserting the following definition in subsection (1): 5  
“**‘disability expenses maintenance’** has the meaning given in subsection (6);”;
- (e) by omitting from subsection (3) “definition” and substituting “definitions”;
- (f) by inserting in subsection (3) “and ‘disability expenses maintenance’ ” after “ ‘maintenance income’ ”; 10
- (g) by adding at the end the following subsection:  
“(6) A payment or benefit is **disability expenses maintenance** of a person if:
  - (a) the payment or benefit is provided for expenses arising 15  
directly from:
    - (i) a physical, intellectual or psychiatric disability; or
    - (ii) a learning difficulty;of a dependent child of the person; and
  - (b) the disability or difficulty is likely to be permanent or to 20  
last for an extended period; and
  - (c) the payment or benefit is received:
    - (i) by the person for the maintenance of the dependent child; or
    - (ii) by the dependent child for the child’s own 25  
maintenance; and
  - (d) the payment or benefit is received from;
    - (i) a parent of the child; or
    - (ii) the partner or former partner of a parent of the 30  
child.”.

***Division 2—Qualification for job search allowance and sickness allowance***

**Qualification for job search allowance**

- 7. Section 513 of the Principal Act is amended:
  - (a) by omitting from subparagraph (1A)(d)(ii) “and”; 35
  - (b) by adding at the end of paragraph (1A)(d) the following word and subparagraph:  
“or (iii) has been registered with the CES in an allowance category as being unemployed for at least 13 weeks; and”.

40

**Qualification for sickness allowance**

8. Section 666 of the Principal Act is amended:

- (a) by omitting from subparagraph (1A)(f)(ii) “and”;
- (b) by adding at the end of paragraph (1A)(f) the following word and subparagraph:
- “or (iii) has been registered with the CES in an allowance category as being unemployed for at least 13 weeks; and”.

***Division 3—Family relationships definitions—children***

10 ***Family relationships definitions—children***

9. Section 5 of the Principal Act is amended by omitting “6 months” from paragraph (1)(a) of the definition of “independent young person” and substituting “18 weeks”.

***Division 4—Carer pension***

15 **Qualification for carer pension**

10. Section 198 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) A person (the ‘carer’) is qualified for a carer pension if:

- (a) the carer personally provides constant care for a severely handicapped person; and

Note: see subsections (2) and (2AA) below for the circumstances in which this requirement is modified.

- (b) the care is provided in a private residence that is the home of the handicapped person; and

- (c) the carer lives in a home that is either:

(i) the home of both the carer and the handicapped person; or

(ii) adjacent to the home of the handicapped person; and

- (d) either:

(i) the handicapped person is receiving a social security pension or benefit or a service pension; or

(ii) subsection (1A) (certain severely handicapped people not receiving pension because of residence test) applies to the handicapped person; and

- (e) the carer is in Australia.

Note: see subsections (2) and (2A) below for the circumstances in which this requirement is modified.”;

(b) by inserting after subsection (1) the following subsection:

“(1A) This subsection applies to a severely handicapped person if:

(a) the person has turned 16; and

(b) either:

(i) the person would be receiving a social security pension if the person had been an Australian resident for a long enough period; or

(ii) the person would be receiving a service pension if the person had resided in Australia for a long enough period.”;

(c) by omitting from subparagraph (2)(c)(i) “28” and substituting “42”;

(d) by omitting from subsection (2) “merely because of that cessation.” and substituting:

“merely because of:

(d) that cessation; or

(e) the carer not being in Australia during that cessation.”;

(e) by inserting after subsection (2) the following subsection:

“(2AA) If:

(a) a person is personally providing constant care for a severely handicapped person; and

(b) the person ceases to provide that care in order to undertake training, education or employment; and

(c) the cessation does not exceed 10 hours per week;

the person does not cease to be qualified for a carer pension merely because of that cessation.”;

(f) by omitting from paragraph (b) of the definition of “severely handicapped person” in subsection (3) “extended period; and” and substituting “extended period.”;

(g) by omitting paragraph (c) of the definition of “severely handicapped person” in subsection (3).

### **Insertion of new section**

**11.** After section 236 of the Principal Act the following section is inserted in Subdivision A of Division 9 of Part 2.5:

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

“236A. (1) A lump sum is payable to a person under this section if:

(a) the person is receiving a carer pension; and

(b) the person is caring for another person who is not the person’s partner; and

(c) the person being cared for dies; and

(d) immediately before the death of the person being cared for either:

(i) the person being cared for was not a member of a couple;  
or

5 (ii) the person being cared for was a member of a couple and the partner of the person being cared for:

(A) was not receiving a social security pension; and

(B) was not receiving a social security benefit; and

(C) was not receiving a service pension.

Note: if the partner of the person being cared for was receiving a social security pension or benefit or a service pension, the partner would receive bereavement payments in respect of the death of the person being cared for.

10 “(2) The amount of the lump sum under this section is the lesser of the amount worked out under subsection (3) and the amount worked out under subsection (4).

“(3) The amount under this subsection is:

**partnered MBR** × 7

15 where:

‘partnered MBR’ is the maximum basic rate applicable, on the day that the person being cared for dies, to a person covered by item 2 of the Maximum Basic Rate Table in point 1064-B1 of Pension Rate Calculator A in section 1064.

20 “(4) The amount under this subsection is:

**carer’s current instalment** × 7

where:

‘carer’s current instalment’ is the amount of the last instalment of carer pension paid to the carer before the person cared for died.”

25 **Qualification while person not providing care**

12. Section 955 of the Principal Act is amended by omitting from paragraph (1)(b) “28” and substituting “42”.

**Rate of child disability allowance**

30 13. Section 967 of the Principal Act is amended by omitting from paragraph (2)(a) “28” and substituting “42”.

**Earnings credit account balance may be set-off against ordinary income from remunerative work**

14. Section 1113 of the Principal Act is amended by omitting from paragraph (a) “(other than a carer pension)”.

35 **Earnings credit account**

15. Section 1114 of the Principal Act is amended:

(a) by omitting from paragraph (1)(a) “(other than a carer pension)”;

- (b) by omitting from subparagraph (1)(b)(ii) “(other than a carer pension)”;
- (c) by omitting from subparagraph (1)(b)(ii) “(other than a carer service pension)”;
- (d) by omitting from paragraph (2)(a) “(other than a carer pension)”; 5
- (e) by omitting from paragraph (2)(b) “(other than a carer pension)”;
- (f) by omitting from paragraph (2)(b) “(other than a carer service pension)”.

**Earnings credit account balance (Earnings Credit Account Balance Calculator) 10**

16. The Earnings Credit Account Balance Calculator in section 1115 of the Principal Act is amended by inserting after point 1115-B2 the following point:

*People receiving carer pension sometime between 1 January 1993 and 1 July 1993 15*

“1115-B2A. If:

- (a) a person is receiving a carer pension on 1 July 1993; and
- (b) the person commenced to receive the carer pension before 1 July 1993;

there is to be added to the opening balance of the person’s earning credit account on 1 July 1993: 20

- (c) the sum of the earnings credits (if any) that the person has between 1 January 1993 and 30 June 1993 while the person has been receiving carer pension; and

(d) if the person: 25

- (i) commenced to receive carer pension on or after 1 January 1993; and
- (ii) immediately before commencing to receive the carer pension, the person was receiving a social security pension or a service pension and had an earnings credit account balance under this Act or Division 11 of Part III of the Veterans’ Entitlements Act; 30

the amount of that account balance.

Note 1: because the person could not take advantage of the earnings credit system between 1 January 1993 and 30 June 1993, the person cannot draw on the account during that period.

Note 2: although the person does not have an earnings credit account until 1 July 1993, the person can have earnings credits (as defined by point 1115-C1) for the earnings credit accounting periods (as defined by point 1115-A6) that fall between 1 January 1993 and 30 June 1993.”.

***Division 5—Mobility allowance***

**Qualification for mobility allowance 35**

17. Section 1035 of the Principal Act is amended by inserting after paragraph (b) the following word and paragraphs:

“; or (c) all of the following apply:

- (i) the person is a handicapped person;
- (ii) the Secretary is of the opinion that:
  - (A) the person is unable to use public transport without substantial assistance, either permanently or for an extended period; and
  - (B) the person's inability to use public transport without substantial assistance is because of the person's physical or mental disability; and
  - (C) the person is undertaking job search activities as part of an activity plan developed by a Disability Panel established by the Secretary;
- (iii) the person is physically present in Australia;
- (iv) the person is an Australian resident; or
- (d) all of the following apply:
  - (i) the person is a handicapped person;
  - (ii) the Secretary is of the opinion that:
    - (A) the person is unable to use public transport without substantial assistance, either permanently or for an extended period; and
    - (B) the person's inability to use public transport without substantial assistance is because of the person's physical or mental disability; and
    - (C) the person is engaged in voluntary work approved by the Secretary for charitable, welfare or community organisations for at least 8 hours a week on a continuing basis;
  - (iii) the person is physically present in Australia;
  - (iv) the person is an Australian resident.”.

**Mobility allowance not payable in some circumstances**

- 30 **18.** Section 1036 of the Principal Act is amended by inserting after paragraph (aa) the following paragraphs:
- “(ab) the person has received a mobility allowance advance under section 1047A and the person's advance payment period has not ended (see section 1044); or
  - 35 (ac) the person fails to comply with a requirement that the person:
    - (i) contact an officer; or
    - (ii) attend an interview; or
    - (iii) complete a questionnaire; or
    - 40 (iv) attend a medical, psychiatric or psychological examination;
- as required by section 1039C; or”.



**Insertion of new section**

**19.** After section 1039B of the Principal Act the following section is inserted in Subdivision B of Division 1 of Part 2.21:

**Refusal to attend interview etc.**

- “1039C. (1) Mobility allowance is not payable to a person if: 5
- (a) the person is receiving mobility allowance; and
  - (b) the Secretary is of the opinion that the person should:
    - (i) contact a specified officer of the Department; or
    - (ii) attend an interview at a specified place; or
    - (iii) complete a questionnaire; or 10
    - (iv) attend a medical, psychiatric or psychological examination; and
  - (c) the Secretary notifies the person that the person is required to:
    - (i) contact that officer; or
    - (ii) attend that interview; or 15
    - (iii) complete that questionnaire; or
    - (iv) attend that examination; or
    - (v) if the person has undergone an examination—give the Secretary a report on that examination in the approved form; and 20
  - (d) the Secretary is satisfied that it is reasonable for this section to apply to the person; and
  - (e) the person does not take reasonable steps to comply with the Secretary’s requirements within the time specified in the notice.

Note: the person’s allowance will be cancelled or suspended by a determination of the Secretary under section 1059.

“(2) A notice under paragraph (1)(c) must be in writing and must 25 inform the person of the effect of this section.”.

**Rate of mobility allowance**

**20.** Section 1044 of the Principal Act is amended:

- (a) by omitting “\$40” and substituting “\$50.50”;
- (b) by adding at the end the following subsection and Notes: 30
  - “(2) A person’s mobility allowance rate is nil if:
    - (a) the person has received mobility allowance advance under section 1047A; and
    - (b) the person’s advance payment period has not ended. 35

Note 1: for ‘advance payment period’ see paragraph 1047A(2)(b).

Note 2: the rate of mobility allowance is indexed annually in line with CPI increases (see section 1191—item 34 of the CPI Indexation Table—and sections 1192 to 1194).”.

**Repeal of section 1048 and substitution of new sections**

21. Section 1048 of the Principal Act is repealed and the following sections are substituted:

**Mobility allowance advance**

5 “1047A. (1) A person is qualified for a mobility allowance advance if:

(a) the person is receiving mobility allowance; and

(b) the person requests the advance; and

10 (c) the Secretary is satisfied that the person will continue to be qualified for mobility allowance for at least 26 weeks from the day on which the person receives the advance; and

(d) a mobility allowance advance has not been paid to the person in the 12 months before the day on which the request is made.

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

15 (a) a person’s **advance payday** is the first allowance payday for which it is practicable to pay the advance and adjust the person’s mobility allowance payments; and

(b) a person’s **advance payment period** is the period of 6 months starting on the advance payday.

20 “(3) The amount of the advance is:

$$\text{mobility allowance rate} \times 13$$

where:

‘mobility allowance rate’ is the rate of mobility allowance on the advance payday.

25 **Payments to be paid to person or nominee**

“1048.(1) Subject to subsection (3), a person’s section 1046 instalments and section 1047A advances are to be paid to that person.

30 “(2) The Secretary may direct that the whole or a part of a person’s section 1046 instalments and section 1047A advances are to be paid to someone else on behalf of the person.

“(3) If the Secretary makes a direction under subsection (2), the section 1046 instalments and section 1047A advances are to be paid in accordance with the direction.”.

**Where allowance payday would fall on public holiday etc.**

35 22. Section 1051 of the Principal Act is amended by omitting “of mobility allowance” and substituting “under section 1048”.

**Indexed and adjusted amounts**

23. Section 1190 of the Principal Act is amended by adding the following item at the end of the Indexed and Adjusted Amounts Table:

“57.	mobility allowance rate	MA rate	[section 1044]”.
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**CPI Indexation Table**

24. Section 1191 of the Principal Act is amended by adding at the end of the CPI Indexation Table in subsection (1) the following item:

5

“

	<b>Mobility allowance</b>				
34.	MA rate	1 January	June	highest June quarter before the reference quarter (but not earlier than June 1991 quarter)	\$0.10

”.

**Indexation of amounts**

25. Section 1192 of the Principal Act is amended by adding at the end the following subsection:

“(3) The first indexation of the MA rate under subsection (1) is to take place on 1 January 1994.”.

10

**General effect of Chapter**

26. Section 1222 of the Principal Act is amended:

(a) by omitting from Note 1 to subsection (1):

“• section 1224C debts—Data-matching Program debts;” and substituting:

15

- “• section 1224C debts—Data-matching Program debts;
- section 1224D debts—mobility allowance advance debts;”;

(b) by inserting after item 5B in the Recovery Methods Table in subsection (2) the following item:

20

“

5C.	1224D (mobility allowance advance debt)	deductions legal proceedings garnishee notice	1231, 1234A 1232 1233
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”.

**Debts due to the Commonwealth**

27. Section 1222A of the Principal Act is amended by omitting from Note 1 “1224C,” and substituting “1224C, 1224D,”.

**Insertion of new section**

5 28. After section 1224C of the Principal Act the following section is inserted:

**Mobility allowance advance debts**

“1224D.(1) If:

- 10 (a) a person (‘the **recipient**’) has received mobility allowance advance; and
- (b) the advance was paid because the recipient or another person:
- (i) made a false statement or a false representation; or
- (ii) failed or omitted to comply with a provision of this Act; and
- 15 (c) the Secretary determines that the recipient’s qualification for mobility allowance ceased on a particular day during the recipient’s advance payment period;
- the amount worked out under subsection (2) is a debt due to the Commonwealth and is recoverable by the Commonwealth by means of:
- 20 (d) if the recipient is receiving a pension, benefit or allowance under this Act—deductions from the recipient’s pension, benefit or allowance; or
- (e) if section 1234A applies to another person who is receiving a pension, benefit or allowance under this Act—deductions from
- 25 that other person’s pension, benefit or allowance; or
- (f) legal proceedings; or
- (g) garnishee notice.

Note 1: for ‘advance payment period’ see paragraph 1047A(2)(b).

Note 2: for deductions see sections 1231 and 1234A.

Note 3: for legal proceedings see section 1232.

Note 4: for garnishee notice see section 1233.

Note 5: if the person does not pay the debt within 3 months after receiving a notice of the amount of the debt, the amount of the debt will increase under section 1229.

“(2) For the purposes of subsection (1), the amount of the recipient’s debt is:

30 
$$\frac{\text{amount of advance}}{13} \times \text{number of paydays}$$

where:

‘**amount of advance**’ means the amount of mobility allowance advance paid to the recipient under section 1047A;

35 ‘**number of paydays**’ means the number of whole paydays in the period that starts on the day determined by the Secretary under paragraph

1224D(1)(c) and ends at the end of the recipient's advance payment period.

“(3) This section extends to:

- (a) acts, omissions, matters and things outside Australia whether or not in a foreign country; and
- (b) all persons irrespective of their nationality or citizenship.”.

5

#### **Additional amount for late payment of certain debts**

29. Section 1229 of the Principal Act is amended by inserting in subparagraph (1)(a)(i) “1224D,” after “1224,”.

#### **Garnishee notice**

30. Section 1233 of the Principal Act is amended by inserting in subsection (1) “1224D,” after “1224C,”.

10

#### **Schedule 1A**

31. The Principal Act is amended by adding at the end of Schedule 1A the following clause:

15

#### **Directions under section 1048**

“62. A direction that was in force under subsection 1048(3) of this Act as in force immediately before 20 March 1993 has effect, from 20 March 1993, as if it were a direction under that subsection of this Act as in force on that day.”.

20

#### **Interpretation**

32. Section 84 of the *National Health Act 1953*<sup>2</sup> is amended by inserting after paragraph (aa) of the definition of “concessional beneficiary” in subsection (1) the following paragraph:

- “(ab) a person to whom, or in respect of whom, there is being paid a mobility allowance under the *Social Security Act 1991*; or”.

25

#### ***Division 6—Employment entry payments***

#### **Disability support pension recipients**

33. Section 664C of the Principal Act is amended:

- (a) by omitting paragraph (1)(b) and substituting the following paragraph:

30

“(b) immediately before the person commenced the employment, the person was receiving a disability support pension; and”;

- (b) by omitting Note 2 to subsection (1);

35

- (c) by omitting from subsection (4) the definition of “qualified recipient”.

**Amount of section 664C payment**

34. Section 664D of the Principal Act is amended by omitting “\$200” and substituting “\$300”.

**Insertion of new sections**

5 35. After section 664D of the Principal Act the following sections are inserted:

**Widow B pension recipients**

“664E.(1) A woman is qualified for an employment entry payment under this section if:

- 10 (a) her income from employment rises (including the case where a woman commences employment); and
- (b) immediately before the rise in her income from employment, she was receiving a widow B pension; and
- 15 (c) because of the rise in her income from employment, her income from employment exceeds the threshold amount; and
- (d) her income from employment is, in the Secretary’s opinion, likely to exceed the threshold amount for more than 4 weeks; and
- 20 (e) she has not, within the last 12 months, received a payment under this Part.

“(2) If the Secretary is satisfied that:

- (a) a woman has entered an agreement under which she is to be employed or her earnings are to be increased; and
- 25 (b) on the start of that employment or increase in those earnings, the woman would, apart from receiving a payment under this subsection, be qualified for a payment under subsection (1);

the following provisions have effect:

- (c) subject to paragraph (d), the woman is qualified for an employment entry payment which is payable to her at such
- 30 time as the Secretary determines;
- (d) the woman is not qualified for the employment entry payment unless the Secretary is still satisfied as mentioned in paragraphs (a) and (b) at the time at which the payment is payable to her.

35 “(3) The time determined under paragraph (2)(c) must not be more than 14 days before the woman is to commence the employment or her income from the employment is to rise.

“(4) In this section:

40 **‘threshold amount’** means the maximum amount of ordinary income that a person receiving newstart allowance could earn, derive or receive without the allowance ceasing to be payable, if the person:

- (a) was not a member of a couple; and
- (b) was not receiving rent assistance; and

- (c) was not receiving remote area allowance; and
- (d) had turned 21 but had not turned 60.

**Amount of section 664E payment**

“664F. The amount of an employment entry payment under section 664E is \$100.

5

**Special benefit recipients**

“664G.(1) A person is qualified for an employment entry payment under this section if:

- (a) the person would be qualified for a sole parent pension apart from paragraph 249(1)(c) and subsection 262(1) (Australian residency requirements); and 10
- (b) the person’s income from employment rises (including the case where a person commences employment); and
- (c) immediately before the rise in the person’s income from employment, the person was receiving special benefit; and 15
- (d) because of the rise in the person’s income from employment, the person’s income from employment exceeds the threshold amount; and
- (e) the person’s income from employment is, in the Secretary’s opinion, likely to exceed the threshold amount for more than 4 weeks; and 20
- (f) the person has not, within the last 12 months, received a payment under this Part.

“(2) If the Secretary is satisfied that:

- (a) a person has entered an agreement under which the person is to be employed or the person’s earnings are to be increased; and 25
- (b) on the start of that employment or increase in those earnings, the person would, apart from receiving a payment under this subsection, be qualified for a payment under subsection (1); 30

the following provisions have effect:

- (c) subject to paragraph (d), the person is qualified for an employment entry payment which is payable to the person at such time as the Secretary determines; 35
- (d) the person is not qualified for the employment entry payment unless the Secretary is still satisfied as mentioned in paragraphs (a) and (b) at the time at which the payment is payable to the person.

“(3) The time determined under paragraph (2)(c) must not be more than 14 days before the person is to commence the employment or the person’s income from the employment is to rise. 40

“(4) In this section:

**‘threshold amount’** means the maximum amount of ordinary income that a person receiving newstart allowance could earn, derive or receive without the allowance ceasing to be payable, if the person:

- (a) was not a member of a couple; and
- 5 (b) was not receiving rent assistance; and
- (c) was not receiving remote area allowance; and
- (d) had turned 21 but had not turned 60.

**Amount of section 664G payment**

10 “664H. The amount of an employment entry payment under section 664G is \$100.”.

**Need for a claim**

36. Section 665 of the Principal Act is amended:

- (a) by omitting from subsection (1) “or 664C” and substituting  
15 “, 664C, 664E or 664G”;
- (b) by inserting in subsection (3) “, 664E or 664G” after “664A”.

***Division 7—Education entry payment***

**Payment to a sole parent pensioner**

37. Section 665A of the Principal Act is amended by omitting from paragraph (b) “education” and substituting “pensioner education”.

20 **Insertion of new heading**

38. Before section 665A of the Principal Act the following heading is inserted in Part 2.13A:

***“Division 1—Sole parent pension recipients”.***

25 39. The Principal Act is amended by adding at the end of Part 2.13A the following Division:

***“Division 2—Disability support pension recipients***

**Payment to a disability support pensioner**

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

- 30 (a) the person is receiving a disability support pension; and
- (b) the person is qualified to receive pensioner education supplement under the AUSTUDY scheme; and
- (c) either:
  - 35 (i) the Secretary is satisfied that the person intends to enrol in a full-time or part-time course of education that is an approved course under the AUSTUDY scheme; or
  - (ii) the person is enrolled in such a course; and



- (d) 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 665E payment**

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

5

**Need for a claim**

“665G. A person is not qualified for an education entry payment under section 665E 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.

10

**Claim may be withdrawn**

“665H.(1) A claimant for an education entry payment under this Division or a person on behalf of a claimant may withdraw a claim that has not been determined.

“(2) A claim that is withdrawn is taken to have not been made.

15

“(3) A withdrawal may be made orally or in writing.”.

**Insertion of new Divisions**

40. The Principal Act is amended by adding at the end of Part 2.13A the following Divisions:

***“Division 3—Widow B pension recipients***

20

**Payment to widow B pensioner**

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

- (a) the woman is receiving a widow B pension; and  
(b) the woman is qualified to receive pensioner education supplement under the AUSTUDY scheme; and  
(c) either:

25

(i) the Secretary is satisfied that the woman intends to enrol in a full-time or part-time course of education that is an approved course under the AUSTUDY scheme; or

30

(ii) the woman is enrolled in such a course; and

- (d) the woman has not received a payment under this Part for which she made a claim in the current calendar year.

**Amount of section 665I payment**

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

35

**Need for a claim**

“665K. A woman is not qualified for an education entry payment under section 665I unless:

- (a) the woman makes a claim for the payment; and
- 5 (b) the claim is in writing and in a form approved by the Secretary.

**Claim may be withdrawn**

“665L.(1) A claimant for an education entry payment under this Division or a person on behalf of a claimant may withdraw a claim that has not been determined.

10 “(2) A claim that is withdrawn is taken to have not been made.

“(3) A withdrawal may be made orally or in writing. .

**“Division 4—Special benefit recipients**

**Payment to a special benefit recipient**

15 “665M. A person is qualified for an education entry payment under this section if:

(a) the person would be qualified for a sole parent pension apart from paragraph 249(1)(c) and subsection 262(1) (Australian residency requirements); and

(b) the person is receiving special benefit; and

20 (c) the person is qualified to receive pensioner education supplement under the AUSTUDY scheme; and

(d) either:

25 (i) the Secretary is satisfied that the person intends to enrol in a full-time or part-time course of education that is an approved course under the AUSTUDY scheme; or

(ii) the person is enrolled in such a course; and

(e) 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 665M payment**

30 “665N. The amount of an education entry payment under section 665M is \$200.

**Need for a claim**

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

- 35 (a) the person makes a claim for the payment; and
- (b) the claim is in writing and in a form approved by the Secretary.

**Claim may be withdrawn**

“665P.(1) A claimant for an education entry payment under this Division or a person on behalf of a claimant may withdraw a claim that has not been determined.

“(2) A claim that is withdrawn is taken to have not been made. 5

“(3) A withdrawal may be made orally or in writing.”.

***Division 8—Rent assistance***

**Pension Rate Calculator A**

41. The Rate Calculator in section 1064 of the Principal Act is amended: 10

(a) by omitting paragraph 1064-D1(d) and substituting the following paragraph:

“(d) the rent is payable at a rate of more than the rent threshold rate; and”;

(b) by omitting paragraph 1064-D1(f) and substituting the following word and paragraph: 15

“; and (f) either:

(i) neither the person nor the person’s partner is qualified for additional family payment for a dependent child of the person; or 20

(ii) the person is a member of an illness separated or respite care couple or a temporarily separated couple and is the partner of a person who is receiving additional family payment.”;

(c) by adding at the end of point 1064-D1 the following Note: 25

“Note 2: for ‘temporarily separated couple’, ‘illness separated couple’ and ‘respite care couple’ see section 4.”;

(d) by adding at the end of point 1064-D1 the following Note:

“Note 3: for ‘rent threshold rate’ see point 1064-D2.”;

(e) by inserting after point 1064-D1 the following point:

***Rent threshold rate***

“1064-D2. A person’s rent threshold rate depends on the person’s family situation. Work out which family situation in Table DA applies to the person. The rent threshold rate is the corresponding amount in column 3. 30

TABLE DA RENT THRESHOLD RATES			
column 1 item	column 2 person's family situation	column 3 rate per year	column 4 rate per fortnight
1.	Not member of a couple	\$1,560.00	\$60.00
2.	Partnered—partner does not have rent increased pension	\$2,600.00	\$100.00
3.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	\$2,600.00	\$100.00
4.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	\$2,600.00	\$100.00
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	\$3,120.00	\$120.00
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	\$3,120.00	\$120.00
7.	Member of an illness separated or respite care couple	\$1,560.00	\$60.00
8.	Member of a temporarily separated couple	\$1,560.00	\$60.00

Note 1: for 'member of a couple', 'partnered', 'illness separated couple', 'respite care couple' and 'temporarily separated couple' see section 4.

Note 2: for 'partner with a rent increase pension' see point 1064-D4.

Note 3: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).";

(f) by omitting Table D (but not the Notes to the table) in point 1064-D5 and substituting the following table:

“

TABLE D RATE OF RENT ASSISTANCE			
column 1 item	column 2 family situation	column 3 Rate A	column 4 Rate B
1.	Not member of a couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
2.	Partnered—partner does not have rent increased pension	$3 \times \frac{(\text{Annual rent} - \$2,600)}{4}$	\$1,638.00
3.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{(\text{Annual rent} - \$2,600)}{8}$	\$819.00
4.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	$3 \times \frac{(\text{Annual rent} - \$2,600)}{8}$	\$819.00
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{(\text{Annual rent} - \$3,120)}{8}$	\$956.80
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{(\text{Annual rent} - \$3,120)}{8}$	\$1,092.00
7.	Member of an illness separated or respite care couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
8.	Member of a temporarily separated couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00

”;

(g) by inserting after Note 3 to point 1064-D5 the following Note:

“Note 4: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

(h) by renumbering Note 4 to point 1064-D5 as Note 5;

(i) by inserting after point 1064-D5 the following point:

**Rate B increase**

“1064-D5A. Rate B for a person in item 1 or 7 of Table D in point 1064-D5 is increased by \$104.00 on 25 March 1993.

Note: Rate B was indexed on 20 March 1993 (see sections 1191 to 1194).”;

(j) by omitting from point 1064-D8 the Rent Assistance Examples.

**5 Pension Rate Calculator B**

42. The Rate Calculator in section 1065 of the Principal Act is amended by omitting paragraph 1065-D1(d) and substituting the following paragraph:

10 “(d) the rent is payable at a rate of more than the rent threshold rate in point 1064-D2 of Module D of Pension Rate Calculator A; and”.

**Pension Rate Calculator C**

43. The Rate Calculator in section 1066 of the Principal Act is amended:

15 (a) by omitting from paragraph 1066-D1(c) “\$1,300 per year (\$50 per fortnight)” and substituting “\$1,560 per year (\$60 per fortnight)”;

(b) by adding at the end of point 1066-D1 the following Note:

“Note 2: the amount in paragraph (c) is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

20 (c) by omitting Table D (but not the Notes to the table) in point 1066-D4 and substituting the following table:

“

TABLE D RATE OF RENT ASSISTANCE	
column 1 Rate A	column 2 Rate B
$3 \times \frac{\text{Annual rent} - \$1,560}{4}$	\$1,638.00

”;

(d) by inserting after Note 1 to point 1066-D4 the following Note:

“Note 2: the amount in column 1 is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

(e) by renumbering Note 2 as Note 3;

(f) by inserting after point 1066-D4 the following point:

*Rate B increase*

“1066-D4A. Rate B for a person in Table D in point 1066-D4 is increased by \$104.00 on 25 March 1993.

Note: Rate B was indexed on 20 March 1993 (see sections 1191 to 1194).”.

**Pension Rate Calculator D**

**44.** The Rate Calculator in section 1066A of the Principal Act is amended: 5

(a) by omitting paragraph 1066A-EA(2)(f) and substituting the following paragraph:

“(f) the rent is payable at a rate of more than the rent threshold rate; and”; 10

(b) by adding at the end the following Note:

“Note 5: for ‘rent threshold rate’ see point 1066A-EA2A.”;

(c) by inserting after point 1066A-EA2 the following point:

*Rent threshold rate*

“1066A-EA2A. A person’s rent threshold rate depends on the person’s family situation. Work out which family situation in Table EAA applies to the person. The rent threshold rate is the corresponding amount in column 3. 15

TABLE EAA RENT THRESHOLD RATES			
column 1 item	column 2 person's family situation	column 3 rate per year	column 4 rate per fortnight
1.	Not member of a couple and in disability accommodation	\$1,560.00	\$60.00
2.	Partnered—partner does not have rent increased pension	\$2,600.00	\$100.00
3.	Partnered and partner: (a) is receiving a social security pension; and	\$2,600.00	\$100.00
4.	(b) has rent increased pension Partnered and partner: (a) is receiving a service pension; and	\$2,600.00	\$100.00
5.	and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	\$3,120.00	\$120.00
6.	Partnered and partner: (a) is receiving a service pension; and	\$3,120.00	\$120.00
7.	and (b) has increased pension; and (c) has 1 or 2 dependent children	\$1,560.00	\$60.00
8.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	\$1,560.00	\$60.00
	Member of an illness separated or respite care couple		
	Member of a temporarily separated couple		

Note 1: for 'member of a couple', 'partnered', 'illness separated couple', 'respite care couple' and 'temporarily separated couple' see section 4.

Note 2: for 'partner with a rent increase pension' see point 1066A-EA11.

Note 3: for 'in disability accommodation' see subsection 23(4C).

Note 4: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).";

(d) by omitting Table EA (but not the Notes to the table) in point 1066A-EA12 and substituting the following table:



TABLE EA  
RATE OF RENT ASSISTANCE

column 1 item	column 2 family situation	column 3 Rate A	column 4 Rate B
1.	Not member of a couple and in disability accommodation	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
2.	Partnered—partner does not have rent increased pension	$3 \times \frac{(\text{Annual rent} - \$2,600)}{4}$	\$1,638.00
3.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{(\text{Annual rent} - \$2,600)}{8}$	\$819.00
4.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	$3 \times \frac{(\text{Annual rent} - \$2,600)}{8}$	\$819.00
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{(\text{Annual rent} - \$3,120)}{8}$	\$956.80
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{(\text{Annual rent} - \$3,120)}{8}$	\$1,092.00
7.	Member of an illness separated or respite care couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
8.	Member of a temporarily separated couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00

”;

(e) by inserting after Note 3 to point 1066A-EA12 the following Note:

“Note 4: the rent threshold amounts in columns 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

(f) by renumbering Note 4 to point 1066A-EA12 as Note 5;

**(g)** by inserting after point 1066A-EA12 the following point:

*Rate B increase*

5 “1066A-EA12A. Rate B for a person in item 1 or 7 of Table EA in point 1066A-EA12 is increased by \$104.00 on 25 March 1993.

Note: Rate B was indexed on 20 March 1993 (see sections 1191 to 1194).”;

**(h)** by omitting paragraph 1066A-EB2(g) and substituting the following paragraph:

“(g) the rent is payable at a rate of more than the rent threshold rate; and”;

10 **(i)** by adding at the end of point 1066A-EB2 the following Note:

“Note 5: for ‘rent threshold rate’ see point 1066A-EAB2A.”;

**(j)** by inserting after point 1066A-EB2 the following point:

*Rent threshold rate*

15 “1066A-EB2A. A person’s rent threshold rate depends on the person’s family situation. Work out which family situation in Table EBA applies to the person. The rent threshold rate is the corresponding amount in column 3.

TABLE EBA RENT THRESHOLD RATES			
column 1 item	column 2 person's family situation	column 3 rate per year	column 4 rate per fortnight
1.	Not member of a couple and in disability accommodation	\$1,560.00	\$60.00
2.	Not member of a couple and living permanently or indefinitely away from the person's parental home	\$1,560.00	\$60.00
3.	Partnered—partner does not have rent increased pension	\$2,600.00	\$100.00
4.	Partnered and partner: (a) is receiving a social security pension; and	\$2,600.00	\$100.00
5.	(b) has rent increased pension Partnered and partner: (a) is receiving a service pension; and	\$2,600.00	\$100.00
6.	(b) has rent increased pension; and (c) does not have a dependent child or dependent children	\$3,120.00	\$120.00
7.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	\$3,120.00	\$120.00
8.	Partnered and partner: (a) is receiving a service pension; and (b) has rent in increased pension; and (c) has 3 or more dependent children	\$1,560.00	\$60.00
9.	Member of an illness separated or respite care couple	\$1,560.00	\$60.00
	Member of a temporarily separated couple	\$1,560.00	\$60.00

Note 1: for 'member of a couple', 'partnered', 'illness separated couple', 'respite care couple' and 'temporarily separated couple' see section 4.

Note 2: for 'partner with a rent increase pension' see point 1066A-EB12.

Note 3: for 'in disability accommodation' see subsection 25(4C).

Note 4: for 'living away from parental home' see subsection 23(4D).

Note 5: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).";

(k) by omitting Table EB (but not the Notes to the table) in point 1066A-EB13 and substituting the following table:

“

TABLE EB RATE OF RENT ASSISTANCE			
column 1 item	column 2 family situation	column 3 Rate A	column 4 Rate B
1.	Not member of a couple and in disability accommodation	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
2.	Not member of a couple and living permanently or indefinitely away from the person's parental home	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
3.	Partnered—partner does not have rent increased pension	$3 \times \frac{(\text{Annual rent} - \$2,600)}{4}$	\$1,638.00
4.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{(\text{Annual rent} - \$2,600)}{8}$	\$819.00
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	$3 \times \frac{(\text{Annual rent} - \$2,600)}{8}$	\$819.00
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{(\text{Annual rent} - \$3,120)}{8}$	\$956.80
7.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{(\text{Annual rent} - \$3,120)}{8}$	\$1,092.00
8.	Member of an illness separated or respite care couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00
9.	Member of a temporarily separated couple	$3 \times \frac{(\text{Annual rent} - \$1,560)}{4}$	\$1,638.00

”;

(I) by inserting after Note 4 to point 1066A-EB13 the following Note:

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“Note 5: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

(m) by renumbering Note 5 to point 1066A-EB13 as Note 6;

(n) by inserting after point 1066A-EB13 the following point:

*Rate B increase*

“1066A-EB13A. Rate B for a person in item 1, 2 or 8 of Table EB in point 1066A-EB13 is increased by \$104.00 on 25 March 1993. 5

Note: Rate B was indexed on 20 March 1993 (see sections 1191 to 1194).”.

**Pension Rate Calculator E**

45. The Rate Calculator in section 1066B of the Principal Act is amended:

(a) by omitting paragraph 1066B-EA2(f) and substituting the following paragraph: 10

“(f) the rent is payable at a rate of more than the rent threshold rate in point 1066A-EA2A of Module EA of Pension Rate Calculator D; and”;

(b) by omitting paragraph 1066B-EB2(g) and substituting the following paragraph: 15

“(g) the rent is payable at a rate of more than the rent threshold rate in point 1066A-EB2A of Module EB of Pension Rate Calculator D; and”.

**Benefit Rate Calculator A** 20

46. The Rate Calculator in section 1067 of the Principal Act is amended:

(a) by omitting paragraph 1067-F1(e) and substituting the following paragraph:

“(e) the rent is payable at a rate of more than the rent threshold rate; and”; 25

(b) by adding at the end of point 1067-F1 the following Note:

“Note 5: for ‘rent threshold rate’ see point 1067-F1A.”;

(c) by inserting after point 1067-F1 the following point:

*Rent threshold rate*

“1067-F1A. A person’s rate threshold rate depends on the person’s family situation. Work out which family situation in Table FA applies to the person. The rent threshold rate is the corresponding amount in column 3. 30

<b>TABLE FA RENT THRESHOLD RATES</b>		
column 1 item	column 2 person's family situation	column 3 rate per fortnight
1.	Partnered—partner does not have rent increased benefit	\$100.00
2.	Partnered—partner has rent increased benefit	\$100.00
3.	Partnered—member of illness separated or respite care couple where person's rate is increased for partner under Module C	\$120.00
4.	Partnered—member of illness separated or respite care couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	\$60.00
5.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	\$120.00
6.	Partnered—member of temporarily separated couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	\$60.00

Note 1: for 'member of couple', 'illness separated couple', 'respite care couple', 'temporarily illness separated couple' and 'partnered' see section 4.

Note 2: for 'partner with rent increased benefit' see point 1067-F12.

Note 3: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).";

**(d)** by omitting Table F (but not the Notes to the Table) in point 1067-F13 and substituting the following table:

**TABLE F**  
**RATE OF RENT ASSISTANCE**

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
1.	Partnered—partner does not have rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100)}{4}$	\$63.00
2.	Partnered—partner has rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100)}{8}$	\$31.50
3.	Partnered—member of illness separated or respite care couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120)}{2}$	\$126.00
4.	Partnered—member of illness separated or respite care couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60)}{4}$	\$63.00
5.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120)}{2}$	\$126.00
6.	Partnered—member of temporarily separated couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60)}{4}$	\$63.00

- ”;
- (e) by inserting in Note 1 to point 1067-F13 “, respite care couple, temporarily separated couple” after “illness separated couple”;
  - (f) by inserting after Note 2 to point 1067-F13 the following Note:  
“Note 3: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;
  - (g) by renumbering Note 3 to point 1067-F13 as Note 4;
  - (h) by inserting after point 1067-F13 the following point:

*Rate B increase*

“1067-F13A. Rate B for a person in item 3 or 4 of Table F in point 1067-F13 is increased by \$4.00 on and from 20 March 1993, immediately after the indexation of that rate on that day.

Note: for indexation of Rate B see sections 1191 to 1194.”.

**Benefit Rate Calculator B**

47. The Rate Calculator in section 1068 of the Principal Act is amended:

5 (a) by omitting paragraph 1068-F1(c) and substituting the following paragraph:

“(c) the rent is payable at a rate of more than the rent threshold rate; and”;

(b) by adding at the end of point 1068-F1 the following Note:

“Note 5: for ‘rent threshold rate’ see point 1068-F1A.”;

(c) by inserting after point 1068-F1 the following point:

10 *Rent threshold rate*

“1068-F1A. A person’s rate threshold rate depends on the person’s family situation. Work out which family situation in Table FA applies to the person. The rent threshold rate is the corresponding amount in column 3.

TABLE FA RENT THRESHOLD RATES		
column 1 item	column 2 person’s family situation	column 3 rate per fortnight
1.	Not member of a couple	\$60.00
2.	Partnered—partner does not have rent increased benefit	\$100.00
3.	Partnered—partner has rent increased benefit	\$100.00
4.	Partnered—member of illness separated or respite care couple where person’s rate is increased for partner under Module C	\$120.00
5.	Partnered—member of illness separated or respite care couple where person’s rate is not increased for partner under Module C and partner is getting neither pension nor benefit	\$60.00
6.	Partnered—member of temporarily separated couple where person’s rate is increased for partner under Module C	\$120.00
7.	Partnered—member of temporarily separated couple where person’s rate is not increased for partner under Module C and partner is getting neither pension nor benefit	\$60.00

Note 1: for ‘member of couple’, ‘illness separated couple’, ‘respite care couple’, ‘temporarily illness separated couple’ and ‘partnered’ see section 4.



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Note 2: for 'partner with rent increased benefit' see point 1068-F14.

Note 3: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).";

(d) by omitting Table F (but not the Notes to the table) in point 1068-F15 and substituting the following table:

TABLE F  
RATE OF RENT ASSISTANCE

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
1.	Not member of a couple	$3 \times \frac{(\text{fortnightly rent} - \$60)}{4}$	\$63.00
2.	Partnered—partner does not have rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100)}{4}$	\$63.00
3.	Partnered—partner has rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100)}{8}$	\$31.50
4.	Partnered—member of illness separated or respite care couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120)}{2}$	\$126.00
5.	Partnered—member of illness separated or respite care couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60)}{4}$	\$63.00
6.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120)}{2}$	\$126.00
7.	Partnered—member of temporarily separated couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60)}{4}$	\$63.00

(e) by inserting in Note 1 to point 1068-F15 “, respite care couple, temporarily separated couple” after “illness separated couple”;

(f) by inserting after Note 2 to point 1068-F15 the following Note:

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“Note 3: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

- (g) by renumbering Note 3 to point 1068-F15 as Note 4;
- (h) by inserting after point 1068-F15 the following point:

*Rate B increase*

5 “1068-F15A. Rate B for a person in item 1, 4 or 5 of Table F in point 1068-F15 is increased by \$104.00 on and from 20 March 1993, immediately after the indexation of that rate on that day.

Note: for indexation of Rate B see sections 1191 to 1194.”.

**Rate of family payment**

10 **48.** Section 1069 of the Principal Act is amended in the Family Payment Rate Calculator:

- (a) by omitting paragraph 1069-F1(c) and substituting the following paragraph:

“(c) the rent is payable at a rate of more than:

- 15 (i) if the person is not a member of a couple—\$80 per fortnight; or
- (ii) if the person is a member of a couple (other than an illness separated or respite care couple or a temporarily separated couple)—\$120 per fortnight; or
- 20 (iii) if the person is a member of an illness separated or respite care couple or a temporarily separated couple—\$80 per fortnight; and”;

- (b) by omitting Note 2 to point 1069-F1 and substituting the following Notes:

“Note 2: for ‘temporarily separated couple’, ‘illness separated couple’ and ‘respite care couple’ see section 4.

Note 3: for incentive allowance see subsection 23(1).

Note 4: the amounts in subparagraphs (c)(i), (ii) and (iii) are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).”;

- 25 (c) by omitting point 1069-F4 and Table F and substituting the following point and table:

*Rate of rent assistance*

30 “1069-F4. The rate of rent assistance is worked out using Table F. Work out the person’s family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person’s rate of rent assistance but only up to the person’s maximum rent assistance rate. The person’s maximum rent assistance rate is Rate B worked out using column 4.

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TABLE F RATE OF RENT ASSISTANCE				
column 1 item	column 2 family situation	column 3 Rate A	column 4 Rate B	
			column 4A 1 or 2 AFP children	column 4B 3 or more AFP children
1.	Not member of a couple	$3 \times \frac{(\text{fortnightly rent} - \$80)}{4}$	\$73.60	\$84
2.	Member of a couple (other than illness separated or respite care couple or temporarily separated couple)	$3 \times \frac{(\text{fortnightly rent} - \$120)}{4}$	\$73.60	\$84
3.	Member of an illness separated or respite care couple or temporarily separated couple	$3 \times \frac{(\text{fortnightly rent} - \$80)}{4}$	\$73.60	\$84

Note 1: the Rate A and Rate B amounts are indexed 6 monthly in line with CPI increases: see sections 1191 to 1194.

Note 2: for 'AFP child' see point 1069-D2.

Note 3: for 'temporarily separated couple', 'illness separated couple' and 'respite care couple' see section 4."

**Indexed and adjusted amounts**

**49.** Section 1190 of the Principal Act is amended:

(a) by inserting after item 17 of the table in the following item:

“

17A.	Rent threshold rate for social security pension	pension rate threshold	[Pension Rate Calculator A—point 1064-D2—Table DA—column 3—all amounts] [Pension Rate Calculator A—point 1064-D5—Table D—column 3—rent threshold amounts] [Pension Rate Calculator C—paragraph 1066-D1(c)] [Pension Rate Calculator C—point 1066-D4—Table D—column 1—rent threshold amount] [Pension Rate Calculator D—point 1066A-EA2A—Table EAA—column 3—all amounts] [Pension Rate Calculator D—point 1066A-EA12—Table EA—column 3—rent threshold amounts] [Pension Rate Calculator D—point 1066A-EB2A—Table EBA—column 3—all amounts] [Pension Rate Calculator D—point 1066A-EB13—Table EB—column 3—rent threshold amounts]
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”;

**(b)** by inserting after item 18 of the table the following item:

“

18A.	Rent threshold rate for social security benefit	benefit rent threshold	[Benefit Rate Calculator A—point 1067-F1A—Table FA—column 3—all amounts] [Benefit Rate Calculator A—point 1067-F13—Table F—column 3—rent threshold amounts] [Benefit Rate Calculator B—point 1068-F1A—Table FA—column 3—all amounts] [Benefit Rate Calculator B—point 1068-F15—Table F—column 3—rent threshold amounts]
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”;

**(c)** by omitting column 4 of item 19 of the table and substituting the following column:

“ [Family Payment Rate Calculator—Module F—Table F—columns 3 and 4—all amounts] ”;

(d) by inserting after item 19 of the table the following item:

“

19A.	Rent threshold rate for family payment	family payment rent threshold	[Family Payment Rate Calculator—subparagraphs 1069-F1(c)(i), (ii) and (iii)]
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”.

**CPI Indexation table**

50. Section 1191 of the Principal Act is amended:

(a) by inserting after item 11 of the table in subsection (1) the following item:

5

“

11A.	pension rent threshold	(a) 20 March	(a) December	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$5.20
		(b) 20 September	(b) June		

”;

(b) by inserting after item 12 of the table in subsection (1) the following item:

“

12A.	benefit rent threshold	(a) 20 March	(a) December	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$0.20
		(b) 20 September	(b) June		

”;

(c) by inserting after item 13 of the table in subsection (1) the following item:

“

13A.	family payment rent threshold	(a) 20 March	(a) December	highest June or December quarter before reference quarter (but not earlier than June quarter 1979)	\$0.20
		(b) 20 September	(b) June		

”

**Schedule 1A**

**51.** Schedule 1A of the Principal Act is amended by adding at the end the following clause:

**Rent assistance (changes introduced on 20 March 1993)**

- 5 “63.(1) This clause applies to a person if:
- (a) immediately before 20 March 1993:
    - (i) the person was receiving a social security pension, a social security benefit or additional family payment; and
    - 10 (ii) the person’s pension, benefit or payment rate included an amount by way of rent assistance; and
  - (b) this subclause has continued to apply to the person.
- “(2) If:
- (a) a decision is made on or after 20 March 1993 that a person is entitled to rent assistance in respect of a period; and
  - 15 (b) the period starts before 20 March 1993; and
  - (c) the period continued until at least 19 March 1993;
- the person is taken, for the purposes of this clause, to have been receiving rent assistance under this Act immediately before 20 March 1993.
- 20 “(3) This clause applies to a person if:
- (a) immediately before 20 March 1993, the person was receiving rent assistance under or because of the Veterans’ Entitlement Act; and
  - 25 (b) after that date, the person becomes entitled to be paid a social security pension, a social security benefit or additional family payment; and
  - (c) this subclause has continued to apply to the person.
- “(4) Subject to subclauses (7), (8) and (9), if subclause (1) or (3) applies to a person, the amount by way of rent assistance to be used to calculate the person’s pension, benefit or payment rate is the amount by way of rent assistance that would be included in the person’s pension, benefit or payment rate if:
- 30

- (a) the person's pension, benefit or payment rate were neither income reduced nor assets reduced; and
- (b) the amount by way of rent assistance were calculated under this Act as in force immediately before 20 March 1993 (the 'floor amount').

5

“(5) Subject to subclause (6), subclause (1) or (3) ceases to apply to a person if:

- (a) the person ceases to receive a social security pension, social security benefit or additional family payment; or
- (b) the person ceases to be qualified for rent assistance; or
- (c) the Secretary considers that there is a significant change in the person's circumstances that would affect the amount of rent assistance that is payable to the person apart from this clause; or
- (d) the amount of rent assistance that would be payable to the person if this clause applied is less than (or equal to) the amount of rent assistance that would otherwise be payable.

10

15

“(6) If:

- (a) subclause (1) or (3) ceases to apply to a person; and
- (b) within 42 days, or such longer period as the Secretary determines, of that subclause ceasing to apply to the person, there is a change in the person's circumstances; and
- (c) the Secretary considers that the change in the person's circumstances is so significant that subclause (1) or (3) should apply to the person;

20

25

the Secretary may determine that subclause (1) or (3) is to apply to the person from a specified date.

“(7) If:

- (a) subclause (1) or (3) applies to a person; and
- (b) the person becomes a member of a couple; and
- (c) the person's partner is a person to whom subclause (1) or (3) applies;

30

the amount by way of rent assistance to be used to calculate the person's pension, benefit or payment rate and the amount by way of rent assistance to be used to calculate the person's partner's pension, benefit or payment rate is not to fall below one-half of the person's floor amount or one-half of the person's partner's floor amount, whichever is the greater.

35

“(8) If:

- (a) subclause (1) or (3) applies to a person; and
- (b) the person becomes a member of a couple; and
- (c) the person's partner is a person to whom section 111 of the *Veterans' Affairs Legislation Amendment Act (No. 2) 1992* applies;

40

the amount by way of rent assistance to be used to calculate the person's pension, benefit or payment rate and the amount by way of rent assistance to be used to calculate the rate of the person's partner's pension under the *Veterans' Entitlements Act 1986* is not to fall below one-half of the person's floor amount or one-half of the person's partner's floor amount, whichever is the greater.

“(9) If:

- (a) subclause (1) or (3) applies to a person; and
- (b) the person becomes a member of a couple; and
- (c) the person's partner is not a person to whom subclause (1) or (3) applies; and
- (d) the person's partner is not a person to whom section 111 of the *Veterans' Affairs Legislation Amendment Act (No. 2) 1992* applies; and
- (e) the person's partner is a person who is receiving a pension, benefit or additional family payment or a pension under Part III of the *Veterans' Entitlements Act 1986*;

the amount by way of rent assistance to be used to calculate the person's pension, benefit or additional family payment rate and the amount by way of rent assistance to be used to calculate the rate of the person's partner's pension, benefit or additional family payment or of the person's partner's pension under Part III of that Act is not to fall below the person's floor amount.”.

***Division 9—Pension and benefit rate increases***

**25 Pension Rate Calculator A**

52. The Rate Calculator in section 1064 of the Principal Act is amended by omitting Table B in point 1064-B1 and substituting the following table:

“

TABLE B MAXIMUM BASIC RATES			
column 1 item	column 2 person's family situation	column 3 rate per year	column 4 rate per fortnight
1.	Not member of a couple	\$8,114.60	\$312.10
2.	Partnered	\$6,767.80	\$260.30
3.	Member of an illness separated or respite care couple	\$8,114.60	\$312.10

”.



**Pension Rate Calculator B**

53. The Rate Calculator in section 1065 of the Principal Act is amended by omitting Table B in point 1065-B1 and substituting the following table:

“

TABLE B MAXIMUM BASIC RATES			
column 1 item	column 2 person's family situation	column 3 rate per year	column 4 rate per fortnight
1.	Not member of a couple	\$8,114.60	\$312.10
2.	Partnered	\$6,767.80	\$260.30
3.	Member of an illness separated or respite care couple	\$8,114.60	\$312.10

”

**Pension Rate Calculator C**

5

54. The Rate Calculator in section 1066 of the Principal Act is amended by:

(a) by omitting from point 1066-B1 “\$7,841.60” and substituting “\$8,114.60”;

(b) by omitting from point 1066-B1 “\$301.60” and substituting “\$312.10”.

10

**Pension Rate Calculator D**

55. The Rate Calculator in section 1066A of the Principal Act is amended by omitting Table B in point 1066A-B1 and substituting the following table:

15

**TABLE B**  
**MAXIMUM BASIC RATES**

column 1 item	column 2 person's family situation	column 3 rate per year		column 4 rate per fortnight	
		column 3A person with dependent child	column 3B person without dependent child	column 4A person with dependent child	column 4B person without dependent child
1.	Not member of a couple and person: (a) has not turned 18; and (b) is not a homeless person; and (c) is not an independent young person; and (d) is not living away from the person's parental home because of medical condition of the person	\$8,114.60	\$3,374.80	\$312.10	\$129.80
2.	Not member of a couple and person: (a) has not turned 18; and (b) is: (i) a homeless person; or (ii) an independent young person; or (iii) is not living away from the person's parental home because of medical condition of the person	\$8,114.60	\$5,571.80	\$312.10	\$214.30

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3.	Not member of a couple and person: (a) has turned 18; and (b) is living at a home of parent or parents	\$8,114.60	\$4,058.60	\$312.10	\$156.10
4.	Not member of a couple and person: (a) has turned 18; and (b) is not living at a home of parent or parents	\$8,114.60	\$6,162.00	\$312.10	\$237.00
5.	Partnered and person has not turned 18	\$6,767.80	\$5,571.80	\$260.30	\$214.30
6.	Partnered and person has turned 18	\$6,767.80	\$6,162.00	\$260.30	\$237.00
7.	Member of illness separated couple and person has not turned 18	\$8,114.60	\$5,571.80	\$312.10	\$214.30
8.	Member of illness separated couple and person has turned 18	\$8,114.60	\$6,162.00	\$312.10	\$237.00

”.

**Pension Rate Calculator E**

**56.** The Rate Calculator in section 1066B of the Principal Act is amended by omitting Table B in point 1066B-B1 and substituting the following table:

**TABLE B**  
**MAXIMUM BASIC RATES**

column 1 item	column 2 person's family situation	column 3 rate per year		column 4 rate per fortnight	
		column 3A person with dependent child	column 3B person without dependent child	column 4A person with dependent child	column 4B person without dependent child
1.	Not member of a couple and person: (a) has not turned 18; and (b) is not a homeless person; and (c) is not an independent young person; and (d) is not living away from the person's parental home because of medical condition of the person	\$8,114.60	\$3,374.80	\$312.10	\$129.80
2.	Not member of a couple and person: (a) has not turned 18; and (b) is: (i) a homeless person; or (ii) an independent young person; or (iii) is not living away from the person's parental home because of medical condition of the person	\$8,114.60	\$5,571.80	\$312.10	\$214.30

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3.	Not member of a couple and person: (a) has turned 18; and (b) is living at a home of parent or parents	\$8,114.60	\$4,058.60	\$312.10	\$156.10
4.	Not member of a couple and person: (a) has turned 18; and (b) is not living at a home of parent or parents	\$8,114.60	\$6,162.00	\$312.10	\$237.00
5.	Partnered and person has not turned 18	\$6,767.80	\$5,571.80	\$260.30	\$214.30
6.	Partnered and person has turned 18	\$6,767.80	\$6,162.00	\$260.30	\$237.00
7.	Member of illness separated couple and person has not turned 18	\$8,114.60	\$5,571.80	\$312.10	\$214.30
8.	Member of illness separated couple and person has turned 18	\$8,114.60	\$6,162.00	\$312.10	\$237.00

”

**Benefit Rate Calculator A**

57. The Rate Calculator in section 1067 of the Principal Act is amended by omitting Table B in point 1067-B1 and substituting the following table:

“

TABLE B MAXIMUM BASIC RATES			
column 1 item	column 2 person's family situation	column 3 rate	
		column 3A person with dependent child	column 3B person without dependent child
1.	Not member of a couple and person is: (a) not a homeless person; and (b) not an independent young person; and (c) not a person who is in substitute care	\$312.10	\$129.80
2.	Not member of a couple and person is: (a) a homeless person; and (b) an independent young person; and (c) a person who is in substitute care	\$312.10	\$214.30
3.	Partnered	\$260.30	\$214.30
4.	Member of an illness separated couple	\$312.10	\$214.30

”

**Benefit Rate Calculator B**

58. The Rate Calculator in section 1068 of the Principal Act is amended by omitting Table B in point 1068-B1 and substituting the following table:

“

TABLE B MAXIMUM BASIC RATES			
column 1 item	column 2 person's family situation	column 3 rate	
		column 3A person with dependent child	column 3B person without dependent child
1.	Not member of a couple and person: (a) has turned 18 but not 21; and (b) is living at a home of parent or parents	\$312.10	\$237.00
2.	Not member of a couple and person: (a) has turned 18 but not 21; and (b) is not living at a home of parent or parents	\$312.10	\$156.10
3.	Not a member of a couple and person has turned 21 but has not turned 60	\$312.10	\$281.90
4.	Not member of a couple and person: (a) has turned 60; and (b) has not been receiving social security benefit continuously for at least 6 months	\$312.10	\$281.90
5.	Not member of a couple and person: (a) has turned 60; and (b) has been receiving social security benefit continuously for at least 6 months	\$312.10	\$312.10
6.	Partnered and person has turned 18 but not 21	\$260.30	\$237.00
7.	Partnered and person has turned 21	\$260.30	\$260.30
8.	Member of illness separated couple and person has turned 18 but not 21	\$312.10	\$237.00
9.	Member of illness separated couple and person has turned 21	\$312.10	\$312.10

”

### CPI Indexation table

59. Section 1191 of the Principal Act is amended:

(a) by omitting from subsection (1) “An” and substituting “Subject to subsection (1A), an”;

(b) by inserting after subsection (1) the following subsection:

5

“(1A) The pension MBR amount (item 1 of table) and the benefit MBR (ordinary) amount (item 2 of table) are not to be indexed on 20 March 1993.”.

***Division 10—Fringe benefits***

**5 Repeal of sections 92 and 93 and substitution of new section**

**60.** Sections 92 and 93 of the Principal Act are repealed and the following section is substituted:

**Fringe benefits**

**10** “92.(1) A person who is receiving an age pension is qualified for fringe benefits.

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**15 Repeal of sections 146R and 146S and substitution of new section**

**61.** Sections 146R and 146S of the Principal Act are repealed and the following section is substituted:

**Fringe benefits**

**20** “146R.(1) A person who is receiving disability support pension is qualified for fringe benefits.

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**25 12 month extension of fringe benefits—person ceasing to be on a disability support pension because of employment**

**62.** Section 146T of the Principal Act is amended:

- 30**
- (a) by omitting from paragraph (1)(b) “and”;
  - (b) by omitting paragraph (1)(c);
  - (c) by omitting from paragraph (1)(d) “and”;
  - (d) by omitting paragraph (1)(e);
  - (e) by adding at the end the following Note:

“Note: a person who is taken to be receiving disability support pension is qualified for fringe benefits under section 146R.”.



**Repeal of section**

**63.** Section 146U of the Principal Act is repealed.

**Repeal of sections 196 and 197 and substitution of new section**

**64.** Sections 196 and 197 of the Principal Act are repealed and the following section is substituted:

5

**Fringe benefits**

“196.(1) A woman who is receiving a wife pension is qualified for fringe benefits.

“(2) If a woman is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the woman by the Commonwealth, State and Territory governments and authorities and local authorities.

10

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**Repeal of sections 247 and 248 and substitution of new section**

**65.** Sections 247 and 248 of the Principal Act are repealed and the following section is substituted:

15

**Fringe benefits**

“247.(1) A person who is receiving a carer pension is qualified for fringe benefits.

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

20

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**Repeal of sections 313 and 314 and substitution of new section**

**66.** Sections 313 and 314 of the Principal Act are repealed and the following section is substituted:

25

**Fringe benefits**

“313.(1) A person who is receiving a sole parent pension is qualified for fringe benefits.

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

30

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**Repeal of sections 360 and 361 and substitution of new section**

67. Sections 360 and 361 of the Principal Act are repealed and the following section is substituted:

**Fringe benefits**

5 “360.(1) A person who is receiving a widowed person allowance is qualified for fringe benefits.

“ (2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**Repeal of sections 408 and 409 and substitution of new section**

68. Sections 408 and 409 of the Principal Act are repealed and the following section is substituted:

**Fringe benefits**

15 “408.(1) A woman who is receiving a widow B pension is qualified for fringe benefits.

“ (2) If a woman is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the woman by the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

**Insertion of new Division**

69. The Principal Act is amended by adding at the end of Part 2.11 the following Division:

***“Division 10—Fringe benefits***

25 **Fringe benefits**

“592H.(1) A person is qualified for fringe benefits if:

(a) the person is receiving a job search allowance; and

(b) the person has been receiving:

(i) a social security pension; or

30 (ii) a social security benefit; or

(iii) a service pension;

continuously for the last 12 months; and

(c) the person has turned 60.

“ (2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by

the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

### **Insertion of new Division**

70. The Principal Act is amended by adding at the end of Part 2.12 the following Division: 5

#### ***“Division 10—Fringe benefits***

##### **Fringe benefits**

“660W.(1) A person is qualified for fringe benefits if:

(a) the person is receiving a newstart allowance; and

(b) the person has been receiving: 10

(i) a social security pension; or

(ii) a social security benefit; or

(iii) a service pension;

continuously for the last 12 months; and

(c) the person has turned 60. 15

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

### **Insertion of new Division** 20

71. The Principal Act is amended by adding at the end of Part 2.14 the following Division:

#### ***“Division 10—Fringe benefits***

##### **Fringe benefits**

“728ZC.(1) A person is qualified for fringe benefits if: 25

(a) the person is receiving a sickness allowance; and

(b) the person has been receiving:

(i) a social security pension; or

(ii) a social security benefit; or

(iii) a service pension; 30

continuously for the last 12 months; and

(c) the person has turned 60.

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by

the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

### **Insertion of new Division**

5 72. The Principal Act is amended by adding at the end of Part 2.15 the following Division:

#### ***“Division 10—Fringe benefits***

##### **Fringe benefits**

“771H.(1) A person is qualified for fringe benefits if:

- (a) the person is receiving a special benefit; and
- 10 (b) the person has been receiving:
  - (i) a social security pension; or
  - (ii) a social security benefit; or
  - (iii) a service pension;continuously for the last 12 months; and
- 15 (c) the person has turned 60.

“(2) If a person is qualified for fringe benefits, benefits and concessions of various kinds may be made available to the person by the Commonwealth, State and Territory governments and authorities and local authorities.

Note: for an example of Commonwealth benefits and concessions see the *National Health Act 1953*.”.

### 20 **Qualification for telephone allowance**

73. Section 1061Q of the Principal Act is amended:

- (a) by omitting paragraph (1)(b);
- (b) by omitting from subsection (1) Notes 2 and 3;
- 25 (c) by inserting in paragraph (3)(a) “, sickness allowance” after “allowance”;
- (d) by omitting from subparagraph (4)(a)(iii) “or 146U”.

### **Repeal of Part 3.9**

74. Part 3.9 of the Principal Act is repealed.

#### ***Division 11—Job search allowance and newstart allowance (work rules)***

### 30 **Prospective determinations for some allowees**

75. Section 521 of the Principal Act is amended by omitting from paragraph (2)(a) “55” and substituting “50”.

**Activity test**

76. Section 522 of the Principal Act is amended:

(a) by inserting after paragraph (b) of the Note to subsection (3) the following paragraph:

“(ba) section 524A (certain allowees between 18 and 50 engaged in voluntary work);”;

(b) by omitting from paragraph (c) of the Note to subsection (3) “55” and substituting “50”.

**Relief from activity test—certain allowees under 18 engaged in voluntary work** 10

77. Section 524 of the Principal Act is amended by omitting from paragraph (2)(a) “20” and substituting “30”.

**Insertion of new section**

78. After section 524 of the Principal Act the following section is inserted: 15

**Relief from activity test—certain allowees between 18 and 50 engaged in voluntary work**

“524A.(1) Subject to subsection (2), a person who has turned 18 but has not turned 50 is taken to satisfy the activity test in respect of a period if: 20

(a) on each day in the period the person is engaged in full-time voluntary work with an approved organisation; and

(b) the person has been a qualified beneficiary for at least 6 months immediately before the person starts working for the organisation. 25

Note 1: for ‘activity test’ see section 522.

Note 2: for ‘approved organisation’ and ‘qualified beneficiary’ see section 15.

“(2) Subsection (1) does not apply to a day if:

(a) there are already 30 days in the same calendar year on which the person is taken to satisfy the activity test because of:

(i) subsection (1) of this section; or

(ii) subsection 524(1); or 30

(b) having regard to the opportunities, or possible opportunities, for employment that become available to the person on or before the day, the Secretary considers that subsection (1) should not apply in relation to that day.”.

**Relief from activity test—certain allowees over 50 engaged in voluntary work** 35

79. Section 525 of the Principal Act is amended:

(a) by omitting from paragraph (1)(a) “55” and substituting “50”;

(b) by omitting paragraph (2)(a) and substituting the following paragraph:

5 “(a) there are already 65 days in the same calendar year on which the person is taken to satisfy the activity test because of:

- (i) subsection (1) of this section; or
- (ii) subsection 524A(1); or”.

**Prospective determinations for some allowees**

10 **80.** Section 600 of the Principal Act is amended by omitting from paragraph (2)(a) “55” and substituting “50”.

**Activity test**

**81.** Section 601 of the Principal Act is amended by omitting from paragraph (a) of the Note to subsection (5) “55” and substituting “50”.

**Relief from activity test—certain persons over 50 in employment**

15 **82.** Section 602 of the Principal Act is amended by omitting from paragraph (a) “55” and substituting “50”.

***Division 12—Special benefit***

**Insertion of new sections**

20 **83.** After section 729 of the Principal Act the following sections are inserted:

**Time limit on qualification for certain recipients of special benefit**

“729A.(1) This section applies to a person who is receiving special benefit if:

- 25 (a) the person’s maximum benefit period is 13 weeks or less; and
- (b) the Secretary determines that this section should apply to the person.

30 “(2) The **maximum benefit period** for a person is the period specified in the determination granting the person’s claim for special benefit as the maximum period for which the special benefit is payable to the person.

“(3) If:

- (a) the section applies to a person; and
- (b) the Secretary is satisfied that the person’s qualification for special benefit will continue after the end of the person’s maximum benefit period; and
- 35 (c) the Secretary determines that this subsection should apply to the person;

the Secretary may determine that special benefit should be granted to the person for a period of not more than 13 weeks.

“(4) Subject to section 729B, if:

- (a) the Secretary has determined that special benefit should be granted to the person for a period of not more than 13 weeks under subsection (3) or this subsection; and
- (b) the Secretary is satisfied that the person’s qualification for special benefit will continue after the end of that period; and
- (c) the Secretary determines that this subsection should apply to the person;

the Secretary may determine that special benefit should be granted to the person for a further period of not more than 13 weeks.

**Certain recipients of special benefit cease to be qualified for special benefit after 52 weeks**

“729B.(1) A person to whom subsection 729A(4) applies ceases to be qualified for special benefit if the person has received special benefit in respect of the immediately preceding period of 52 weeks.

“(2) The Secretary may make a written determination that subsection (1) does not apply to a person if the Secretary is satisfied:

- (a) that the person’s qualification for special benefit will end during the next 13 weeks; or
- (b) that the person’s qualification for special benefit will continue after the end of the period of 65 weeks commencing on the person’s provisional commencement day.

Note: for ‘provisional commencement day’ see section 731.

**Consequence of subsection 729B(2) determination**

“729C.(1) If the Secretary:

- (a) is satisfied of the matter mentioned in paragraph 729B(2)(a); and
- (b) makes a determination under subsection 729B(2) in relation to a person;

then the person ceases to be qualified for special benefit if:

- (c) the person has received special benefit in respect of the immediately preceding 65 weeks; and
- (d) the Secretary is satisfied that this subsection should apply to the person.

“(2) If the Secretary:

- (a) is satisfied of the matter mentioned in paragraph 729B(2)(b); and
- (b) makes a determination under subsection 729B(2) in relation to a person;

the Secretary may determine that special benefit should be granted to the person for a period.”.

**Insertion of new sections**

**84.** After section 762A of the Principal Act the following sections are inserted in Subdivision AA of Division 1 of Part 2.16:

**Automatic termination when person's qualification ceases under section 729B or 729C**

"762B. If:

- (a) a person is receiving special benefit; and
- (b) the person ceases to be qualified for special benefit under section 729B or 729C;

the benefit ceases to be payable to the person immediately after the day on which the person so ceases to be qualified.

**Changes to payments by computer following automatic termination**

"762C. If:

- (a) a person is receiving special benefit on the basis of data in a computer; and
- (b) the benefit is automatically terminated by the operation of a provision of this Act; and
- (c) the automatic termination is given effect to by the operation of a computer program approved by the Secretary stopping payment of the benefit;

there is taken to be a decision by the Secretary that the automatic termination provision applies to the person's benefit.

Note: the decision that is taken to have been made is a decision of an officer for the purposes of review by the Secretary (see sections 1239 and 1240) and the Social Security Appeals Tribunal (see section 1247)."

**Insertion of new section**

**85.** After section 765A of the Principal Act the following section is inserted:

**Changes to payments by computer**

"765B. If:

- (a) a payment of a special benefit to a person is based upon data in a computer; and
- (b) the benefit is cancelled or suspended because of the operation of a computer program approved by the Secretary; and
- (c) the program causes the change for a reason for which the Secretary could determine the change;

the change is taken to have been made because of a determination by the Secretary for that reason.

Note: the determination that is taken to have been made is a decision of an officer for the purposes of review by the Secretary (see sections 1239 and 1240) and the Social Security Appeals Tribunal (see section 1247)."



**Secretary may review decisions**

**86.** Section 1239 of the Principal Act is amended:

- (a) by omitting from the Note to subsection (1) “728HA,” and substituting “728HA, 762C,”;
- (b) by omitting from Note 1 to subsection (1) “728N,” and substituting “728N, 765B,”.

**Application for review**

**87.** Section 1240 of the Principal Act is amended:

- (a) by omitting from Note 1 to subsection (1) “728HA,” and substituting “728HA, 762C,”;
- (b) by omitting from Note 1 to subsection (1) “728N,” and substituting “728N, 765B,”.

**Application for review by SSAT**

**88.** Section 1247 of the Principal Act is amended:

- (a) by omitting from Note 1 to subsection (1) “728HA,” and substituting “728HA, 762C,”;
- (b) by omitting from Note 1 to subsection (1) “728N,” and substituting “728N, 765B,”.

***Division 13—Review of decisions***

**Application for review**

**89.** Section 1240 of the Principal Act is amended:

- (a) by omitting subsection (3) and substituting the following subsection:
  - “(3) If a person applies under subsection (1) for review of a decision, the Secretary or an authorised review officer may review the decision under section 1243.”;
- (b) by omitting from subsection (3A) “(3)” and substituting “(1)”;
- (c) by omitting from subsection (3A) “that subsection” and substituting “subsection (3)”;
- (d) by omitting subsections (4) and (5).

**Insertion of new section**

**90.** After section 1242 of the Principal Act the following section is inserted:

**Automatic payment if review of section 607 terms decision sought**

“1242A.(1) This section applies to a decision to give a notice under section 607 because of a person’s failure to agree to terms of a Newstart Activity Agreement proposed by the CES (subparagraph 607(1)(b)(iii)).”

Note: notice results in disqualification for newstart allowance for failure to enter Newstart Activity Agreement.

“(2) If:

- (a) the Secretary makes a decision to which this section applies; and
- 5 (b) a person applies to the Secretary under subsection 1240(1) for review of the decision; and
- (c) the person makes the application within 14 days after being notified of the decision;

the following provisions have effect:

- 10 (d) payment of the newstart allowance is to be made pending the determination of the review, as if the Newstart Activity Agreement had not been required;
- (e) if payment of the allowance had ceased for a period before the person applied for the review—arrears of allowance are payable to the person for the period in spite of section 660L;
- 15 (f) this Act (other than this Chapter) applies as if the Newstart Activity Agreement had not been required.

“(3) Subsection (2) ceases to have effect if:

- (a) the application for review is withdrawn; or
- (b) the review of the decision is determined.”.

## 20 **Secretary’s powers where application for review**

**91.** Section 1243 of the Principal Act is amended by omitting subsections (3) and (4).

### **Application for review by SSAT**

25 **92.** Section 1247 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

“(1) Subject to section 1250, if:

- (a) a decision has been reviewed by the Secretary or an authorised review officer under section 1243; and
- (b) the decision has been affirmed, varied or set aside;

30 a person whose interests are affected by the decision of the Secretary or the authorised review officer may apply to the Social Security Appeals Tribunal for review of that decision.

“(1A) For the purposes of subsection (1), the decision made by the Secretary or the authorised review officer is taken to be:

- 35 (a) if the Secretary or the authorised review officer affirms a decision—the decision as affirmed; and
- (b) if the Secretary or the authorised review officer varies a decision—the decision as varied; and
- 40 (c) if the Secretary or the authorised review officer sets a decision aside and substitutes a new decision—the new decision.

“(1B) A person whose interests are affected by a rate of return decision in relation to an investment product may apply to the Social Security Appeals Tribunal for review of the decision.”

**Repeal of section**

**93.** Section 1249 of the Principal Act is repealed. 5

**Automatic continuation of payment if review of section 282 cancellation decision sought**

**94.** Section 1252 of the Principal Act is amended by omitting paragraph (2)(a) and substituting the following paragraph:

“(a) there is a decision to which this section applies; and” 10

**Automatic payment if review of section 607 terms decision sought**

**95.** Section 1252A of the Principal Act is amended:

(a) by omitting from subsection (1) “607” (second occurring) and substituting “607(1)”;

(b) by omitting paragraph (2)(a) and substituting the following paragraph: 15

“(a) there is a decision to which this section applies; and”;

(c) by omitting from paragraph (2)(e) “300” and substituting “660L”.

**Date of effect of SSAT decisions (other than rate of return decisions and newstart activity agreement decisions) 20**

**96.** Section 1255 of the Principal Act is amended:

(a) by omitting from paragraph (3)(a) “(including a decision under section 1240)”;

(b) by omitting from paragraph (3)(b) “(including a decision under section 1243)”;

(c) by omitting from paragraph (4)(a) “(including a decision of the Secretary or an authorised review officer made under section 1243)”.

***Division 14—Indexation of taxable income thresholds* 30**

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

**97.** Section 1067 of the Principal Act is amended in Benefit Rate Calculator A by omitting from Note 2 to point 1067-G17 “average weekly earnings (see sections 1195 to 1198)” and substituting “CPI increases (see sections 1191 to 1194)”. 35

**Rate of family payment**

**98.** Section 1069 of the Principal Act is amended in the Family Payment Rate Calculator by omitting from Note 2 to point 1069-H21 “AWE” and substituting “CPI”. 40

**Analysis of Part**

99. Section 1189 of the Principal Act is amended by omitting paragraph (b).

**CPI Indexation Table**

5 100. Section 1191 of the Principal Act is amended:

(a) by inserting after item 15 in the CPI indexation table in subsection (1) the following item:

"16.	AFP free area	1 January	June	most recent June quarter before reference quarter	\$50.00";
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(b) by inserting after item 29 in the CPI indexation table in subsection (1) the following item:

"30.	parental free area	1 January	June	most recent June quarter before reference quarter	\$50.00".
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10 **Repeal of Division 3 of Part 3.16**

101. Division 3 of Part 3.16 of the Principal Act is repealed.

*Division 15—Newly arrived resident’s waiting periods*

**Index of definitions**

15 102. Section 3 of the Principal Act is amended by inserting the following entry in the Index:

"newly arrived resident’s waiting period 23(1)".

**General definitions**

103. Section 23 of the Principal Act is amended:

20 (a) by inserting after paragraph (f) of the definition of “waiting period” in subsection (1) the following paragraph:

“(fa) a job search allowance newly arrived resident’s waiting period under sections 541B and 541C; or”;

(b) by inserting after paragraph (c) of the definition of “waiting period” in subsection (1) the following paragraph:

25 “(ca) a newstart allowance newly arrived resident’s waiting period under sections 623A and 623B; or”;

(c) by adding at the end of the definition of “waiting period” in subsection (1) the following word and paragraph:

30 “; or (k) a sickness allowance newly arrived resident’s waiting period under sections 696B and 696C;”;

(d) by inserting in subsection (1) the following definition:

“ **‘newly arrived resident’s waiting period’** means:

- (a) a job search allowance newly arrived resident’s waiting period under sections 541B and 541C; or
- (b) a newstart allowance newly arrived resident’s waiting period under sections 623A and 623B; or
- (c) a sickness allowance newly arrived resident’s waiting period under sections 696B and 696C;”.

5

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

**104.** Section 526 of the Principal Act is amended by inserting after paragraph (1)(h) the following paragraph:

10

“(ha) the person is subject to a newly arrived resident’s waiting period and that period has not ended (see sections 541B and 541C); or”.

### **Commencement of job search allowance**

**105.** Section 534 of the Principal Act is amended by omitting from Note 2 all the words after paragraph (c) and substituting the following:

15

“; or (d) a newly arrived resident’s waiting period (see sections 541B and 541C).

Note 3: if the person:

- (a) is subject to an unused annual leave waiting period and an ordinary waiting period; and
- (b) is not subject to a newly arrived resident’s waiting period; the ordinary waiting period will follow the unused leave waiting period (see subsection 539(2)).

Note 4: if the person is subject only to a newly arrived resident’s waiting period and an ordinary waiting period, the ordinary waiting period will follow the newly arrived resident’s waiting period (see subsection 539(2A)).

Note 5: if the person is subject to an education leavers waiting period and another waiting period, the education leavers waiting period runs concurrently with the other waiting period and the job search allowance will not be payable until the longest waiting period has ended.

Note 6: if the person is subject to:

- (a) a newly arrived resident’s waiting period; and
- (b) an ordinary waiting period; and
- (c) another waiting period; the ordinary waiting period will follow whichever of the other waiting periods finishes last (see subsection 539(2B)).”.

### **Insertion of new sections**

**106.** After section 541A of the Principal Act the following sections are inserted in Subdivision D of Division 1 of Part 2.11:

#### **Newly arrived resident’s waiting period**

20

“541B.(1) Subject to this section, a person is subject to a newly arrived resident’s waiting period if the person:

(a) either:

- (i) holds a valid visa that was granted after 17 August 1992;
- or

25

(ii) is not required under the *Migration Act 1958* to hold a visa; and

(b) is granted a valid entry permit on or after 1 January 1993; and

(c) enters Australia on or after 1 January 1993.

5 “(2) Subsection (1) does not apply to a person who:

(a) holds a valid domestic protection (temporary) entry permit; or

10 (b) is approved for permanent entry under the Refugees, Humanitarian and Special Assistance Sub-program of the Department of Immigration, Local Government and Ethnic Affairs, or a similar program of that Department.

“(3) Subsection (1) does not apply to a person if:

(a) the person is granted a valid entry permit on or after 1 January 1993; and

15 (b) the person is a member of a couple immediately before the person’s entry into Australia; and

(c) the person’s partner has been an Australian resident for at least 26 weeks when the person enters Australia.

Note: for ‘Australian resident’ see subsection 7(2).

“(4) Subsection (1) does not apply to a person if:

20 (a) the person is already subject to a newly arrived resident’s waiting period; or

(b) the person has already served a newly arrived resident’s waiting period; or

(c) the person:

25 (i) has previously entered Australia; and

(ii) held a permanent entry permit immediately before the person’s last departure from Australia.

“(5) In this section:

“**‘domestic protection (temporary) entry permit’** has the meaning that it has in regulations made under the *Migration Act 1958*;

30 **‘enter’** has the meaning that it has in the *Migration Act 1958*;

**‘entry visa’** has the meaning that it has in the *Migration Act 1958*;

**‘permanent entry permit’** has the meaning that it has in the *Migration Act 1958*;

35 **‘visa’** means an entry visa or a travel-only visa within the meaning of the *Migration Act 1958*.

#### **Duration of newly arrived resident’s waiting period**

“541C.(1) Subject to subsection (2), the newly arrived resident’s waiting period starts on the day on which the person’s permanent entry permit comes into force and lasts for 26 weeks.

“(2) If the person held a valid designated temporary entry permit before the person is granted a valid permanent entry permit, the newly arrived resident’s waiting period starts on the day on which the person’s valid designated temporary entry permit comes into force and lasts for 26 weeks.

5

“(3) In this section:

‘designated temporary entry permit’ means a PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People’s Republic of China if that citizen holds a PRC (temporary) entry permit;

10

‘permanent entry permit’ has the meaning that it has in the *Migration Act 1958*;

‘PRC (temporary) entry permit’ has the meaning that it has in regulations made under the *Migration Act 1958*.”.

### **Newstart allowance not payable in certain situations**

15

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

“(ha) the person is subject to a newly arrived resident’s waiting period and that period has not ended (see sections 623A and 623B); or”.

20

### **Commencement of newstart allowance**

108. Section 616 of the Principal Act is amended by omitting from Note 2 all the words after paragraph (c) and substituting the following:

“; or (d) a newly arrived resident’s waiting period (see sections 623A and 623B).

Note 3: if the person:

(a) is subject to an unused annual leave waiting period and an ordinary waiting period; and

(b) is not subject to a newly arrived resident’s waiting period;

the ordinary waiting period will follow the unused leave waiting period (see subsection 621(2)).

Note 4: if the person is subject only to a newly arrived resident’s waiting period and an ordinary waiting period, the ordinary waiting period will follow the newly arrived resident’s waiting period (see subsection 621(2A)).

Note 5: if the person is subject to an education leavers waiting period and another waiting period, the education leavers waiting period runs concurrently with the other waiting period and the job search allowance will not be payable until the longest waiting period has ended.

Note 6: if the person is subject to:

(a) a newly arrived resident’s waiting period; and

(b) an ordinary waiting period; and

(c) another waiting period;

the ordinary waiting period will follow whichever of the other waiting periods finishes last (see subsection 621(2B)).”.

### **Insertion of new sections**

109. After section 623 of the Principal Act the following sections are inserted in Subdivision E of Division 1 of Part 2.12:

25

**Newly arrived resident's waiting period**

“623A.(1) Subject to this section, a person is subject to a newly arrived resident's waiting period if the person:

(a) either:

- 5           (i) holds a valid visa that was granted after 17 August 1992;  
            or  
            (ii) is not required under the *Migration Act 1958* to hold a  
                visa; and
- (b) is granted a valid entry permit on or after 1 January 1993; and  
10       (c) enters Australia on or after 1 January 1993.

“(2) Subsection (1) does not apply to a person who:

- (a) holds a valid domestic protection (temporary) entry permit; or  
15       (b) is approved for permanent entry under the Refugees,  
            Humanitarian and Special Assistance Sub-program of the  
            Department of Immigration, Local Government and Ethnic  
            Affairs, or a similar program of that Department.

“(3) Subsection (1) does not apply to a person if:

- (a) the person is granted a valid entry permit on or after 1 January  
20       1993; and  
      (b) the person is a member of a couple immediately before the  
            person's entry into Australia; and  
      (c) the person's partner has been an Australian resident for at least  
            26 weeks when the person enters Australia.

Note: for 'Australian resident' see subsection 7(2).

“(4) Subsection (1) does not apply to a person if:

- 25       (a) the person is already subject to a newly arrived resident's  
            waiting period; or  
      (b) the person has already served a newly arrived resident's waiting  
            period; or  
      (c) the person:  
30           (i) has previously entered Australia; and  
            (ii) held a permanent entry permit immediately before the  
                person's last departure from Australia.

“(5) In this section:

- 35       “**domestic protection (temporary) entry permit**’ has the meaning that it  
has in regulations made under the *Migration Act 1958*;  
      ‘**enter**’ has the meaning that it has in the *Migration Act 1958*;  
      ‘**entry visa**’ has the meaning that it has in the *Migration Act 1958*;  
      ‘**permanent entry permit**’ has the meaning that it has in the *Migration  
Act 1958*;  
40       ‘**visa**’ means an entry visa or a travel-only visa within the meaning of  
the *Migration Act 1958*.



**Duration of newly arrived resident's waiting period**

“623B.(1) Subject to subsection (2), the newly arrived resident's waiting period starts on the day on which the person's permanent entry permit comes into force and lasts for 26 weeks.

“(2) If the person held a valid designated temporary entry permit before the person is granted a valid permanent entry permit, the newly arrived resident's waiting period starts on the day on which the person's valid designated temporary entry permit comes into force and lasts for 26 weeks. 5

“(3) In this section: 10

**'designated temporary entry permit'** means a PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People's Republic of China if that citizen holds a PRC (temporary) entry permit;

**'permanent entry permit'** has the meaning that it has in the *Migration Act 1958*; 15

**'PRC (temporary) entry permit'** has the meaning that it has in regulations made under the *Migration Act 1958*.”.

**Sickness allowance not payable in certain situations**

**110.** Section 677 of the Principal Act is amended by inserting after paragraph (1)(i) the following paragraph: 20

“(ha) the person is subject to a newly arrived resident's waiting period and that period has not ended (see sections 696B and 696C); or”.

**Insertion of new sections** 25

**111.** After section 696A of the Principal Act the following sections are inserted in Subdivision C of Division 1 of Part 2.14:

**Newly arrived resident's waiting period**

“696B.(1) Subject to this section, a person is subject to a newly arrived resident's waiting period if the person: 30

(a) either:

(i) holds a valid visa that was granted after 17 August 1992; or

(ii) is not required under the *Migration Act 1958* to hold a visa; and 35

(b) is granted a valid entry permit on or after 1 January 1993; and

(c) enters Australia on or after 1 January 1993.

“(2) Subsection (1) does not apply to a person who:

(a) holds a valid domestic protection (temporary) entry permit; or

(b) is approved for permanent entry under the Refugees, Humanitarian and Special Assistance Sub-program of the 40

Department of Immigration, Local Government and Ethnic Affairs, or a similar program of that Department.

“(3) Subsection (1) does not apply to a person if:

- 5 (a) the person is granted a valid entry permit on or after 1 January 1993; and
- (b) the person is a member of a couple immediately before the person’s entry into Australia; and
- (c) the person’s partner has been an Australian resident for at least 26 weeks when the person enters Australia.

Note: for ‘Australian resident’ see subsection 7(2).

10 “(4) Subsection (1) does not apply to a person if:

- (a) the person is already subject to a newly arrived resident’s waiting period; or
- (b) the person has already served a newly arrived resident’s waiting period; or
- 15 (c) the person:
- (i) has previously entered Australia; and
  - (ii) held a permanent entry permit immediately before the person’s last departure from Australia.

“(5) In this section:

- 20 “ ‘**domestic protection (temporary) entry permit**’ has the meaning that it has in regulations made under the *Migration Act 1958*;
- ‘**enter**’ has the meaning that it has in the *Migration Act 1958*;
- ‘**entry visa**’ has the meaning that it has in the *Migration Act 1958*;
- 25 ‘**permanent entry permit**’ has the meaning that it has in the *Migration Act 1958*;
- ‘**visa**’ means an entry visa or a travel-only visa within the meaning of the *Migration Act 1958*.

**Duration of newly arrived resident’s waiting period**

30 “696C.(1) Subject to subsection (2), the newly arrived resident’s waiting period starts on the day on which the person’s permanent entry permit comes into force and lasts for 26 weeks.

“(2) If the person held a valid designated temporary entry permit before the person is granted a valid permanent entry permit, the newly arrived resident’s waiting period starts on the day on which the person’s

35 valid designated temporary entry permit comes into force and lasts for 26 weeks.

“(3) In this section:

‘**designated temporary entry permit**’ means a PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of

the People's Republic of China if that citizen holds a PRC (temporary) entry permit;

'permanent entry permit' has the meaning that it has in the *Migration Act 1958*;

'PRC (temporary) entry permit' has the meaning that it has in regulations made under the *Migration Act 1958*." 5

### ***Division 16—Investments***

#### **Index of definitions**

112. Section 3 of the Principal Act is amended by inserting the following entries in the Index: 10

"allocated annuity	9(8)	
allocated pension	9(8)	
investment	9(9)	
investment product	9(1)	
listed security	9(1)	15
managed investment	9(1A), (1B), (1C)	
realise	9(10), (11), (12)."	

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

113. Section 9 of the Principal Act is amended:

(a) by inserting the following definitions in subsection (1): 20

"'investment product', in relation to a managed investment, means all the investments that are:

(a) with the same body corporate or in the same trust fund; and

(b) subject to substantially the same terms and conditions as the managed investment; 25

'managed investment' has the meaning given by subsections (1A), (1B) and (1C);";

(b) by inserting after subsection (1) the following subsections:

"(1A) Subject to subsections (1B) and (1C), an investment is a managed investment for the purposes of this Act if: 30

(a) the money or property invested is paid by the investor directly or indirectly to a body corporate or into a trust fund; and

(b) the assets that represent the money or property invested (the 'invested assets') are not held in the names of investors; and 35

(c) the investor does not have effective control over the management of the invested assets; and

(d) the investor has a legally enforceable right to share in any distribution of income or profits derived from the invested assets. 40

“(1B) Without limiting the generality of subsection (1A) but subject to subsection (1C), the following are **managed investments** for the purposes of this Act:

- 5 (a) an investment in a public unit trust;  
(b) an investment in an insurance bond;  
(c) an investment with a friendly society;  
(d) an investment in a superannuation fund;

Note: see paragraph (1C)(a) for superannuation investments held before pension age is reached.

- (e) an investment in an approved deposit fund;

Note: see paragraph (1C)(b) for investments in approved deposit funds held before pension age is reached.

- (f) an investment in a deferred annuity.

Note: see paragraph (1C)(c) for deferred annuities held before pension age is reached.

10 “(1C) The following are not managed investments for the purposes of this Act:

- (a) an investment in a superannuation fund if the investor has not yet turned pension age;  
15 (b) an investment in an approved deposit fund if the investor has not yet turned pension age;  
(c) an investment in a deferred annuity if the investor has not yet turned pension age;  
(d) deposit money;  
(e) a loan within the meaning of Division 1B of Part 3.10;  
20 (f) an immediate annuity;  
(g) a superannuation pension.

Note 1: for ‘pension age’ see subsection 23(1).

Note 2: for ‘deposit money’ see subsection 8(1).

Note 3: for ‘loan’ see section 1099H.

Note 4: an immediate annuity is dealt with under section 1098.

Note 5: a superannuation pension is dealt with under section 1099.”.

### **Repeal of section**

**114.** Section 1072D of the Principal Act is repealed.

### **Repeal of section 1073 and substitution of new section**

25 **115.** Section 1073 of the Principal Act is repealed and the following section is substituted:

### **Structure of Division**

30 “1073.(1) This Division deals with various forms of investments and non-periodic receipts. The following Table indicates which provisions are relevant to particular investments and receipts:

TABLE STRUCTURE OF DIVISION		
column 1 item	column 2 investment or receipt	column 3 section(s)
1.	Managed investments	1074A-1074F
2.	Certain accruing return investments made or acquired before 1 January 1988	1075
3.	Market-linked investments made or acquired before 9 September 1988	1082-1083
4.	Shares and other listed securities	1084-1089
5.	Superannuation investments before pension age	1097
6.	Immediate annuities	1098
7.	Superannuation pensions	1099

“(2) If the person’s ordinary income is not covered by any of the other Subdivisions, it may be covered by section 1074 below.”.

**Insertion of new Subdivision**

**116.** After Subdivision A of Division 1 of Part 3.10 of the Principal Act the following Subdivision is inserted:

5

***“Subdivision AA—Managed investments***

**Investments to which this Subdivision applies**

“1074A. This Subdivision applies to an investment that is a managed investment unless it is:

- (a) an accruing return investment that:
  - (i) was made or acquired before 1 January 1988; and
  - (ii) is covered by section 1075; or

10

Note: for ‘accruing return investment’ see subsection 9(1).

- (b) a market-linked investment that was made or acquired before 9 September 1988.

Note 1: for ‘market-linked investment’ see subsection 9(1).

Note 2: for the treatment of these market-linked investments see sections 1082 and 1083.

**How investment returns are taken into account in working out pension and benefit rates**

15

“1074B. If:

- (a) a person has an investment; and
- (b) this Subdivision applies to the investment; and
- (c) based on its performance over the preceding 12 months, the

20

investment product to which that investment belongs has shown a return;

Note: for return on an investment product see section 1074D.

the person's ordinary income on a yearly basis is taken to be increased by:

5 **value of investment × annualised rate of return on investment product**

where:

'value of investment' is the value of the person's investment;

10 'annualised rate of return on investment product' is the annualised rate of return on the investment product based on its performance over that 12 months.

Note 1: for 'annualised rate of return' on the investment product see section 1074E below.

Note 2: actual receipts from the investment are not treated as ordinary income: see section 1074F below.

### **How investment losses are taken into account in working out pension and benefit rates**

"1074C.(1) If:

- 15 (a) a person has an investment; and  
(b) this Subdivision applies to the investment; and  
(c) based on its performance over the preceding 12 months, the investment product to which the investment belongs has shown a loss;

Note: for loss on an investment product see section 1074D.

20 the person's ordinary income on a yearly basis is, subject to subsection (2), taken to be reduced by:

**value of investment × annualised rate of loss on investment product**

where:

'value of investment' is the value of the person's investment;

25 'annualised rate of loss on investment product' is the annualised rate of loss on the investment product based on its performance over that 12 months.

Note: for 'annualised rate of loss' on the investment product see section 1074E below.

30 "(2) The reductions under subsection (1) in calculating a person's rate as at a particular day are not to exceed the sum of the increases to be made under section 1074B in working out the person's pension or benefit rate as at that day.

### **Returns and losses on investment products**

"1074D. An investment product:

- 35 (a) shows a return for a 12 month period if:  
(i) a rate of return on the product has been declared during the period; or

- (ii) the formula below gives a positive number; and
- (b) shows a loss for a period if the formula below gives a negative number:

$$\text{closing value} + \text{distributions} - \text{opening value}$$

where:

**'closing value'** is the value of the product at the end of the period;

**'distributions'** is the sum of:

- (a) the amount of the distributions (however described) made to the holders of the product during the period; and
- (b) the value of bonus issues (however described) of the product to holders of the product during the period; and
- (c) the value of any other rights given to holders of the product during the period because they hold investments in the investment product;

**'opening value'** is:

- (a) if the product has been available for the whole of the period—the value of the product at the beginning of the period; or
- (b) if the product became available during the period—the value of the product when it became available.

**Annualised rate of return or loss on investment product**

“1074E.(1) The annualised rate of return on an investment product for a period of 12 months is:

- (a) if a rate of return on the product has been declared during the period—the declared rate of return; or
- (b) in any other case—the rate worked out in accordance with subsections (5), (6) and (7).

“(2) In applying paragraph (1)(a) disregard provisional or conditional declarations of rates of return.

“(3) For the purposes of this section, a declaration of a dividend is not a declaration of a rate of return.

“(4) The annualised rate of loss on an investment product for a period of 12 months is the rate worked out in accordance with subsections (5), (6) and (7).

“(5) The annualised rate of return or loss on an investment product is the rate of return or loss on the product expressed as a percentage per year.

“(6) If the investment product became available during the period the performance of the product while it has been available is to be extrapolated for a whole 12 months.

“(7) In working out the rate of return or loss on an investment product for a period of 12 months, the following are to be taken into account:

- 5 (a) if the product was available at the beginning of the period—  
the value of the product at the beginning of the period;
- (b) if the product became available during the period—the value  
of the product when it became available;
- (c) the value of the product at the end of the period;
- 10 (d) the amount of the distributions (however described) made to  
the holders of the product during the period;
- (e) the value of bonus issues (however described) of the product to  
holders of the product during the period;
- 15 (f) the value of any other rights given to holders of the product  
during the period because they hold investments in the  
investment product.

**Investment and disposal costs**

“1074F.(1) If:

- (a) the person has an investment; and
- (b) this Subdivision applies to the investment; and
- 20 (c) this Subdivision would operate, if this section did not apply, to  
increase the person’s ordinary income on a yearly basis by a  
particular amount per year;

the amount of the increase is to be reduced by the amount of the  
reasonable costs that the person has incurred during the preceding  
25 12 months in relation to the making, acquisition or disposal of  
investments to which this Subdivision applies.

“(2) For the purposes of subsection (1), costs incurred by the person  
are reasonable if any other person making, acquiring or disposing of an  
30 identical investment would be required to pay those costs as a condition  
of being permitted to make, acquire or dispose of that investment.

**Actual return on investments not treated as ordinary income**

“1074G. If:

- (a) a person has an investment; and
- (b) this Subdivision applies to the investment;
- 35 any return on the investment that the person actually receives is taken,  
for the purposes of this Act, not to be ordinary income of the person.”.

**Heading to Subdivision B of Division 1 of Part 3.10**

117. The heading to Subdivision B of Division 1 of Part 3.10 is  
amended by adding at the end “*made or acquired before 1 January*  
40 *1988*”.



**Investments made or acquired before 1 January 1988 with friendly societies or where no immediate return**

118. Section 1075 of the Principal Act is amended by omitting from subsection (1) all the words after “, for the purposes of this Act,” and substituting:

“taken to receive as ordinary income of the person during each week in the 12 months commencing on the day on which the person realises the investment and receives an amount by way of return on the investment the amount worked out using the formula:

assessable return

52

where:

‘assessable return’ is so much (if any) of the amount of the return as is attributable to the person’s assessable period.

Note: for ‘assessable period’ see subsection 9(1).”.

**Repeal of sections**

119. Sections 1076 to 1081 (inclusive) of the Principal Act are repealed.

**Heading to Subdivision C of Division 1 of Part 3.10**

120. The heading to Subdivision C of Division 1 of Part 3.10 of the Principal Act is amended by adding at the end “*made or acquired before 9 September 1988*”.

**Market-linked investments made or acquired before 9 September 1988**

121. Section 1082 of the Principal Act is amended by omitting from subsection (1) all the words after “, for the purposes of this Act,” and substituting:

“taken to receive as ordinary income of the person during each week in the 12 months commencing on the day on which the person realises the investment the amount worked out using the formula:

assessable return

52

where:

‘assessable return’ is so much (if any) of the amount of the return as is attributable to the person’s assessable period.

Note: for ‘assessable period’ see subsection 9(1).”.

**Repeal of sections**

122. Sections 1084 to 1096 (inclusive) of the Principal Act are repealed.

**Heading to Division 1A of Part 3.10**

123. The heading to Division 1A of Part 3.10 of the Principal Act is omitted and the following heading is substituted:

***“Division 1A—Available money and deposit money”***.

**5 Repeal of section 1099A and substitution of new section**

124. Section 1099A of the Principal Act is repealed and the following section is substituted:

**Structure of Division**

10 “1099A. The various provisions of this Division that apply to available money and deposit money are shown in the following table:

STRUCTURE OF DIVISION		
item	type of money	sections
1.	income money that does not attract any interest	1099C, 1099E, 1099F
2.	income money that attracts low interest	1099D, 1099E, 1099F
3.	other income money	1099DA, 1099F
4.	other deposit money	1099DA

”.

**Insertion of new section**

125. After section 1099D of the Principal Act the following section is inserted:

**Other deposit money**

15 “1099DA.(1) If a person has:

(a) deposit money that is not income money; or

(b) deposit money that:

(i) is income money of a person; and

20 (ii) attracts interest at a rate that is equal to or greater than the assumed rate;

the person’s ordinary income on a yearly basis is taken to be increased by:

$$\text{amount of deposit money} \times \text{current annual rate of interest}$$

where:

25 ‘amount of deposit money’ is the amount of the deposit money;

‘current annual rate of interest’ is the annual rate of interest payable on the money.

“(2) If:

- (a) a person is taken, because of subsection (1), to have received income from deposit money; and
  - (b) the person actually receives a return from that money;
- the return actually received is taken, for the purposes of this Act, not to be ordinary income of the person.

5

“(3) If the rate of return on deposit money is not a fixed rate or a quantifiable rate, for the purposes of subsection (1), the current annual rate of return on that income money is a reasonable approximation of the rate of return.”.

**Insertion of new section**

10

**126.** After section 1099G of the Principal Act the following section is inserted:

**Structure of Division**

“1099GA. The various provisions of this Division that apply to loans are shown in the following table:

15

STRUCTURE OF DIVISION		
item	type of loan	sections
1.	loans that do not attract interest	1099J, 1099L, 1099M
2.	loans that attract low interest	1099K, 1099L, 1099M
3.	other loans	1099KA, 1099M

”.

**Insertion of new section**

**127.** After section 1099K of the Principal Act the following section is inserted:

**Other loans**

“1099KA.(1) If:

20

- (a) there is a loan by a person; and
- (b) the person is paid interest on the loan; and
- (c) the rate of interest is equal to or greater than the assumed loan rate;

the person’s ordinary income on a yearly basis is taken to be increased by:

25

**amount of loan × current annual rate of interest on the loan**

where:

‘amount of loan’ is the amount of the loan;

‘current annual rate of interest’ is the annual rate of interest payable on the loan.

30

“(2) If:

(a) a person is taken, because of subsection (1), to have received income from a loan; and

(b) the person actually receives interest on that loan;

5 the interest actually received is taken, for the purposes of this Act, not to be ordinary income of the person.

“(3) If the rate of interest on a loan is not a fixed rate or a quantifiable rate, for the purposes of subsection (1), the current annual rate of interest on that loan money is a reasonable approximation of  
10 the rate of interest.”.

***Division 17—Superannuation fund investments prior to pension age***

***Income test definitions***

128. Section 8 of the Principal Act is amended by omitting paragraph (8)(b) and substituting the following paragraph:

15 “(b) any return on a person’s investment in:

(i) a superannuation fund; or

(ii) an approved deposit fund; or

(iii) a deferred annuity;

until the person:

20 (iv) reaches pension age; or

(v) commences to receive a pension or annuity out of the fund;

Note 1: for ‘pension age’ see subsection 23(1).

Note 2: for ‘superannuation fund’, ‘approved deposit fund’ and ‘deferred annuity’ see subsection 9(1).”.

***Investment income definitions***

129. Section 9 of the Principal Act is amended:

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

“‘**investment**’, in relation to a superannuation fund, approved deposit fund or deferred annuity, has the meaning given by subsection (9);

30 ‘**realise**’, in relation to an investment, has the meaning given by subsections (10) and (11);”;

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

35 “(9) For the purposes of this Act, a person has an **investment** in a superannuation fund, approved deposit fund or deferred annuity if the person has benefits in the fund or under the annuity (whether the benefits are attributable to amounts paid by the person or someone else).

“(10) For the purposes of this Act, a person **realises an investment** if, and only if:

- (a) all or part of the amount of the investment is withdrawn;  
or
- (b) where the investment is an eligible investment in a body corporate or trust fund—the person transfers all or part of the investment to another body corporate or trust fund; or 5
- (c) all or part of the return on the investment is paid to another person; or
- (d) the investment matures; or
- (e) the investment is assigned by the person to another person; or 10
- (f) the investment is disposed of by the person otherwise than in the way referred to in paragraph (e).

“(11) For the purposes of subsection (10), if:

- (a) a person realises an investment; and 15
- (b) the return on the investment is paid to another person; the return is taken to be received by the person realising the investment.”.

**Investments made before 1 January 1988 with friendly societies or where no immediate return** 20

130. Section 1075 of the Principal Act is amended by omitting subsections (3), (4) and (5) and substituting the following Note:

“Note: for ‘realising’ an investment see subsections 9(10) and (11).”.

**Market-linked investments made or acquired before 9 September 1988**

131. Section 1082 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following Note: 25

“Note: for ‘realising’ an investment see subsections 9(10) and (11).”.

**Repeal of Subdivision D of Division 1 of Part 3.10 and substitution of new Subdivision**

132. Subdivision D of Division 1 of Part 3.10 is repealed and the following Subdivision is substituted:

***“Subdivision D—Superannuation fund investments before pension age*** 30

**Provisions affecting superannuation fund investments before pension age**

“1097.(1) If:

- (a) a person has an investment in:
  - (i) a superannuation fund; or
  - (ii) an approved deposit fund; or 35
  - (iii) a deferred annuity; and
- (b) the person has not reached pension age; and

- (c) the person has not commenced to receive a pension or annuity from the investment;

this is how the investment is treated:

- (d) the return on the investment is not treated as ordinary income (see paragraph 8(8)(b));

Note: the investment is also disregarded for the purposes of the assets test (see paragraph 1118(1)(f)).

- (e) the return on the investment is not treated as ordinary income under the managed investment rules in Subdivision AA of this Division (see paragraph 1074A(c));

- (f) if the investment is realised the proceeds are spread across the following 12 months (see section 1097A).

### **Early withdrawal from superannuation fund**

“1097A. If:

- (a) a person realises an investment in a superannuation fund, approved deposit fund or deferred annuity before the person reaches pension age; and

- (b) the amount realised is not rolled over into:

- (i) a superannuation fund; or
- (ii) an approved deposit fund; or
- (iii) a deferred annuity;

the person is, for the purposes of this Act, taken to receive one fifty-second of the assessable growth component of that amount as ordinary income of the person during each week in the period of 12 months starting on the day when the person realises the investment.

Note: for ‘assessable growth component’ see subsection 9(1).”.

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

133. Section 1118 of the Principal Act is amended by omitting paragraph (1)(f) and substituting the following paragraph:

“(f) the value of the person’s investment in:

- (i) a superannuation fund; or
- (ii) an approved deposit fund; or
- (iii) a deferred annuity;

until the person:

- (iv) reaches pension age; or
- (v) commences to receive a pension or annuity out of the fund;”.

**Division 18—Shares and other listed securities**

**Investment income definitions**

134. Section 9 of the Principal Act is amended:

(a) by omitting the definition of “investment product” in subsection (1) and substituting the following definition: 5

“‘investment product’, in relation to a managed investment or listed security, means all the investments or securities that are:

(a) in or with the same body corporate or in the same trust fund; and

(b) subject to substantially the same terms and conditions as that managed investment or that listed security;” 10

(b) by inserting the following definition in subsection (1):

“‘listed security’ means:

(a) a share in a company; or

(b) another security; 15

listed on a stock exchange;”.

**Heading to Subdivision AA of Division 1 of Part 3.10**

135. The heading to Subdivision AA of Division 1 of Part 3.10 is amended by adding at the end “*and listed securities*”.

**Investments to which this Subdivision applies** 20

136. Section 1074A of the Principal Act is amended by adding at the end the following subsections:

“(2) This Subdivision applies to an investment in the form of a listed security.

Note: For ‘listed security’ see subsection 9(1).

“(3) This Subdivision does not apply to bonds and debentures. 25

Note: debentures are dealt with under Division 1B.”.

**Division 19—Allocated pensions**

**Investment income definitions**

137. Section 9 of the Principal Act is amended:

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

“‘allocated annuity’ has the meaning given by subsection (8); 30

‘allocated pension’ has the meaning given by subsection (8);”;

(b) by inserting after paragraph (1B)(f) the following paragraph:

“(g) an allocated pension or allocated annuity;”;

(c) by inserting at the end of paragraph (1C)(f) “that is not an allocated annuity”; 35

(d) by inserting at the end of paragraph (1C)(g) “that is not an allocated pension”;

(e) by adding at the end the following subsection:

“**(8)** A pension or annuity is an **allocated** one if either:

(a) the rate of payment of the pension or annuity; or

(b) the basis for variations in the rate of payment of the pension or annuity;

is not fully defined in the relevant trust deed or contract.”.

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

**138.** Section 1118 of the Principal Act is amended by inserting in paragraph (1)(d) “that is not an allocated pension” after “person”.

### **Value of annuities**

**139.** Section 1119 of the Principal Act is amended:

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

“(a) an allocated annuity; or”;

(b) by inserting after subsection (4) (and before the Annuity Value Calculator) the following subsection:

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

Note 1: for ‘allocated annuity’ see subsection 9(8).

Note 2: for the treatment of allocated annuities until 25 March 1993 see section 1099AA.

Note 3: after 25 March 1993 allocated annuities are to be treated as managed investments (see paragraph 9(1B)(g) and Subdivision AA of Division 1 of Part 3.10).”.

## ***Division 20—Notices of decisions***

### **Insertion of new section**

**140.** After section 1302 of the Principal Act the following section is inserted:

### **Notice of decisions under this Act**

“1302A.(1) If notice of a decision under this Act is:

(a) delivered to a person personally; or

(b) left at the address of the place of residence or business of the person last known to the Secretary; or

(c) sent by pre-paid post to the address of the place of residence or business of the person last known to the Secretary;

notice of the decision is taken, for the purposes of this Act, to have been given to the person.

Note: compare section 28A of the *Acts Interpretation Act 1901*.



“(2) Notice of a decision under this Act may be given to a person by properly addressing, prepaying and posting the document as a letter.

Note: compare the first limb of section 29 of the *Acts Interpretation Act 1901*.

“(3) If notice of a decision under this Act is given in accordance with subsection (2), notice of the decision is taken to have been given to the person at the time at which the letter would be delivered in the ordinary course of the post unless the contrary is proved.

Note: compare the second limb of section 29 of the *Acts Interpretation Act 1901*.

“(4) This section only applies to notices of decisions and nothing in this section affects the operation of sections 28A and 29 of the *Acts Interpretation Act 1901* in relation to other notices under this Act (for example, a notice that requires a person to inform the Department about some matter or a notice that requires a person to give the Secretary a statement about some matter).”

### ***Division 21—Debt recovery***

#### **General effect of Chapter**

**141.** Section 1222 of the Principal Act is amended:

(a) by inserting after paragraph (1)(c) the following word and paragraph:

“; and (d) debts under subsection 11(6) of the *Data-matching Program (Assistance and Tax) Act 1990*”;

(b) by omitting from Note 1 to subsection (1):

“• section 1225 debts—compensation debts;”

and substituting:

“• section 1224C debts—Data-matching Program debts;

• section 1225 debts—compensation debts;”;

(c) by inserting before item 6 in the Recovery Methods Table in subsection (2) the following item:

“

5B.	1224C (Data-matching Program debts)	deductions legal proceedings garnishee notice	1231, 1234A 1232 1233
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”.

#### **Debts due to the Commonwealth**

**142.** Section 1222A of the Principal Act is amended:

(a) by omitting from paragraph (a) “or the 1947 Act” and substituting “, the 1947 Act or the *Data-matching Program (Assistance and Tax) Act 1990*”;

(b) by omitting from Note 1 “1225” and substituting “1224C, 1225”.

**Insertion of new section**

**143.** Before section 1225 of the Principal Act the following section is inserted:

**Data-matching Program (Assistance and Tax) Acts debts**

5 “1224C.(1) If:

(a) an amount has been paid to a person by way of a social security payment; and

10 (b) the amount is a debt due to the Commonwealth under subsection 11(6) of the *Data-matching Program (Assistance and Tax) Act 1990*;

the amount so paid is recoverable by the Commonwealth by means of:

(c) if the person is receiving a social security payment under this Act—deductions from that person’s social security payment; or

15 (d) if section 1234A applies to another person who is receiving a social security payment under this Act—deductions from that other person’s social security payment; or

(e) legal proceedings; or

(f) garnishee notice.

Note 1: for ‘deductions’ see sections 1231 and 1234A.

Note 2: for ‘legal proceedings’ see section 1232.

Note 3: for ‘garnishee notice’ see section 1233.

“(2) In this section:

20 ‘social security payment’ means:

(a) a social security pension; or

(b) a social security benefit; or

(c) an allowance under this Act; or

(d) a family payment; or

25 (e) any kind of payment under Chapter 2 of this Act; or

(f) a pension, benefit or allowance under the 1947 Act.”.

**Deductions from debtor’s pension, benefit or allowance**

30 **144.** Section 1231 of the Principal Act is amended by omitting subsection (1) (except the Method statement) and substituting the following subsection:

“(1) Subject to subsection (2), each of the following:

(a) a debt under this Act;

(b) an overpayment arising under other Acts or schemes;

35 (c) a debt under subsection 11(6) of the *Data-matching Program (Assistance and Tax) Act 1990*;

(d) a debt or overpayment under the 1947 Act;

is to be deducted from a person’s pension, benefit or allowance in the following way:”.

**Garnishee notice**

145. Section 1233 of the Principal Act is amended by omitting from subsection (1) “1227” and substituting “1224C, 1225, 1227”.

**Deductions by consent from pension, benefit or allowance of person who is not a debtor**

5

146. Section 1234A of the Principal Act is amended by inserting in paragraph (1)(a) “, the *Data-matching Program (Assistance and Tax) Act 1990*” after “Act” (first occurring).

***Division 22—Job search allowance and newstart allowance***

**Index of definitions**

10

147. Section 3 of the Principal Act is amended by inserting in the Index the following entry:

“Jobskills 23(1)”.

**General definitions**

148. Section 23 of the Principal Act is amended by inserting in subsection (1) the following definition: 15

“ ‘Jobskills’ means the work experience program administered by the Employment Department called Jobskills;”.

**Qualification for newstart allowance**

149. Section 593 of the Principal Act is amended by adding at the end of subsection (1) the following Note: 20

“Note 15: if a person is participating in a Jobskills placement see section 595A.”.

**Persons may be treated as unemployed**

150. Section 595 of the Principal Act is amended by omitting from subsection (2) “A person” and substituting “Subject to section 595A, a person”. 25

**Insertion of new section**

151. After section 595 of the Principal Act the following section is inserted:

**Certain persons to be treated as employed**

“595A. Despite subsection 595(2), a person participating in a Jobskills placement is to be treated by the Secretary as being employed. 30

Note 1: a person is most likely to participate in a Jobskills placement as a requirement under subsection 601(2) (activity test) or as part of a Newstart Activity Agreement.

Note 2: for ‘Jobskills’ see subsection 23(1).”.

**Ordinary waiting period**

152. Section 620 of the Principal Act is amended:

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

5 “; or (h) all of the following conditions apply:

(i) immediately before becoming qualified for the newstart allowance, the person was a participant in a Jobskills placement;

(ii) the person completed the Jobskills placement;

10 (iii) the person claims the newstart allowance within 14 days after the day on which the person completed the Jobskills placement; or

(i) all of the following conditions apply:

15 (i) immediately before becoming qualified for the newstart allowance, the person was a participant in a Jobskills placement;

(ii) the person did not complete the Jobskills placement;

20 (iii) the Employment Secretary is satisfied that the person took reasonable steps to complete the Jobskills placement;

(iv) the person claims the newstart allowance within 14 days after the day on which the person last participated in the Jobskills placement.”;

25 (b) by adding at the end the following Note:

“Note 8: for ‘Jobskills’ see subsection 23(1).”.

***Division 23—Rate of job search, newstart and sickness allowance***

**Benefit Rate Calculator A**

153. The Rate Calculator in section 1067 of the Principal Act is amended:

30 (a) by adding at the end of point 1067-B1 the following Note:

“Note 7: some dependent children are not taken into account in working out a person’s maximum basic rate (see point 1067-B2).”;

(b) by inserting after point 1067-B1 the following point in Module B:

***Certain dependent children to be disregarded***

“1067-B2. For the purposes of items 1 and 2 of Table B in point 1067-B1, if:

35 (a) a person has a dependent child; and

(b) the child has turned 18; and

(c) the child is a prescribed student child;

the child is to be disregarded in working out the person's maximum basic rate under that point.

Note: for 'prescribed student child' see section 5."

**Benefit Rate Calculator B**

**154.** The Rate Calculator in section 1068 of the Principal Act is amended:

(a) by adding at the end of point 1068-B1 the following Note:

"Note 7: some dependent children will not be taken into account in working out a person's maximum basic rate (see point 1068-B2).";

(b) by inserting after point 1068-B1 the following point in Module B:

*Certain dependent children to be disregarded*

"1068-B2. For the purposes of items 1, 2, 3, 4 and 5 of Table B in point 1068-B1, if:

(a) a person has a dependent child; and

(b) the child has turned 18; and

(c) the child is a prescribed student child;

the child is to be disregarded in working out the person's maximum basic rate under that point.

Note: for 'prescribed student child' see section 5."

**PART 3—FURTHER AMENDMENTS**

**Amendments of the Principal Act**

**155.** The Principal Act is amended as set out in Schedules 1, 2 and 4.

**Amendments of other Acts**

**156.** The Acts specified in Schedules 1 and 3 are amended as set out in those Schedules.

**SCHEDULE 1**

Section 155

**AMENDMENTS RELATING TO FAMILY PAYMENT  
PART 1—AMENDMENTS OF THE SOCIAL SECURITY  
(FAMILY PAYMENT) AMENDMENT ACT 1992  
COMMENCING ON 26 JUNE 1992, IMMEDIATELY AFTER  
THAT ACT RECEIVED THE ROYAL ASSENT**

- 1. Section 3 (new paragraph 838(1)(d)):**  
Omit "\$600,000", substitute "\$607,250".
- 2. Section 3 (new paragraph 839(2)(c)):**  
Omit "\$111.35", substitute "\$112.70".
- 3. Section 4 (new section 1069 (Family Payment Rate Calculator—Table B1—item 1—column 3)):**  
Omit "\$20.70", substitute "\$20.90".
- 4. Section 4 (new section 1069 (Family Payment Rate Calculator—Table B1—item 2—column 3)):**  
Omit "\$27.60", substitute "\$27.90".
- 5. Section 4 (new section 1069—Family Payment Rate Calculator—point 1069-B3)):**  
Omit "\$27.60", substitute "\$27.90".
- 6. Section 4 (new section 1069 (Family Payment Rate Calculator—paragraph 1069-C2(a)):**  
Omit "\$82.90", substitute "\$83.90".
- 7. Section 4 (new section 1069 (Family Payment Rate Calculator—paragraph 1069-C2(b)):**  
Omit "\$110.70", substitute "\$112.00".
- 8. Section 4 (new section 1069 (Family Payment Rate Calculator—paragraph 1069-D2(c)):**  
Omit "\$359,250", substitute "\$363,500".
- 9. Section 4 (new section 1069 (Family Payment Rate Calculator—point 1069-D23—Table D—item 1—column 3)):**  
Omit "\$60.80", substitute "\$61.80".
- 10. Section 4 (new section 1069 (Family Payment Rate Calculator—point 1069-D23—Table D—item 2—column 3)):**  
Omit "\$85.90", substitute "\$87.30".

**SCHEDULE 1—continued**

**11. Section 4 (new section 1069 (Family Payment Rate Calculator—point 1069-G8)):**

Omit “\$28.70”, substitute “\$29.00”.

**12. Section 4 (new section 1069 (Family Payment Rate Calculator—point 1069-H21—Table H—item 1—column 3)):**

Omit “\$64,167”, substitute “\$64,938”.

**13. Section 4 (new section 1069 (Family Payment Rate Calculator—point 1069-H21—Table H—item 2—column 3)):**

Omit “\$3,210”, substitute “\$3,249”.

**14. Section 4 (new section 1069 (Family Payment Rate Calculator—point 1069-H21—Table H—item 3—column 3)):**

Omit “\$20,700”, substitute “\$20,950”.

**PART 2—AMENDMENTS OF THE SOCIAL SECURITY ACT 1991**

**COMMENCING ON 1 JANUARY 1993, IMMEDIATELY AFTER THE COMMENCEMENT OF THE SOCIAL SECURITY (FAMILY PAYMENT) AMENDMENT ACT 1992**

**15. Section 1192:**

Add at the end:

“(4) The first indexation of the amounts to which items 4, 7, 8, 13, 15, 24A and 25 of the CPI Indexation Table in subsection 1191(1) relate is to take place on 1 January 1994.”

**16. Section 1199:**

Add at the end:

“(6) The first adjustment of the AFP under 13 child MBR and the AFP 13-15 child MBR is to take place on 1 January 1994.”

**17. Schedule 1A:**

Add at the end:

**Family payment (changes made on 1 January 1993)—benefit paydays**

“60. If:

- (a) a social security benefit is payable to a person in respect of a period that includes 31 December 1992; and
- (b) the rate of that benefit is increased by reference to a child or children; and
- (c) 31 December 1992 is not the last day of the person’s benefit payment period;

**SCHEDULE 1—continued**

the rate of benefit payable to the person on the person's first benefit payday in 1993 in respect of a period that included 31 December 1992 is to be worked out in accordance with this Act as in force immediately before 1 January 1993.

**Family payment (changes made on 1 January 1993)**

“61.(1) If a determination granting a claim for family allowance was in force immediately before 1 January 1993, the determination has effect from that day as if it were a determination under this Act as in force on 1 January 1993 granting a claim for family payment.

Note: if a person who was receiving family allowance immediately before 1 January 1993 was also receiving either:

- (a) an additional amount of social security pension or social security benefit for a dependent child; or
  - (b) family allowance supplement;
- the person's or the person's partner's rate of family payment will include additional family payment.

“(2) If:

- (a) a person had, before 1 January 1993, made a claim for family allowance under this Act; and
- (b) the claim had not been determined before that date;

the claim is to be dealt with as if it were a claim for family payment under this Act as in force on 1 January 1993 and not as a claim for family allowance.

Note: if the person had also claimed family allowance supplement before 1 January 1993, the person's or the person's partner's rate of family payment will include additional family payment.

“(3) If:

- (a) subclause (2) applies to a claim; and
- (b) the claim is granted under this Act;

the determination granting the claim may have a date of effect before 1 January 1993.

“(4) If:

- (a) subclause (3) applies to a claim, this Act as in force on 1 January 1993 is taken to have been in force from the day on which the family payment commences to be payable to the person for the purposes of working out the payability and rate of the person's and the person's partner's:
  - (i) family payment; and
  - (ii) social security pension and social security benefit (if any);and

- (b) the person and the person's partner have no rights under this Act as in force immediately before 1 January 1993.



**SCHEDULE 1—continued**

“(5) If, because of the operation of subclauses (3) and (4), family payment is payable to a person with effect from a day before 1 January 1993, the total amount payable to the person or the person’s partner during the period that starts on that day and ends immediately before 1 January 1993, is not to exceed the total amount that would have been payable to the person or the person’s partner under this Act if subclauses (3) and (4) had not been enacted.

“(6) If:

- (a) a person is receiving a social security pension or a social security benefit on 1 January 1993; and
- (b) the person or the person’s partner is qualified for family payment on that day; and
- (c) the person or the person’s partner claims family payment before 1 April 1993; and
- (d) the Secretary determines that this subclause should apply to the person or the person’s partner;

the claim for family payment is taken to have been made on 1 January 1993.”.

**PART 3—AMENDMENTS OF THE SOCIAL SECURITY  
(FAMILY PAYMENT) AMENDMENT ACT 1992  
COMMENCING ON 1 JANUARY 1993, IMMEDIATELY AFTER  
THE COMMENCEMENT OF THAT ACT**

**18. Section 7:**

Repeal the section.

**19. Section 8:**

Repeal the section.

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**SCHEDULE 2**

**AMENDMENTS OF THE SOCIAL SECURITY ACT 1991  
RELATING TO REMOTE AREA ALLOWANCE**

**1. Section 1064 (Pension Rate Calculator A—point 1064-H2—  
Table H—column 3):**

Omit the column, substitute:

“

column 3 basic allowance per year
\$455.00
\$390.00
\$455.00

”.

**2. Section 1064 (Pension Rate Calculator A—point 1064-H2—  
Table H—column 4):**

Omit the column, substitute:

“

column 4 basic allowance per fortnight
\$17.50
\$15.00
\$17.50

”.

**SCHEDULE 2—continued**

**3. Section 1065 (Pension Rate Calculator B—point 1065-E2—  
Table E—column 3):**

Omit the column, substitute:

“

column 3 basic allowance per year
\$455.00
\$390.00
\$455.00

”.

**4. Section 1065 (Pension Rate Calculator B—point 1065-E2—  
Table E—column 4):**

Omit the column, substitute:

“

column 4 basic allowance per fortnight
\$17.50
\$15.00
\$17.50

”.

**SCHEDULE 2—continued**

**5. Section 1066 (Pension Rate Calculator C—point 1066-H2—  
Table H—column 3):**

Omit the column, substitute:

“

column 3 basic allowance per year
\$455.00
\$390.00
\$455.00

”.

**6. Section 1066 (Pension Rate Calculator C—point 1066-H2—  
Table H—column 4):**

Omit the column, substitute:

“

column 4 basic allowance per fortnight
\$17.50
\$15.00
\$17.50

”.

**SCHEDULE 2—continued**

**7. Section 1066A (Pension Rate Calculator D—point 1066A-I2—Table I—column 3):**

Omit the column, substitute:

“

column 3 basic allowance per year
\$455.00
\$390.00
\$455.00

”.

**8. Section 1066A (Pension Rate Calculator D—point 1066A-I2—Table I—column 4):**

Omit the column, substitute:

“

column 4 basic allowance per fortnight
\$17.50
\$15.00
\$17.50

”.

**SCHEDULE 2—continued**

**9. Section 1066B (Pension Rate Calculator E—point 1066B-F2—Table F—column 3):**

Omit the column, substitute:

“

column 3 basic allowance per year
\$455.00
\$390.00
\$455.00

”.

**10. Section 1066B (Pension Rate Calculator E—point 1066B-F2—Table F—column 4):**

Omit the column, substitute:

“

column 4 basic allowance per fortnight
\$17.50
\$15.00
\$17.50

”.

**SCHEDULE 2—continued**

**11. Section 1067 (Benefit Rate Calculator A—point 1067-K3—  
Table K—column 3):**

Omit the column, substitute:

“

column 3 basic allowance
\$17.50
\$15.00
\$17.50
\$30.00

”.

**12. Section 1068 (Benefit Rate Calculator B—point 1068-J3—  
Table J—column 3):**

Omit the column, substitute:

“

column 3 basic allowance
\$17.50
\$15.00
\$17.50
\$30.00

”.

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**SCHEDULE 3**

Section 156

**AMENDMENTS OF OTHER ACTS**

**PART 1—AMENDMENTS COMMENCING ON 1 JANUARY  
1993,  
IMMEDIATELY AFTER THE COMMENCEMENT OF THE  
SOCIAL SECURITY (FAMILY PAYMENT) AMENDMENT ACT  
1992**

***Health Insurance Act 1973***

**1. Subsection 5B(12) (after paragraph (a) of the definition of “income”):**

Insert:

“(ab) if the person is receiving a social security pension or benefit within the meaning of the *Social Security Act 1991*—the person’s maintenance tested amount (if any) obtained under step 10 of the Family Payment Rate Calculator at point 1069-A1 of that Act;”.

**2. Before subsection 5EA(1):**

Insert:

*Disadvantaged person under this section*

“(1A) A person is a disadvantaged person under this section if subsection (1), (4) or (5E) applies to the person.”.

**3. Subsection 5EA(2):**

Omit “If”, substitute “Subject to subsections (2A) and (2B), if”.

**4. After subsection 5EA(2):**

Insert:

“(2A) If:

- (a) a declaration is made about a person under subsection (1); and
- (b) family allowance supplement ceases to be payable to the person immediately before 1 January 1993 only because of the repeal of Part 2.18 of the *Social Security Act 1991*; and
- (c) additional family payment is payable to the person on 1 January 1993; and
- (d) the person or the person’s partner is not receiving a pension, benefit or allowance under that Act on that day;

the person is a disadvantaged person in respect of the period beginning on 1 January 1992 and ending:

- (e) on the day on which additional family payment ceases to be payable to the person; or



**SCHEDULE 3—continued**

(f) on the day on which the person or person's partner starts to receive a pension, benefit or allowance under that Act; whichever occurs first.

“(2B) If:

- (a) a declaration is made about a person under subsection (1); and
- (b) family allowance supplement ceases to be payable to the person immediately before 1 January 1993 only because of the repeal of Part 2.18 of the *Social Security Act 1991*; and
- (c) additional family payment is payable to the person on 1 January 1993; and
- (d) the person or the person's partner is receiving payments under a prescribed educational scheme on that day;

the person is a disadvantaged person in respect of the period beginning on 1 January 1992 and ending:

- (e) on the day on which additional family payment ceases to be payable to the person; or
- (f) on the day on which the person or the person's partner starts to receive a pension, benefit or allowance under that Act;

whichever occurs first.”.

**5. Subsection 5EA(3):**

After “(2)” insert “, (2A) or (2B)”.

**6. Paragraph 5EA(4)(b):**

After “at the” insert “FAS”.

**7. Subsection 5EA(5):**

- (a) Omit “If”, substitute “Subject to subsections (5A) and (5B), if”.
- (b) Omit “maximum”, substitute “FAS maximum”.

**8. After subsection 5EA(5):**

Insert:

“(5A) If:

- (a) a declaration is made about a person under subsection (4); and
- (b) family allowance supplement at the FAS maximum payment rate ceases to be payable to the person immediately before 1 January 1993 only because of the repeal of Part 2.18 of the *Social Security Act 1991*; and
- (c) additional family payment at the AFP maximum payment rate is payable to the person on 1 January 1993; and
- (d) the person or the person's partner is not receiving a pension, benefit or allowance under that Act on that day;

**SCHEDULE 3—continued**

the person is a disadvantaged person in respect of the period beginning on the day on which family allowance supplement ceases to be payable to the person at the FAS maximum payment rate and ending:

- (e) on the day on which additional family payment ceases to be payable to the person at the AFP maximum payment rate; or
- (f) on the day on which the person or the person's partner starts to receive a pension, benefit or allowance under that Act;

whichever occurs first.

“(5B) If:

- (a) a declaration is made about a person under subsection (4); and
- (b) family allowance supplement at the FAS maximum payment rate ceases to be payable to the person immediately before 1 January 1993 only because of the repeal of Part 2.18 of the *Social Security Act 1991*; and
- (c) additional family payment at the AFP maximum payment rate is payable to the person on 1 January 1993; and
- (d) the person or the person's partner is receiving payments under a prescribed educational scheme on that day;

the person is a disadvantaged person in respect of the period beginning on 1 January 1992 and ending:

- (e) on the day on which additional family payment at the AFP maximum payment rate ceases to be payable to the person; or
- (f) on the day on which the person or the person's partner starts to receive a pension, benefit or allowance under that Act;

whichever occurs first.

*Person receiving additional family payment on or after 1 January 1993*

“(5C) If:

- (a) family allowance supplement was not payable to a person on 31 December 1992; and
- (b) additional family payment becomes payable to the person on or after 1 January 1993 at the AFP maximum payment rate; and
- (c) the person or the person's partner is not receiving a pension, benefit or allowance under the *Social Security Act 1991* on that day;

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

“(5D) If a declaration is made about a person under subsection (5C), the person is a disadvantaged person in respect of the period beginning on the day on which additional family payment becomes payable to the person at the AFP maximum payment rate and ending:

**SCHEDULE 3—continued**

- (a) on the day on which additional family payment ceases to be payable to the person at the AFP maximum payment rate; or
- (b) on the day on which the person or the person's partner starts to receive a pension, benefit or allowance under the *Social Security Act 1991*;

whichever occurs first.

*Person receiving additional family payment and payments under prescribed educational scheme on or after 1 January 1993*

“(5E) If:

- (a) family allowance supplement was not payable to a person on 31 December 1992; and
- (b) additional family payment at the AFP maximum payment rate becomes payable to the person on or after 1 January 1993; and
- (c) while the person is receiving additional family payment at the AFP maximum payment rate, the person also receives payments under a prescribed educational scheme;

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

“(5F) If a declaration is made about a person under subsection (5E), the person is a disadvantaged person in respect of the period beginning on the day on which additional family payment at the AFP maximum payment rate becomes payable to the person and ending:

- (a) on the day on which additional family payment at the AFP maximum payment rate ceases to be payable to the person; or
- (b) on the day on which the person or the person's partner starts to receive a pension, benefit or allowance under the *Social Security Act 1991*;

whichever occurs first.”.

**9. Subsection 5EA(6) (definition of “family allowance supplement”):**

Add at the end “as in force immediately before 1 January 1993”.

**10. Subsection 5EA(6) (definition of “maximum payment rate”):**

Omit the definition, substitute:

“‘FAS 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*, as in force immediately before 1 January 1993;”.

**11. Subsection 5EA(6):**

Insert the following definitions:

“‘additional family payment’ means additional family payment under the *Social Security Act 1991*;

**SCHEDULE 3—continued**

**‘AFP maximum payment rate’**, means a rate of additional family payment:

- (a) to which the taxable income test in Submodule 5 of Module H of the Family Payment Rate Calculator in section 1069 of the *Social Security Act 1991* applies; and
- (b) which has not been reduced under that test;

**‘partner’** has the meaning that it has in the *Social Security Act 1991*;

**‘prescribed educational scheme’** has the meaning that it has in the *Social Security Act 1991*.”.

**PART 2—AMENDMENTS COMMENCING ON 1 APRIL 1993**

*National Health Act 1953*

**12. Subsection 4(1) (paragraph (a) of the definition of “pensioner”):**

Omit “and who is qualified for fringe benefits in accordance with a Division of that Act.”.

**13. Subsection 4(3A):**

Omit the subsection.

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**SCHEDULE 4**

Section 155

**AMENDMENTS OF THE SOCIAL SECURITY ACT 1991**

**PART 1—AMENDMENTS COMMENCING ON 1 JANUARY 1993**

**1. After paragraph 539(1)(b):**

Insert:

“(ba) is not subject to a newly arrived resident’s waiting period; and”.

**2. Subsection 539(2):**

Omit the subsection, substitute:

*Unused annual leave waiting period and no newly arrived resident’s waiting period*

“(2) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to an unused annual leave waiting period; and
- (c) is not subject to a newly arrived resident’s waiting period; and
- (d) is not disqualified for job search allowance under section 519 (liquid assets test);

**SCHEDULE 4—continued**

the ordinary waiting period is the period of 7 days that starts on the day after the day on which the person's unused annual leave waiting period ends.

*Newly arrived resident's waiting period and ordinary waiting period*

“(2A) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to a newly arrived resident's waiting period; and
- (c) is not subject to another waiting period; and
- (d) is not disqualified for job search allowance under section 519 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after the day on which the person's newly arrived resident's waiting period ends.

*Newly arrived resident's waiting period, unused annual leave waiting period and ordinary waiting period*

“(2B) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to a newly arrived resident's waiting period; and
- (c) is:
  - (i) subject to an unused annual leave waiting period; or
  - (ii) disqualified for job search allowance under section 519 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after whichever is the later of the following:

- (d) the day on which the person's newly arrived resident's waiting period ends;
- (e) the day on which the person's unused annual leave waiting period ends;
- (f) the day on which the period worked out under section 519 ends.”.

**3. After paragraph 539(3)(a):**

Insert:

“(b) is not subject to a newly arrived resident's waiting period; and”.

**4. After paragraph 621(1)(b):**

Insert:

“(ba) is not subject to a newly arrived resident's waiting period; and”.

**SCHEDULE 4—continued**

**5. Subsection 621(2):**

Omit the subsection, substitute:

*Unused annual leave waiting period and no newly arrived resident's waiting period*

“(2) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to an unused annual leave waiting period; and
- (c) is not subject to a newly arrived resident's waiting period; and
- (d) is not disqualified for newstart allowance under section 598 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after the day on which the person's unused annual leave waiting period ends.

*Newly arrived resident's waiting period and ordinary waiting period*

“(2A) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to a newly arrived resident's waiting period; and
- (c) is subject to another waiting period; and
- (d) is not disqualified for newstart allowance under section 598 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after the day on which the person's last waiting period ends.

*Newly arrived resident's waiting period, unused annual leave waiting period and ordinary waiting period*

“(2B) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to a newly arrived resident's waiting period; and
- (c) is:
  - (i) subject to an unused annual leave waiting period; or
  - (ii) disqualified for job search allowance under section 598 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after whichever is the later of the following:

- (d) the day on which the person's newly arrived resident's waiting period ends;
- (e) the day on which the person's unused annual leave waiting period ends;
- (f) the day on which the period worked out under section 598 ends.”.

**SCHEDULE 4—continued**

**6. After paragraph 621(3)(a):**

Insert:

“(b) is not subject to a newly arrived resident’s waiting period; and”.

**7. After subsection 688(4):**

Insert:

*Claim within 5 weeks of incapacity and newly arrived resident’s waiting period applying*

“(4A) If the person:

- (a) claims the allowance within 5 weeks after the day on which the person becomes incapacitated; and
- (b) the person is subject to a newly arrived resident’s waiting period but not subject to an ordinary waiting period;

the allowance is not payable to the person before the first day after the end of the newly arrived person’s waiting period.

Note 1: for ‘newly arrived resident’s waiting period’ see sections 696B and 696C and for ‘ordinary waiting period’ see sections 693 and 694.

Note 2: if the person has an unused annual leave waiting period and a newly arrived resident’s waiting period, the unused annual leave waiting period runs concurrently with the newly arrived resident’s waiting period and the sickness allowance will not be payable until the longest waiting period has finished.”.

**8. After paragraph 694(1)(b):**

Insert:

“(ba) is not subject to a newly arrived resident’s waiting period; and”.

**9. Subsection 694(2):**

Omit the subsection, substitute:

*Unused annual leave waiting period and no newly arrived resident’s waiting period*

“(2) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to an unused annual leave waiting period; and
- (c) is not subject to a newly arrived resident’s waiting period; and
- (d) is not disqualified for sickness allowance under section 676 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after the day on which the person’s unused annual leave waiting period ends.

**SCHEDULE 4—continued**

*Newly arrived resident's waiting period and ordinary waiting period*

“(2A) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to a newly arrived resident's waiting period; and
- (c) is subject to another waiting period; and
- (d) is not disqualified for sickness allowance under section 676 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after the day on which the person's last waiting period ends.

*Newly arrived resident's waiting period, unused annual leave waiting period and ordinary waiting period*

“(2B) If a person:

- (a) is subject to an ordinary waiting period; and
- (b) is subject to a newly arrived resident's waiting period; and
- (c) is:
  - (i) subject to an unused annual leave waiting period; or
  - (ii) disqualified for sickness allowance under section 676 (liquid assets test);

the ordinary waiting period is the period of 7 days that starts on the day after whichever is the later of the following:

- (d) the day on which the person's newly arrived resident's waiting period ends;
- (e) the day on which the person's unused annual leave waiting period ends;
- (f) the day on which the period worked out under section 676 ends.”.

**10. After paragraph 694(3)(a):**

Insert:

“(ba) is not subject to a newly arrived resident's waiting period; and”.

**PART 2—AMENDMENTS COMMENCING ON 20 MARCH 1993**

**11. Section 1192:**

Add at the end:

“(5) The first indexation of rent assistance under items 11A and 12A of the CPI Indexation Table in subsection 1191(1) is to take place on 20 September 1993.”.



*Social Security Legislation Amendment (No. 3) No. 230, 1992*

**NOTES**

1. No. 46, 1991, as amended. For previous amendments see Nos. 68, 69, 70, 73, 74, 115, 116, 141, 175, 194 and 208, 1991; and Nos. 12 and 81, 1992.
2. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; 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; Nos. 6, 68, 70, 73, 83, 84, 115, 116, 119, 122, 141, 169, 175, 208 and 211, 1991; Nos. 70, 81 and 88, 1992.

**NOTE ABOUT SECTION HEADING**

1. On the day on which section 5EA of the *Health Insurance Act 1973* is amended by this Act, the heading to that section is altered by inserting “**or additional family payment**” after “**supplement**”.

[*Minister's second reading speech made in—  
House of Representatives on 3 November 1992  
Senate on 9 November 1992*]