



# Social Security Legislation Amendment Act 1993

No. 36 of 1993

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THE USE OF “SOCIAL SECURITY PAYMENT”



# Social Security Legislation Amendment Act 1993

No. 36 of 1993

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

[Assented to 20 September 1993]

The Parliament of Australia enacts:

### PART 1—PRELIMINARY

#### Short title etc.

1.(1) This Act may be cited as the *Social Security Legislation Amendment Act 1993*.

(2) In this Act, “**Principal Act**” means the *Social Security Act 1991*<sup>1</sup>.

#### Commencement

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

- (a) Part 1;
- (b) Division 1 of Part 2 (except section 9);

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- (c) Division 2 of Part 2;
- (d) Divisions 4, 5, 12, 13, 14 and 15 of Part 2;
- (e) sections 34 and 35;
- (f) Division 11 of Part 2 (except sections 59 and 61);
- (g) Part 3;
- (h) Part 1 of Schedule 3;
- (i) Schedule 5.

(2) Section 16 commences immediately after section 70.

(3) Section 17 commences immediately after section 71.

(4) Part 2 of Schedule 3 is taken to have commenced on 1 July 1991.

(5) Division 9 of Part 2 and Part 3 of Schedule 3 are taken to have commenced on 12 November 1991, immediately after the commencement of Part 2 of Schedule 2 to the *Social Security Legislation Amendment Act (No. 4) 1991*.

(6) Part 4 of Schedule 3 is taken to have commenced on 12 November 1991, immediately after the commencement of Part 6 of Schedule 3 to the *Social Security Legislation Amendment Act (No. 2) 1992*.

(7) Part 5 of Schedule 3 and item 1 of Schedule 4 are taken to have commenced on 24 December 1992, immediately after the *Social Security Legislation Amendment Act (No. 2) 1992* received the Royal Assent.

(8) Items 2 and 3 of Schedule 4 are taken to have commenced on 24 December 1992, immediately after the *Social Security Legislation Amendment Act (No. 3) 1992* received the Royal Assent.

(9) Part 6 of Schedule 3 is taken to have commenced on 1 January 1993.

(10) Sections 59 and 61, Division 6 of Part 2 and Part 7 of Schedule 3 are taken to have commenced on 1 January 1993, immediately after the commencement of the *Social Security (Family Payment) Amendment Act 1992*.

(11) Division 8 of Part 2 (except sections 34 and 35) is taken to have commenced on 1 January 1993, immediately after the commencement of Part 1 of Schedule 4 to the *Social Security Legislation Amendment Act (No. 3) 1992*.

(12) Part 8 of Schedule 3 is taken to have commenced on 1 January 1993, immediately after the commencement of section 59 of the *Social Security Legislation Amendment Act (No. 2) 1992*.

(13) Division 7 of Part 2 is taken to have commenced on 1 January 1993, immediately after the commencement of Division 13 of Part 2 of the *Social Security Legislation Amendment Act (No. 3) 1992*.

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(14) Part 9 of Schedule 3 is taken to have commenced on 1 January 1993, immediately after the commencement of Division 23 of Part 2 of the *Social Security Legislation Amendment Act (No. 3) 1992*.

(15) Part 10 of Schedule 3 is taken to have commenced on 28 January 1993.

(16) Part 11 of Schedule 3 is taken to have commenced on 20 March 1993, immediately after the commencement of Division 8 of Part 2 of the *Social Security Legislation Amendment Act (No. 3) 1992*.

(17) Division 10 of Part 2 (except section 48) and Part 12 of Schedule 3 are taken to have commenced on 25 March 1993.

(18) Part 13 of Schedule 3 is taken to have commenced on 1 April 1993.

(19) Section 9 and Part 14 of Schedule 3 commence, or are taken to have commenced, as the case requires, on 1 July 1993.

(20) Part 15 of Schedule 3 commences, or is taken to have commenced, as the case requires, on 20 September 1993.

(21) Section 48 and Schedule 2 commence on 1 January 1994.

(22) Division 3 of Part 2 (except sections 16 and 17) and Schedule 1 commence, or are taken to have commenced, on 19 September 1993.

(23) Division 1 of Part 4 commences immediately after Division 18 of the *Social Security Legislation Amendment Act (No. 3) 1992*.

(24) Division 2 of Part 4 commences immediately after Division 9 of the *Veterans' Affairs Legislation Amendment Act (No. 2) 1992*.

### **Application**

3.(1) The amendments made by section 21 apply to claims for child disability allowance made on or after the day on which this Act receives the Royal Assent.

(2) The amendment made by paragraph 29(b) applies to:

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

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

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

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

### *Division 1—Debt recovery*

#### **General definitions**

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



“ **‘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
- (e) any other kind of payment under Chapter 2 of this Act; or
- (f) a pension, benefit or allowance under the 1947 Act;”.

**Prospective determinations for some allowees**

5. Section 521 of the Principal Act is amended by omitting subsection (3).

**Prospective determinations for some allowees**

6. Section 600 of the Principal Act is amended by omitting subsection (3).

**Debts arising under this Act and the 1947 Act**

7. Section 1223 of the Principal Act is amended:

- (a) by omitting subsections (2) and (3) and substituting the following subsection:

*Recalculation of amount of family payment*

“(3) Subject to subsection (4), if:

- (a) an amount (the **‘received amount’**) has been paid to a person by way of family payment; and
- (b) the person’s rate of family payment is recalculated under:
  - (i) section 884 (amendment of assessable income); or
  - (ii) section 885 (underestimate of taxable income); or
  - (iii) section 886 (failure to notify notifiable event); and
- (c) the received amount is more than the amount (the **‘correct amount’**) of the family payment payable to the person;

the difference between the received amount and the correct amount is a debt due to the Commonwealth.

Note: For the date of effect of a determination made to take account of an amendment of assessable income, see section 890.”;

- (b) by omitting subsection (11).

**Debts arising from prepayments**

8. Section 1223AA of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

“(1) If:

- (a) a person has received a prepayment of a social security benefit for a period; and
  - (b) the person fails to provide a statement under section 575 (job search allowance) or 658 (newstart allowance) in relation to the period;
- the amount of the prepayment is a debt due to the Commonwealth.

“(1A) If the Secretary is satisfied that, in the special circumstances of the case, it is appropriate to do so, the Secretary may determine in writing that subsection (1) does not apply to the prepayment.

“(1B) If:

- (a) a person has received a prepayment of a social security benefit for a period; and
- (b) the amount of the prepayment is more than the amount (if any) (the ‘**correct amount**’) of social security benefit that would have been payable to the person if:
  - (i) the prepayment had not been made; and
  - (ii) the person had not made a false statement or false representation in relation to matters that affect payment for the period; and
  - (iii) the person had not failed or omitted to comply with a provision of this Act in relation to matters that affect payment for the period; and
- (c) subsection (1) does not apply to the prepayment;

the difference between the prepayment and the correct amount is a debt due to the Commonwealth.

“(1C) A debt due to the Commonwealth under subsection (1) or (1B) is recoverable by the Commonwealth by means of:

- (a) if the person is receiving a social security payment—deductions from that person’s social security payment; or
- (b) 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
- (c) legal proceedings; or
- (d) 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.”.

### **Overpayments arising under other Acts and schemes**

9. Section 1228 of the Principal Act is amended by inserting after subsection (2A) the following subsection:

“(2B) A debt referred to in section 79 of the *Child Support (Registration and Collection) Act 1988* is an overpayment that is recoverable by the Commonwealth by means of deductions.”.

**Secretary may allow payment of debt by instalments**

**10.** Section 1234 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

“(3) In subsection (1), ‘**debt**’ means:

- (a) a debt recoverable by the Commonwealth under Part 5.2; or
- (b) a debt under the 1947 Act.

Note: Overpayments under section 1228 are not debts for the purposes of Part 5.2.”.

**Repeal of section 1235 and substitution of new section**

**11.** Section 1235 of the Principal Act is repealed and the following section is substituted:

**Meaning of “debt”**

“1235. In this Part, ‘**debt**’ means:

- (a) a debt recoverable by the Commonwealth under Part 5.2; or
- (b) a debt under the 1947 Act.

Note: Overpayments under section 1228 are not debts for the purposes of Part 5.2.”.

**Amendments relating to use of “social security payment”**

**12.** The Principal Act is amended as set out in Schedule 5.

*Division 2—Penalties*

**Penalties**

**13.** Section 1350 of the Principal Act is amended by omitting “2 years” and substituting “12 months”.

*Division 3—People with partners in gaol*

**Family relationships definitions—couples**

**14.** Section 4 of the Principal Act is amended:

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

“ ‘**partnered (partner in gaol)**’ has the meaning given by subsection (11);”;

(b) by inserting after paragraph (11)(e) the following word and paragraph:

“; and (f) a person is **partnered (partner in gaol)** if the person is a member of a couple and the person’s partner is:

(i) in gaol; or

(ii) undergoing psychiatric confinement because the partner has been charged with committing an offence.”;

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(c) by adding at the end of subsection (11) the following Notes:

“Note 2: For ‘in gaol’ see subsection 23(5).

Note 3: For ‘psychiatric confinement’ see subsections 23(8) and (9).”.

**Standard categories of family situations**

15. Section 1063 of the Principal Act is amended by inserting in subsection (1) after “partnered (partner getting benefit)”:

“; . partnered (partner in gaol)”.

**Benefit Rate Calculator A**

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

(a) by inserting after paragraph 1067–C2(e) the following word and paragraph:

“; or (f) the person’s partner is:

(i) in gaol; or

(ii) undergoing psychiatric confinement because the partner has been charged with committing an offence.”;

(b) by adding at the end of point 1067–C2 the following Notes:

“Note 3: For ‘in gaol’ see subsection 23(5).

Note 4: For ‘psychiatric confinement’ see subsections 23(8) and (9).”.

**Benefit Rate Calculator B**

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

(a) by inserting after paragraph 1068–C3(e) the following word and paragraph:

“; or (f) the person’s partner is:

(i) in gaol; or

(ii) undergoing psychiatric confinement because the partner has been charged with committing an offence.”;

(b) by adding at the end of point 1068–C3 the following Notes:

“Note 3: For ‘in gaol’ see subsection 23(5).

Note 4: For ‘psychiatric confinement’ see subsections 23(8) and (9).”.

**Replacement Rate Tables**

18. The Principal Act is amended as set out in Schedule 1.

*Division 4—Child disability allowance*

**Qualification for child disability allowance**

19. Section 954 of the Principal Act is amended:

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- (a) by omitting Note 4 to subsection (1) and substituting the following Note:

“Note 4: If the young person is absent during part of a day but is otherwise being cared for by the person, the person receives the full rate of allowance. If the person does not provide care to the young person because the young person is away receiving education, training or treatment (but not in hospital), the person may remain qualified for the allowance (see subsection 955(4)) but the person’s rate will be reduced under section 967.”;

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

“(2) Two people are each qualified for child disability allowance for a young person if between them they provide the care and attention referred to in subsection (1) for the young person.

Note: If the Secretary is satisfied that 2 people are each qualified for child disability allowance for the same young person, the Secretary may, by declaration, specify the share of child disability allowance that each person is to receive (see section 975A).”.

**Repeal of section 955 and substitution of new section**

20. Section 955 of the Principal Act is repealed and the following section is substituted:

**Qualification while person not providing care**

*42 days or less*

“955.(1) If:

- (a) a person would, apart from this subsection, stop being qualified for a child disability allowance for a CDA child for a period, or periods, in a particular calendar year, because during the period, or periods, the child is not receiving care and attention on a daily basis from:
- (i) if the person is a member of a couple—the person or the person’s partner; or
  - (ii) if the person is not a member of a couple—the person; in a private home that is the residence of the person and the child; and
- (b) during the period, or periods, the child is in respite care or is in hospital; and
- (c) the period, or the aggregate of the periods, during which the child is in respite care (if any) does not exceed, or is not likely to exceed, 42 days in that calendar year; and
- (d) the period, or the aggregate of the periods, during which the child is in a hospital (if any) does not exceed, or is not likely to exceed, 42 days in that calendar year;

the person continues to be qualified for a child disability allowance for the CDA child during the period or periods.

Note 1: A person who continues to be qualified because of subsection (1) will receive the full rate of child disability allowance.

Note 2: For circumstances which are not respite care see subsection (3).

*More than 42 days in respite care or in hospital*

“(2) If:

- (a) a person would, apart from this subsection, stop being qualified for a child disability allowance for a CDA child for a period because during the period the child is not receiving care and attention on a daily basis from:
  - (i) if the person is a member of a couple—the person or the person’s partner; or
  - (ii) if the person is not a member of a couple—the person; in a private home that is the residence of the person and the child; and
- (b) during the period the child is in short-term respite care or is in a hospital on a short-term basis; and
- (c) subsection (1) does not apply to the period;

the Secretary may decide that the person continues to be qualified for a child disability allowance for the child for a period determined by the Secretary.

Note 1: A person who continues to be qualified because of subsection (2) will receive the full rate of child disability allowance.

Note 2: For circumstances which are not respite care see subsection (3).

*Meaning of respite care*

“(3) For the purposes of subsections (1) and (2), a CDA child who is boarding away from home to receive education, training or treatment is taken not to be in respite care.

*CDA child receiving education, training or treatment (but not in hospital)*

“(4) If:

- (a) a person would, apart from this subsection, stop being qualified for a child disability allowance for a CDA child for a period because during the period the child is not receiving care and attention on a daily basis from:
  - (i) if the person is a member of a couple—the person or the person’s partner; or
  - (ii) if the person is not a member of a couple—the person; in a private home that is the residence of the person and the child; and
- (b) during the period, the child is, or is likely to be, receiving education, training or treatment (other than treatment in hospital); and
- (c) subsection (1) does not apply to the period;

the person continues to be qualified for a child disability allowance for the child during the period.

Note: A person who is qualified for a child disability allowance because of subsection (4) will receive a reduced rate (see subsection 967(2)).”

**Provisional commencement day**

**21. Section 958 of the Principal Act is amended:**

- (a) by omitting from subsection (1) “subsection (2) and”;
- (b) by omitting subsection (2).

**Rate of child disability allowance**

22. Section 967 of the Principal Act is amended:

- (a) by omitting from subsection (1) “, (3)”;
- (b) by omitting subsections (2), (3) and (4) and substituting the following subsection:

*Reduced rate of child disability allowance if child receiving education, training or treatment (but not in hospital)*

“(2) If on one or more days in the period of 14 days ending on a family payment payday, a person would have stopped being qualified for a child disability allowance for a CDA child apart from subsection 955(4) (child receiving education, training or treatment (but not in hospital)), the rate of child disability allowance payable to the person on the family payment payday for the CDA child is to be reduced by the following amount for each day in the period to which this subsection applies:

amount specified in subsection (1)

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”;

- (c) by omitting from subsection (5) “by” and substituting “in a declaration under”.

**Secretary may make declaration where 2 people are qualified for child disability allowance for the same young person**

23. Section 975A of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) If the Secretary is satisfied that 2 people are each qualified under subsection 954(2) for child disability allowance for the same young person, the Secretary is to make a declaration:

- (a) stating that the Secretary is satisfied that the 2 people are each qualified for child disability allowance for the young person; and
- (b) specifying the share of the child disability allowance for the young person that each of the 2 people is to receive.”.

**Schedule 1A**

24.(1) Schedule 1A to the Principal Act is amended by adding at the end the following clauses:

**Saving of certain claims for child disability allowance**

“64.(1) This clause applies to a person if:

- (a) the person is receiving child disability allowance for a young person immediately before the commencement of this clause; or
- (b) the person has claimed child disability allowance for a young person and the person's claim is not determined before the commencement of this clause.

“(2) If a person to whom this clause applies:

- (a) is not qualified for child disability allowance for that young person under subsections 955(1) and 955(2) of this Act as in force immediately after that commencement; and
- (b) would have been qualified for child disability allowance for that young person under subsection 955(3) of this Act as in force immediately before that commencement;

subsection 955(3) of this Act as in force immediately before that commencement continues to apply to the person.

“(3) If subclause (2) ceases to apply to the person, that subclause does not apply to the person again.

“(4) If subclause (2) applies to a person, the person's rate of child disability allowance is the rate in section 967 of this Act as in force immediately before the commencement of this clause that would apply in respect of the young person.

**Saving of declarations made under subsection 975A(1) (sharing of child disability allowance)**

“65.(1) Despite the repeal of subsection 975A(1) of this Act by section 23 of the *Social Security Legislation Amendment Act 1993*, any declarations made by the Secretary under that subsection continue in force as if the repeal had not been made.

“(2) If:

- (a) 2 people are each qualified for child disability allowance for the same young person; and
- (b) the Secretary has made a declaration under subsection 975A(1) of this Act as in force immediately before the commencement of this clause in respect of child disability allowance for the young person;

the person's rate of child disability allowance is the share specified by that subsection of the child disability allowance rate in section 967 of this Act as in force immediately before the commencement of this clause that would otherwise apply in respect of the young person.

“(3) The Secretary may amend or revoke a declaration referred to in subclause (1).”.

(2) Clauses 64 and 65 of Schedule 1A to the Principal Act inserted by subsection (1) come before clause 66 of that Schedule inserted by section 74.



***Division 5—Payments from New South Wales Medically-Acquired HIV Trust***

***Income test definitions***

**25.** Section 8 of the Principal Act is amended by inserting after paragraph (8)(va) the following paragraph:

“(vb) a payment made by the New South Wales Medically-Acquired HIV Trust to a person by way of financial assistance with expenses incurred in relation to a person who has medically acquired HIV infection;”.

***Division 6—Sole parent pension—threshold amount***

***Sole parent pension recipients***

**26.** Section 664A of the Principal Act is amended by adding at the end of the definition of “threshold amount” in subsection (4) the following word and paragraph:

“; and (e) has no dependent children.”.

***Division 7—Review of decisions***

***Application of Part to decisions under the 1947 Act***

**27.** Section 1238 of the Principal Act is amended by adding at the end the following Note:

“Note: For ‘rate of return decision’ see subsection 9(1).”.

***Secretary may review decisions***

**28.** Section 1239 of the Principal Act is amended by omitting the Note to subsection (7).

***Application for review***

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

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

“Note 2: For ‘rate of return decision’ see subsection 9(1).”;

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

“(4) If:

(a) a person who may apply to the Secretary for review of a decision under subsection (1) has not so applied; and

(b) the person applies to the Social Security Appeals Tribunal for review of the decision;

the person is taken to apply to the Secretary for review of the decision under subsection (1) on the day on which the person applies to the Social Security Appeals Tribunal.”.

***Division 8—Job search allowance, newstart allowance and sickness allowance***

**Commencement of job search allowance**

**30.** Section 534 of the Principal Act is amended by omitting Notes 3 to 6 and substituting the following Notes:

“Note 3: If the person:

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

(b) is subject to an ordinary waiting period;

the ordinary waiting period will follow the unused annual leave waiting period (see subsection 539(2)).

Note 4: 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 5: If the person is subject to a newly arrived resident’s waiting period and another waiting period, the newly arrived resident’s 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.”

**Duration of ordinary waiting period**

**31.** Section 539 of the Principal Act is amended:

(a) by omitting paragraph (1)(ba);

(b) by adding at the end of subsection (1) the following Notes:

“Note 2: If the person is subject to an education leavers waiting period, the education leavers waiting period runs concurrently with the ordinary waiting period.

Note 3: If the person is subject to a newly arrived resident’s waiting period, the newly arrived resident’s waiting period runs concurrently with the ordinary waiting period.”;

(c) by omitting paragraph (2)(c);

(d) by adding at the end of subsection (2) the following Notes:

“Note 1: If the person is subject to an education leavers waiting period, the education leavers waiting period runs concurrently with the unused annual leave waiting period and the ordinary waiting period.

Note 2: If the person is subject to a newly arrived resident’s waiting period, the newly arrived resident’s waiting period runs concurrently with the unused annual leave waiting period and the ordinary waiting period.”;

(e) by omitting subsections (2A) and (2B);

(f) by omitting paragraph (3)(b).

**Commencement of newstart allowance**

**32.** Section 616 of the Principal Act is amended by omitting Notes 3 to 6 and substituting the following Notes:

“Note 3: If the person:

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

(b) is subject to an ordinary waiting period;

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

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Note 4: 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 newstart allowance will not be payable until the longest waiting period has ended.

Note 5: If the person is subject to a newly arrived resident's waiting period and another waiting period, the newly arrived resident's waiting period runs concurrently with the other waiting period and the newstart allowance will not be payable until the longest waiting period has ended."

### **Duration of ordinary waiting period**

**33.** Section 621 of the Principal Act is amended:

(a) by omitting paragraph (1)(ba);

(b) by adding at the end of subsection (1) the following Notes:

"Note 2: If the person is subject to an education leavers waiting period, the education leavers waiting period runs concurrently with the ordinary waiting period.

Note 3: If the person is subject to a newly arrived resident's waiting period, the newly arrived resident's waiting period runs concurrently with the ordinary waiting period.";

(c) by omitting paragraph (2)(c);

(d) by adding at the end of subsection (2) the following Notes:

"Note 1: If the person is subject to an education leavers waiting period, the education leavers waiting period runs concurrently with the unused annual leave waiting period and the ordinary waiting period.

Note 2: If the person is subject to a newly arrived resident's waiting period, the newly arrived resident's waiting period runs concurrently with the unused annual leave waiting period and the ordinary waiting period.";

(e) by omitting subsections (2A) and (2B);

(f) by omitting paragraph (3)(b).

### **Qualification for sickness allowance**

**34.** Section 666 of the Principal Act is amended:

(a) by omitting from paragraph (1)(g) ", or is likely to be,";

(b) by omitting from paragraph (1)(h) ", or is likely to be,";

(c) by omitting from subparagraph (1A)(h)(iii) ", or is likely to be,";

(d) by omitting from subparagraph (1A)(h)(iv) ", or is likely to be,".

### **Person undertaking rehabilitation program may qualify for sickness allowance**

**35.** Section 667 of the Principal Act is amended:

(a) by omitting from paragraph (4)(c) ", or is likely to be,";

(b) by omitting from paragraph (4)(d) ", or is likely to be,".

### **Commencement of sickness allowance**

**36.** Section 688 of the Principal Act is amended:

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

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“(b) the person is not subject to a waiting period;”;

- (b) by omitting Note 1 to subsection (2) and substituting the following Note:

“Note 1: A waiting period is:

- (a) an unused annual leave waiting period (see sections 690 to 692); or
- (b) an ordinary waiting period (see sections 693 and 694); or
- (c) an education leavers waiting period (see sections 695 to 696A); or
- (d) a newly arrived resident’s waiting period (see sections 696B and 696C).”;

- (c) by omitting subsections (3), (4) and (4A) and substituting the following subsection:

*Claim within 5 weeks of incapacity and waiting period applying*

“(3) If the person:

- (a) claims the allowance within 5 weeks after the day on which the person becomes incapacitated for work; and
- (b) the person is subject to a waiting period;

the allowance is not payable to the person before the first day after the end of the waiting period.

Note 1: If the person:

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

the ordinary waiting period will follow the unused annual leave waiting period (see subsection 694(2)).

Note 2: 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 sickness allowance will not be payable until the longest waiting period has ended.

Note 3: If the person is subject to a newly arrived resident’s waiting period and another waiting period, the newly arrived resident’s waiting period runs concurrently with the other waiting period and the sickness allowance will not be payable until the longest waiting period has ended.”;

- (d) by omitting paragraphs (6)(b) and (c) and substituting the following paragraph:

“(b) if the person is subject to a waiting period—must not be earlier than the first day after the end of the waiting period.

Note 1: If the person:

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

the ordinary waiting period will follow the unused annual leave waiting period (see subsection 694(2)).

Note 2: 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 sickness allowance will not be payable until the longest waiting period has ended.

Note 3: If the person is subject to a newly arrived resident’s waiting period and another waiting period, the newly arrived resident’s waiting period runs concurrently with the other waiting period and the sickness allowance will not be payable until the longest waiting period has ended.”.

**Duration of ordinary waiting period**

**37.** Section 694 of the Principal Act is amended:

- (a) by omitting paragraph (1)(ba);
- (b) by adding at the end of subsection (1) the following Notes:

“Note 1: For ‘provisional commencement day’ see section 687.

Note 2: If the person is subject to an education leavers waiting period, the education leavers waiting period runs concurrently with the ordinary waiting period.

Note 3: If the person is subject to a newly arrived resident’s waiting period, the newly arrived resident’s waiting period runs concurrently with the ordinary waiting period.”;

- (c) by omitting paragraph (2)(c);
- (d) by adding at the end of subsection (2) the following Notes:

“Note 1: If the person is subject to an education leavers waiting period, the education leavers waiting period runs concurrently with the unused annual leave waiting period and the ordinary waiting period.

Note 2: If the person is subject to a newly arrived resident’s waiting period, the newly arrived resident’s waiting period runs concurrently with the unused annual leave waiting period and the ordinary waiting period.”;

- (e) by omitting subsections (2A) and (2B);
- (f) by omitting paragraph (3)(ba).

***Division 9—Impairment Table***

**Schedule 1B**

**38.** Schedule 1B to the Principal Act is amended by omitting from Table 16.2 “1.4” corresponding to HTL—BETTER EAR  $\leq$  15 and HTL—WORSE EAR  $\leq$  95 and substituting “3.4”.

***Division 10—Investment income***

**Structure of Division**

**39.** Section 1073 of the Principal Act is amended:

- (a) by omitting from column 3 in the Table in subsection (1) “1075” and substituting “1075-1076”;
- (b) by omitting from column 3 in the Table in subsection (1) “1082-1083” and substituting “1077-1079”;
- (c) by omitting from column 3 in the Table in subsection (1) “1097” and substituting “1080, 1097”.

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

**40.** Section 1074C of the Principal Act is amended:

- (a) by omitting from subsection (2) “increases to be made under section 1074B” and substituting “investment-related increases in income made”;

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

“(3) For the purposes of subsection (2), an **‘investment-related increase in income’** is an increase in the person’s ordinary income on a yearly basis:

(a) that is made under section 1074B; or

(b) that:

(i) is attributable to an investment to which Subdivision B applies; and

(ii) is not attributable to a realisation to which section 1075, 1077 or 1080 applies.”.

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

**41.** Section 1074E of the Principal Act is amended by omitting paragraph (1)(a) and substituting the following paragraphs:

“(a) if only one rate of return on the product has been declared during the period—the declared rate of return; or

(aa) if 2 or more rates of return on the product have been declared during the period—the average of those declared rates of return; or”.

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

**42.** The heading to Subdivision B of Division 1 of Part 3.10 is amended by omitting “*Accruing return investments made or acquired before 1 January 1988*” and substituting “*Investments taken into account on realisation*”.

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

**43.** Section 1075 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(2) If subsection (1) applied to an investment because it was with a friendly society, subsection (1) does not cease to apply to the investment merely because the society ceases to be a friendly society. Subsection (1), however, only continues to apply to the investment while the terms of the investment remain substantially the same as they were when the investment was with a friendly society.

Note: This subsection is intended to deal with cases in which a friendly society restructures and as a result of the restructuring loses its friendly society status. If the terms of the investment remain substantially the same, the investor can still have the investment dealt with under this section.”.

### **Insertion of new sections**

**44.** After section 1075 of the Principal Act the following sections are inserted in Subdivision B of Division 1 of Part 3.10:

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

“1076.(1) If:

- (a) a person has an investment; and
- (b) section 1075 applies to the investment; and
- (c) the investment is realised at a loss;

the person’s ordinary income is taken to be reduced during each week in the 12 months commencing on the day on which the person realises the investment by the amount worked out using the formula:

assessable loss

52

where:

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

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

“(2) Subsection (1) has effect subject to section 1082 (limits on offsetting losses).

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

“1077.(1) Subject to subsection (4), if a person realises a market-linked investment that was made or acquired before 9 September 1988 and receives an amount by way of return, the person is 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).

“(2) For the purposes of subsection (1), 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
  - (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
- (f) the investment is disposed of by the person otherwise than in the way referred to in paragraph (e).

“(3) For the purposes of this section, if a person realises an investment in circumstances where the return on the investment is paid to another person, the return is taken to be received by the person realising the investment.

“(4) This section does not apply to the realisation of a person’s market-linked investment if:

- (a) the investment is in a public unit trust; and
- (b) the trust is a property trust; and
- (c) the trust is not listed on a stock exchange; and
- (d) the person made or acquired the investment before 9 September 1988; and
- (e) the investment is realised on or after 24 July 1991 and before 23 July 1992; and
- (f) the investment is realised due to a restructuring of the trust.

“(5) For the purposes of paragraph (4)(f), a person’s investment is realised due to a restructuring if:

- (a) in realising the investment the person exchanges the investment for an investment in another public unit trust that is a property trust; and
- (b) the same manager manages both the investments referred to in paragraph (a).

**Special provisions about certain investments made before 9 September 1988**

“1078.(1) If:

- (a) before 9 September 1988, a person made or acquired a market-linked investment; and
- (b) under an agreement made before 9 September 1988, dividends payable to the person in respect of that investment are not paid to the person directly but are invested in the person’s name in market-linked investments included in the same investment product;

any market-linked investment arising from the investment of a dividend pursuant to that agreement on or after 9 September 1988 is taken, for the purposes of this Subdivision, to have been made, or acquired, by the person before 9 September 1988.

“(2) Subsections (3) and (4) apply if, at any time after 9 September 1988:

- (a) a person held, or holds, 2 or more market-linked investments included in the same investment product; and



- (b) at least one of the investments was made, or acquired, by the person before 9 September 1988 and at least one of the investments was made or acquired on or after that day; and
- (c) the person disposed, or disposes, of any of those investments.

“(3) If the amount received in respect of the disposal is or was greater than or equal to:

- (a) the value or amount, at the time of the disposal, of the investment made, or acquired, by the person before 9 September 1988; or
- (b) the sum of the values or amounts, at the time of the disposal, of the investments made, or acquired, by the person before 9 September 1988;

as the case requires, the person is taken, for the purposes of this Subdivision, to have disposed of the whole of that investment or those investments.

“(4) If the amount received in respect of the disposal (the ‘**disposal amount**’) is or was less than:

- (a) the value or amount, at the time of the disposal, of the investment made before 9 September 1988; or
- (b) the sum of the values or amounts, at the time of the disposal, of the investments made before 9 September 1988;

as the case requires, the person is to be taken, for the purposes of this Subdivision, to have disposed of so much of that investment or those investments as is equal to the disposal amount.

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

“1079.(1) If:

- (a) a person has an investment; and
- (b) section 1077 applies to the investment; and
- (c) the investment is realised at a loss;

the person’s ordinary income is taken to be reduced during each week in the 12 months commencing on the day on which the person realises the investment by the amount worked out using the formula:

**assessable loss**

52

where:

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

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

“(2) Subsection (1) has effect subject to section 1082 (limits on offsetting losses).

**Early withdrawal from superannuation fund**

“1080. 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; or
  - (iv) an immediate annuity;

the person is 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 commencing on the day on which the person realises the investment.

Note: For ‘assessable growth component’ see subsection 9(1).

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

“1081.(1) If:

- (a) a person has an investment; and
- (b) section 1080 applies to the investment; and
- (c) the investment is realised at a loss;

the person’s ordinary income is taken to be reduced during each week in the 12 months commencing on the day on which the person realises the investment by the amount worked out using the formula:

assessable loss

52

where:

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

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

“(2) Subsection (1) has effect subject to section 1082 (limits on offsetting losses).

**Limit on reduction of ordinary income for losses**

“1082. The sum of the reductions under sections 1076, 1079 and 1081 in calculating a person’s rate as at a particular day are not to exceed the sum of the increases to be made under sections 1075, 1077 and 1080 in working out the person’s pension or benefit rate as at that day.”.

**Repeal of Subdivision C of Division 1 of Part 3.10**

**45.** Subdivision C of Division 1 of Part 3.10 of the Principal Act is repealed.

**Provisions affecting superannuation fund investments before pension age**

46. Section 1097 of the Principal Act is amended by omitting from paragraph (f) “1097A” and substituting “1080”.

**Repeal of section 1097A**

47. Section 1097A of the Principal Act is repealed.

**Rate of return decision amendments**

48. The Principal Act is amended as set out in Schedule 2 to this Act.

*Division 11—Family payments*

**Insertion of new section**

49. After section 831 of the Principal Act the following section is inserted:

**FP child of approved care organisation**

“831A.(1) Subject to subsections (2) and (3) and sections 832 and 833, a person is an FP child of an approved care organisation if:

- (a) the person is a young person; and
- (b) the person is a client of the organisation; and
- (c) the person is an inhabitant of Australia.

Note 1: For ‘young person’ see subsection 5(1).

Note 2: For ‘inhabitant of Australia’ see subsection 23(1).

“(2) The young person cannot be an FP child of the organisation if:

- (a) the young person has not turned 16; and
- (b) the young person is not a full-time student; and
- (c) the young person is receiving income; and
- (d) the rate of that income exceeds \$111.35 per week.

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

“(3) The young person cannot be an FP child of the organisation if the young person is receiving:

- (a) a social security pension or benefit; or
- (b) a payment under a program included in the programs known as Labour Force Programs.”.

**FP child—prescribed student child not included**

50. Section 832 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) A person cannot be an FP child if the person:

- (a) has turned 16; and
- (b) is a prescribed student child.”.

#### **FP child—child over 16**

**51.** Section 833 of the Principal Act is amended:

- (a) by omitting from subsection (1) “dependent child” and substituting “person”;
- (b) by omitting subsection (2) and substituting the following subsection:
  - “(2) A person who has turned 16 and is undertaking secondary studies may be an FP child until:
    - (a) the end of the calendar year in which the person turns 18; or
    - (b) the person ceases secondary studies;whichever happens first.”.

#### **Repeal of section 834**

**52.** Section 834 of the Principal Act is repealed.

#### **FP child of a person—residence requirements**

**53.** Section 835 of the Principal Act is amended by inserting “of a person” after “FP child”.

#### **Repeal of section 839 and substitution of new section**

**54.** Section 839 of the Principal Act is repealed and the following section is substituted:

#### **Qualification for approved care organisation family payment**

“839.(1) Subject to subsection (2), an approved care organisation is qualified for family payment for a young person if:

- (a) the young person is an FP child of the organisation; and
- (b) no person is receiving family payment for the young person.

“(2) If a person is qualified for family payment for a young person, an approved care organisation is not qualified for family payment for the young person.

Note: For ‘young person’ see subsection 5(1).”.

#### **Family payment generally not payable before claim**

**55.** Section 842 of the Principal Act is amended by omitting from subsection (1) “Family” and substituting “Subject to sections 845A, 846 and 847, family”.

#### **Family payment provisional commencement day**

**56.** Section 843 of the Principal Act is amended by omitting from subsection (1) “, 845, 846 and 847” and substituting “and 845”.

**Insertion of new section**

57. After section 845 of the Principal Act the following section is inserted:

**Backdating—grant under prescribed educational scheme**

“845A. If:

- (a) a person (the ‘**PES recipient**’) is granted payments under a prescribed educational scheme; and
- (b) the grant is effective as from a particular day (the ‘**PES start day**’); and
- (c) because of the grant, family payment is payable to the PES recipient or the recipient’s partner; and
- (d) the PES recipient or the recipient’s partner lodges a claim for family payment:
  - (i) before the recipient is advised of the grant; or
  - (ii) within 28 days after the recipient is advised of the grant; and
- (e) within 28 days after the PES recipient is advised of the grant, the person who is claiming family payment gives the Secretary notice of the grant;

family payment can become payable before the provisional commencement day but cannot become payable before the PES start day.

Note 1: For ‘prescribed educational scheme’ see subsection 5(1).

Note 2: For ‘provisional commencement day’ see section 843.

Note 3: The family payment will not necessarily be backdated to the PES start day—some other factor may make the payment not payable at that time.”.

**Date of effect of favourable determination**

58. Section 887 of the Principal Act is amended by inserting after subsection (8) the following subsections:

“(8A) If:

- (a) a person (the ‘**PES recipient**’) is granted payments under a prescribed educational scheme; and
- (b) because of the grant, family payment is payable to the PES recipient or the recipient’s partner at a higher rate; and
- (c) before the PES recipient was advised of the grant, the recipient or the recipient’s partner was receiving family payment; and
- (d) within 28 days after the PES recipient was advised of the grant, the person who is receiving family payment gives the Secretary notice of the grant;

the determination to increase the family payment rate takes effect on the day specified in the determination.

Note: For ‘prescribed educational scheme’ see subsection 5(1).

“(8B) The day specified under subsection (8A) is not to be earlier than the day as of which the grant of payments under the prescribed educational scheme takes effect.”.

**Continuation of qualification for family payment for 4 weeks in some cases where recipient’s only FP child dies**

**59.** Section 897 of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

“(d) the person is not qualified for family payment under section 892;”.

**Family Payment Rate Calculator**

**60.** The Rate Calculator in section 1069 is amended:

(a) by inserting after Step 1 in the Method statement in point 1069–A1 the following Note:

“Note: If 2 people share the daily care and control of a child, Module E may apply.”;

(b) by inserting after Step 2 in the Method statement in point 1069–A1 the following Note:

“Note: If 2 people share the daily care and control of a child, Module E may apply.”;

(c) by inserting after Step 5 in the Method statement in point 1069–A1 the following Note:

“Note: If 2 people share the daily care and control of a child, Module E may apply.”;

(d) by inserting in point 1069–D2 “1069–D2A, 1069–D2B,” after “points”;

(e) by inserting after point 1069–D2 the following points:

*Approved care organisation not qualified for additional family payment*

“1069–D2A. An approved care organisation is not qualified for additional family payment.

*No person qualified for additional family payment if approved care organisation receiving family payment for the child*

“1069–D2B. If an approved care organisation is receiving family payment for a young person, no person is qualified for additional family payment for the young person.”;

(f) by omitting point 1069–E4 and substituting the following point:

*Reduction in additional family payment if only one person qualified for additional family payment and declaration under subsection 869(1) is in force*

“1069–E4. If:

(a) 2 people share the daily care and control of the same child; and

(b) only one of those people (the ‘**AFP recipient**’) is qualified for additional family payment for the child; and

- (c) the Secretary has made a declaration under subsection 869(1) that specifies the share of the family payment that the AFP recipient is to receive for the child;  
the maximum AFP rate for the child is that share of the maximum AFP rate that would otherwise apply.”.

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

**61.** Section 1132A of the Principal Act is amended by omitting from subsection (2) the definition of “MBR” and substituting the following definition:

“ ‘**MBR**’ is the maximum basic rate of age pension payable, as at the last 1 January, to a person who has a partner;”.

### **Indexed and adjusted amounts**

**62.** Section 1190 of the Principal Act is amended by omitting from column 4 of item 40 of the Indexed and Adjusted Amounts Table “839(2)(c)” and substituting “831A(2)(d)”.

### **Debts arising under this Act and the 1947 Act**

**63.** Section 1223 of the Principal Act is amended by omitting paragraph (4)(c) and substituting the following paragraph:

- “(c) the amount would be recoverable because of:
- (i) an increase in the person’s taxable income; or
  - (ii) an underestimate of the person’s taxable income;”.

### ***Division 12—Landcare and Environment Action Program (LEAP)***

#### **Index of definitions**

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

“LEAP program 23(1)”.

#### **General definitions**

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

“ ‘**LEAP program**’ means a Landcare and Environment Action Program administered by the Employment Department;”.

#### **Multiple entitlement exclusion**

**66.** Section 532 of the Principal Act is amended:

- (a) by inserting after paragraph (4)(b) the following word and paragraph:  
“; or (c) a LEAP program.”;

(b) by adding at the end of subsection (4) the following Note:

“Note 2: For ‘LEAP program’ see subsection 23(1).”.

**Ordinary waiting period**

**67.** Section 538 of the Principal Act is amended:

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

“; or (g) the following conditions apply:

- (i) the person undertakes a LEAP program;
- (ii) immediately before undertaking the program, the person was receiving a social security pension or benefit;
- (iii) the person completes the program;
- (iv) immediately after completing the program, the person is qualified for job search allowance;
- (v) the person claims job search allowance within 14 days after the day on which the person completes the program.”;

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

“Note 7: For ‘LEAP program’ see subsection 23(1).”.

**Multiple entitlement exclusion**

**68.** Section 614 of the Principal Act is amended:

(a) by inserting after paragraph (4)(b) the following word and paragraph:

“; or (c) a LEAP program.”;

(b) by adding at the end of subsection (4) the following Note:

“Note 2: For ‘LEAP program’ see subsection 23(1).”.

**Ordinary waiting period**

**69.** Section 620 of the Principal Act is amended:

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

“; or (j) the following conditions apply:

- (i) the person undertakes a LEAP program;
- (ii) immediately before undertaking the program, the person was receiving a social security pension or benefit;
- (iii) the person completes the program;
- (iv) immediately after completing the program, the person is qualified for newstart allowance;
- (v) the person claims newstart allowance within 14 days after the day on which the person completes the program.”;



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

“Note 8: For ‘LEAP program’ see subsection 23(1).”

### **Benefit Rate Calculator A**

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

(a) by inserting after paragraph 1067–C2(d) the following word and paragraph:

“; or (e) the person’s partner is receiving payments under a LEAP program.”;

(b) by adding at the end of point 1067–C2 the following Note:

“Note 2: For ‘LEAP program’ see subsection 23(1).”;

(c) by omitting point 1067–H2 and substituting the following points:

#### *Ordinary income of members of couples*

“1067–H2. Subject to point 1067–H2A, the ordinary income of a person who is a member of a couple is taken for the purposes of this Module to include the ordinary income of the person’s partner.

“1067–H2A. Point 1067–H2 does not apply to ordinary income of the person’s partner in the form of:

(a) AUSTUDY allowance; or

(b) ABSTUDY allowance; or

(c) financial supplement under the Student Financial Supplement Scheme; or

(d) payments under a LEAP program.

Note: For ‘AUSTUDY allowance’, ‘ABSTUDY’, ‘Student Financial Supplement Scheme’ and ‘LEAP program’ see subsection 23(1).”

### **Benefit Rate Calculator B**

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

(a) by inserting after paragraph 1068–C3(d) the following word and paragraph:

“; or (e) the person’s partner is receiving payments under a LEAP program.”;

(b) by adding at the end of point 1068–C3 the following Note:

“Note 2: For ‘LEAP program’ see subsection 23(1).”;

(c) by omitting point 1068–G2 and substituting the following points:

#### *Ordinary income of members of couples*

“1068–G2. Subject to point 1068–G2A, the ordinary income of a person who is a member of a couple is taken for the purposes of this Module to include the ordinary income of the person’s partner.

*Social Security Legislation Amendment No. 36, 1993*

“1068–G2A. Point 1068–G2 does not apply to ordinary income of the person’s partner in the form of:

- (a) AUSTUDY allowance; or
- (b) ABSTUDY allowance; or
- (c) financial supplement under the Student Financial Supplement Scheme; or
- (d) payments under a LEAP program.

Note: For ‘AUSTUDY allowance’, ‘ABSTUDY’, ‘Student Financial Supplement Scheme’ and ‘LEAP program’ see subsection 23(1).”.

***Division 13—Jobskills***

**General definitions**

**72.** Section 23 of the Principal Act is amended by omitting from subsection (1) the definition of “Jobskills” and substituting the following definition:

“ ‘Jobskills’ means:

- (a) the work experience program that is administered by the Employment Department and is called Jobskills; or
- (b) the work experience program that is administered by the government of the Australian Capital Territory and is called ACT Government Jobskills;”.

***Division 14—Mobility allowance***

**Qualification for mobility allowance**

**73.** Section 1035 of the Principal Act is amended:

- (a) by inserting after subparagraph (b)(ii) the following subparagraph:

“(iia) the person is not receiving an amount called the training component from the Employment Department;

Note: The training component is paid to a person to assist with his or her expenses in undertaking vocational training.”;

- (b) by inserting after subparagraph (c)(ii) the following subparagraph:

“(iia) the person is not receiving an amount called the training component from the Employment Department;

Note: The training component is paid to a person to assist with his or her expenses in undertaking the job search activities.”.

**Schedule 1A**

**74.(1)** Schedule 1A to the Principal Act is amended by adding at the end the following clause:

**Mobility allowance (changes made by section 73 of the *Social Security Legislation Amendment Act 1993*)**

“66.(1) If:

*Social Security Legislation Amendment No. 36, 1993*

- (a) immediately before the day on which the *Social Security Legislation Amendment Act 1993* received the Royal Assent, a person was receiving a mobility allowance; and
  - (b) immediately before that day, the person was receiving an amount called the training component from the Employment Department;
- the person does not have to satisfy subparagraph 1035(b)(ia) or (c)(ia) of this Act on and after that day in order to be qualified for mobility allowance.

“(2) If:

- (a) mobility allowance ceases to be payable to a person referred to in subclause (1); or
  - (b) the training component ceases to be payable to the person;
- subclause (1) ceases to apply to the person.

“(3) If subclause (1) ceases to apply to the person, that subclause does not apply to the person again.”.

(2) Clause 66 of Schedule 1A to the Principal Act inserted by subsection (1) comes after clause 65 of that Schedule inserted by subsection 24(1) of this Act.

***Division 15—New Enterprise Incentive Scheme and Aboriginal Employment Incentive Scheme***

**General effect of Part**

75. Section 1186 of the Principal Act is amended by omitting Note 2.

**Reduction in rate of payments under this Act if recipient or partner also receiving payments under New Enterprise Incentive Scheme (NEIS) or Aboriginal Employment Incentive Scheme (AEIS)**

76. Section 1187 of the Principal Act is amended:

- (a) by inserting before subparagraph (1)(a)(i) the following subparagraph:
  - “(ia) age pension; or”;
- (b) by inserting after subparagraph (1)(a)(v) the following subparagraph:
  - “(va) widow B pension; or”;
- (c) by inserting before subparagraph (2)(a)(i) the following subparagraph:
  - “(ia) age pension; or”.

**PART 3—FURTHER AMENDMENTS**

**Amendments of the Principal Act**

77. The Principal Act is amended as set out in Schedule 3.

**Amendments of other Acts**

78. The Acts specified in Schedule 4 are amended as set out in that Schedule.

**PART 4—SHARES AND OTHER LISTED SECURITIES**

*Division 1—Amendment of the Social Security Act 1991*

**Principal Act**

79. In this Division, “**Principal Act**” means the *Social Security Act 1991*<sup>1</sup>.

**Investments to which this Subdivision applies**

80. Section 1074A of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) This Subdivision applies to a person’s investment in the form of a listed security if the person acquired the investment after 18 August 1992.

Note: For ‘listed security’ see subsection 9(1).”.

*Division 2—Amendment of the Veterans’ Entitlements Act 1986*

**Principal Act**

81. In this Division, “**Principal Act**” means the *Veterans’ Entitlements Act 1986*<sup>2</sup>.

**Investments to which this Subdivision applies**

82. Section 46AA of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) This Subdivision applies to a person’s investment in the form of a listed security if the person acquired the investment after 18 August 1992.

Note: For ‘listed security’ see subsection 5J(1).”.

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**SCHEDULE 1**

**PEOPLE WITH PARTNERS IN GAOL (REPLACEMENT TABLES)**

**1. Section 1064 (Pension Rate Calculator A—point 1064-B1—Table B):**

Omit the Table (but not the Notes), substitute:

“

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 couple	\$8,114.60	\$312.10
2.	Partnered	\$6,767.80	\$260.30
3.	Member of illness separated couple	\$8,114.60	\$312.10
4.	Member of respite care couple	\$8,114.60	\$312.10
5.	Partnered (partner in gaol)	\$8,114.60	\$312.10

”

**2. Section 1064 (Pension Rate Calculator A—point 1064-B1—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.”

**3. Section 1064 (Pension Rate Calculator A—point 1064-C8—Pharmaceutical Allowance Amount Table):**

Omit the Table (including the Note), substitute:

“

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1 item	column 2 person's family situation	column 3 rate per year	column 4 rate per fortnight
1.	Not member of couple	\$135.20	\$5.20
2.	Partnered	\$67.60	\$2.60
3.	Member of illness separated couple	\$135.20	\$5.20
4.	Member of respite care couple	\$135.20	\$5.20
5.	Partnered (partner getting service pension)	\$67.60	\$2.60
6.	Partnered (partner in gaol)	\$135.20	\$5.20

**SCHEDULE 1—continued**

Note 1: For 'member of couple', 'partnered', 'illness separated couple', 'respite care couple' and 'partnered (partner in gaol)' see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A)."

**4. Section 1064 (Pension Rate Calculator A—point 1064-D5—Table D):**

Omit the Table (but not the Notes), substitute:

“

TABLE D 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 couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
2.	Partnered—partner does not have rent increased pension	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{4}$	\$1,643.20
3.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{8}$	\$821.60
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	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{8}$	\$821.60
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{(\text{annual rent} - \$3,120.00)}{8}$	\$959.40
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{(\text{annual rent} - \$3,120.00)}{8}$	\$1,094.60
7.	Member of illness separated couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
8.	Member of respite care couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20

**SCHEDULE 1—continued**

TABLE D—continued			
RATE OF RENT ASSISTANCE			
column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
9.	Member of temporarily separated couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,643.20
10.	Partnered (partner in gaol)	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20

**5. Section 1064 (Pension Rate Calculator A—point 1064-D5—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’, ‘temporarily separated couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 1A: For ‘dependent child’ see section 5.”

**6. Section 1064 (Pension Rate Calculator A—point 1064-D5A):**

Omit the point.

**7. Section 1064 (Pension Rate Calculator A—point 1064-H2—Table H):**

Omit the Table (but not the Notes), substitute:

TABLE H					
REMOTE AREA ALLOWANCE					
column 1 item	column 2 person's family situation	column 3 basic allowance per year	column 4 basic allowance per fortnight	column 5 additional allowance per year	column 6 additional allowance per fortnight
1.	Not member of couple	\$455.00	\$17.50	\$182.00	\$7.00
2.	Partnered	\$390.00	\$15.00	\$182.00	\$7.00
3.	Member of illness separated couple	\$455.00	\$17.50	\$182.00	\$7.00
4.	Member of respite care couple	\$455.00	\$17.50	\$182.00	\$7.00
5.	Partnered (partner in gaol)	\$455.00	\$17.50	\$182.00	\$7.00

**SCHEDULE 1—continued**

**8. Section 1064 (Pension Rate Calculator A—point 1064—H2—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.”.

**9. Section 1065 (Pension Rate Calculator B—point 1065—B1—Table B):**

Omit the Table (but not the Notes), substitute:

“

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 couple	\$8,114.60	\$312.10
2.	Partnered	\$6,767.80	\$260.30
3.	Member of illness separated couple	\$8,114.60	\$312.10
4.	Member of respite care couple	\$8,114.60	\$312.10
5.	Partnered (partner in gaol)	\$8,114.60	\$312.10

”

**10. Section 1065 (Pension Rate Calculator B—point 1065—B1—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.”.

**11. Section 1065 (Pension Rate Calculator B—point 1065—C8—Pharmaceutical Allowance Amount Table):**

Omit the Table (including the Note), substitute:

“

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1 item	column 2 person’s family situation	column 3 amount per year	column 4 amount per fortnight
1.	Not member of couple	\$135.20	\$5.20
2.	Partnered	\$67.60	\$2.60
3.	Member of illness separated couple	\$135.20	\$5.20



**SCHEDULE 1—continued**

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE—continued			
column 1 item	column 2 person's family situation	column 3 amount per year	column 4 amount per fortnight
4.	Member of respite care couple	\$135.20	\$5.20
5.	Partnered (partner getting service pension)	\$67.60	\$2.60
6.	Partnered (partner in gaol)	\$135.20	\$5.20

Note 1: For 'member of couple', 'partnered', 'illness separated couple', 'respite care couple' and 'partnered (partner in gaol)' see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).".

**12. Section 1065 (Pension Rate Calculator B—point 1065-E2—Table E):**

Omit the Table (but not the Notes), substitute:

“

TABLE E REMOTE AREA ALLOWANCE					
column 1 item	column 2 person's family situation	column 3 basic allowance per year	column 4 basic allowance per fortnight	column 5 additional allowance per year	column 6 additional allowance per fortnight
1.	Not member of couple	\$455.00	\$17.50	\$182.00	\$7.00
2.	Partnered	\$390.00	\$15.00	\$182.00	\$7.00
3.	Member of illness separated couple	\$455.00	\$17.50	\$182.00	\$7.00
4.	Member of respite care couple	\$455.00	\$17.50	\$182.00	\$7.00
5.	Partnered (partner in gaol)	\$455.00	\$17.50	\$182.00	\$7.00

”.

**13. Section 1065 (Pension Rate Calculator B—point 1065-E2—Note 1):**

Omit the Note, substitute:

“Note 1: For 'member of couple', 'partnered', 'illness separated couple', 'respite care couple' and 'partnered (partner in gaol)' see section 4.”.

**SCHEDULE 1—continued**

**14. Section 1066 (Pension Rate Calculator C—point 1066—H2—Table H):**

Omit the Table (but not the Notes), substitute:

“

TABLE H REMOTE AREA ALLOWANCE					
column 1 item	column 2 person's family situation	column 3 basic allowance per year	column 4 basic allowance per fortnight	column 5 additional allowance per year	column 6 additional allowance per fortnight
1.	Not member of couple	\$455.00	\$17.50	\$182.00	\$7.00
2.	Partnered	\$390.00	\$15.00	\$182.00	\$7.00
3.	Partnered (partner in gaol)	\$455.00	\$17.50	\$182.00	\$7.00

”

**15. Section 1066 (Pension Rate Calculator C—point 1066—H2—Notes):**

(a) Omit Notes 1 and 2, substitute:

“Note 1: For ‘member of couple’, ‘partnered’ and ‘partnered (partner in gaol)’ see section 4.”.

(b) Renumber Note 3 as Note 2.

**16. Section 1066A (Pension Rate Calculator D—point 1066A—B1—Table B):**

Add at the end the following items:

“

9.	Member of respite care couple and person has not turned 18	\$8,114.60	\$5,571.80	\$312.10	\$214.30
10.	Member of respite care couple and person has turned 18	\$8,114.60	\$6,162.00	\$312.10	\$237.00
11.	Partnered (partner in gaol) and person has not turned 18	\$8,114.60	\$5,571.80	\$312.10	\$214.30
12.	Partnered (partner in gaol) and person has turned 18	\$8,114.60	\$6,162.00	\$312.10	\$237.00

”

**17. Section 1066A (Pension Rate Calculator D—point 1066A—B1—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.”.

SCHEDULE 1—continued

**18. Section 1066A (Pension Rate Calculator D—point 1066A–D8—Pharmaceutical Allowance Amount Table):**

Omit the Table (including the Note), substitute:

“

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1 item	column 2 person's family situation	column 3 amount per year	column 4 amount per fortnight
1.	Not member of couple	\$135.20	\$5.20
2.	Partnered	\$67.60	\$2.60
3.	Member of illness separated couple	\$135.20	\$5.20
4.	Member of respite care couple	\$135.20	\$5.20
5.	Partnered (partner getting service pension)	\$67.60	\$2.60
6.	Partnered (partner in gaol)	\$135.20	\$5.20

Note 1: For 'member of couple', 'partnered', 'illness separated couple', 'respite care couple' and 'partnered (partner in gaol)' see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).”.

**19. Section 1066A (Pension Rate Calculator D—point 1066A–EA12—Table EA):**

Omit the Table (but not the Notes), substitute:

“

TABLE EA 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 couple and in disability accommodation	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
2.	Partnered—partner does not have rent increased pension	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{4}$	\$1,643.20
3.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{8}$	\$821.60

**SCHEDULE 1—continued**

TABLE EA—continued			
RATE OF RENT ASSISTANCE			
column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
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	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{8}$	\$821.60
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{(\text{annual rent} - \$3,120.00)}{8}$	\$959.40
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{(\text{annual rent} - \$3,120.00)}{8}$	\$1,094.60
7.	Member of illness separated couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
8.	Member of respite care couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
9.	Member of temporarily separated couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,643.20
10.	Partnered (partner in gaol)	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20

**20. Section 1066A (Pension Rate Calculator D—point 1066A-EA12—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’, ‘temporarily separated couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 1A: For ‘dependent child’ see section 5.”

**21. Section 1066A (Pension Rate Calculator D—point 1066A-EA12A):**

Omit the point.

**SCHEDULE 1—continued**

**22. Section 1066A (Pension Rate Calculator D—  
point 1066A—EB13—Table EB):**

Omit the Table (but not the Notes), substitute:

TABLE EB 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 couple and in disability accommodation	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
2.	Not member of couple and living permanently or indefinitely away from the person's parental home	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
3.	Partnered—partner does not have rent increased pension	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{4}$	\$1,643.20
4.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{8}$	\$821.60
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	$3 \times \frac{(\text{annual rent} - \$2,600.00)}{8}$	\$821.60
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{(\text{annual rent} - \$3,120.00)}{8}$	\$959.40
7.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{(\text{annual rent} - \$3,120.00)}{8}$	\$1,094.60
8.	Member of illness separated couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20
9.	Member of respite care couple	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$1,747.20

**SCHEDULE 1—continued**

TABLE EB—continued			
RATE OF RENT ASSISTANCE			
column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
10.	Member of temporarily separated couple	$3 \times \frac{\text{annual rent} - \$1,560.00}{4}$	\$1,643.20
11.	Partnered (partner in gaol)	$3 \times \frac{\text{annual rent} - \$1,560.00}{4}$	\$1,747.20

**23. Section 1066A (Pension Rate Calculator D—point 1066A-EB13—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’, ‘temporarily separated couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 1A: For ‘dependent child’ see section 5.”.

**24. Section 1066A (Pension Rate Calculator D—point 1066A-EB13A):**

Omit the point.

**25. Section 1066A (Pension Rate Calculator D—point 1066A-I2—Table I):**

Omit the Table (including the Note), substitute:

TABLE I					
REMOTE AREA ALLOWANCE					
column 1 item	column 2 person's family situation	column 3 basic allowance per year	column 4 basic allowance per fortnight	column 5 additional allowance per year	column 6 additional allowance per fortnight
1.	Not member of couple	\$455.00	\$17.50	\$182.00	\$7.00
2.	Partnered	\$390.00	\$15.00	\$182.00	\$7.00
3.	Member of illness separated couple	\$455.00	\$17.50	\$182.00	\$7.00
4.	Member of respite care couple	\$455.00	\$17.50	\$182.00	\$7.00
5.	Partnered (partner in gaol)	\$455.00	\$17.50	\$182.00	\$7.00

Note 1 :For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 2: For ‘AFP child’ see section 6.”.

SCHEDULE 1—continued

**26. Section 1066B (Pension Rate Calculator E—point 1066B-B1—Table B):**

Add at the end:

“

9.	Member of respite care couple and person has not turned 18	\$8,114.60	\$5,571.80	\$312.10	\$214.30
10.	Member of respite care couple and person has turned 18	\$8,114.60	\$6,162.00	\$312.10	\$237.00
11.	Partnered (partner in gaol) and person has not turned 18	\$8,114.60	\$5,571.80	\$312.10	\$214.30
12.	Partnered (partner in gaol) and person has turned 18	\$8,114.60	\$6,162.00	\$312.10	\$237.00

”

**27. Section 1066B (Pension Rate Calculator E—point 1066B-B1—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.”

**28. Section 1066B (Pension Rate Calculator E—point 1066B-D8—Pharmaceutical Allowance Amount Table):**

Omit the Table (including the Note), substitute:

“

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1	column 2	column 3	column 4
item	person’s family situation	amount per year	amount per fortnight
1.	Not member of couple	\$135.20	\$5.20
2.	Partnered	\$67.60	\$2.60
3.	Member of illness separated couple	\$135.20	\$5.20
4.	Member of respite care couple	\$135.20	\$5.20
5.	Partnered (partner getting service pension)	\$67.60	\$2.60
6.	Partnered (partner in gaol)	\$135.20	\$5.20

Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).”

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

Omit the Table (but not the Notes), substitute:

SCHEDULE 1—continued

“

TABLE F REMOTE AREA ALLOWANCE					
column 1 item	column 2 person's family situation	column 3 basic allowance per year	column 4 basic allowance per fortnight	column 5 additional allowance per year	column 6 additional allowance per fortnight
1.	Not member of couple	\$455.00	\$17.50	\$182.00	\$7.00
2.	Partnered	\$390.00	\$15.00	\$182.00	\$7.00
3.	Member of illness separated couple	\$455.00	\$17.50	\$182.00	\$7.00
4.	Member of respite care couple	\$455.00	\$17.50	\$182.00	\$7.00
5.	Partnered (partner in gaol)	\$455.00	\$17.50	\$182.00	\$7.00

”

**30. Section 1066B (Pension Rate Calculator E—point 1066B-F2—Notes 1 and 2):**

Omit the Notes, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.”

**31. Section 1067 (Benefit Rate Calculator A—point 1067-B1—Table B):**

Add at the end:

“

5.	Partnered (partner in gaol)	\$312.10	\$214.30
----	-----------------------------	----------	----------

”

**32. Section 1067 (Benefit Rate Calculator A—point 1067-B1—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’ and ‘partnered (partner in gaol)’ see section 4.”

**33. Section 1067 (Benefit Rate Calculator A—point 1067-B1—Note 3):**

Omit the Note.

**34. Section 1067 (Benefit Rate Calculator A—point 1067-D9—Pharmaceutical Allowance Amount Table):**

Omit the Table (including the Note), substitute:



**SCHEDULE 1—continued**

“

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE		
column 1 item	column 2 person's family situation	column 3 amount per fortnight
1.	Not member of couple	\$5.20
2.	Partnered	\$2.60
3.	Member of illness separated couple	\$5.20
4.	Member of respite care couple	\$5.20
5.	Partnered (partner getting service pension)	\$2.60
6.	Partnered (partner in gaol)	\$5.20

Note 1: For 'member of couple', 'partnered', 'illness separated couple', 'respite care couple' and 'partnered (partner in gaol)' see section 4.

Note 2: The amounts in column 3 are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1206A).”

**35. Section 1067 (Benefit Rate Calculator A—point 1067—F13—Table F):**

Omit the Table (but not the Notes), substitute:

“

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	$3 \times \frac{(\text{fortnightly rent} - \$100.00)}{4}$	\$63.20
2.	Partnered—partner has rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100.00)}{8}$	\$31.60
3.	Partnered—member of illness separated couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{2}$	\$134.40
4.	Partnered—member of illness separated couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20

**SCHEDULE 1—continued**

TABLE F—continued			
RATE OF RENT ASSISTANCE			
column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
5.	Partnered—member of respite care couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{2}$	\$134.40
6.	Partnered—member of respite care couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20
7.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{2}$	\$126.40
8.	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	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$63.20
9.	Partnered (partner in gaol)	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20

**36. Section 1067 (Benefit Rate Calculator A—point 1067-F13—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘partnered’, ‘illness separated couple’, ‘respite care couple’, ‘temporarily separated couple’ and ‘partnered (partner in gaol)’ see section 4.”.

**37. Section 1067 (Benefit Rate Calculator A—point 1067-F13A):**

Omit the point.

**38. Section 1067 (Benefit Rate Calculator A—point 1067-K3—Table K):**

Omit the Table (including the Notes), substitute:

**SCHEDULE 1—continued**

“

TABLE K REMOTE AREA ALLOWANCE			
column 1  item	column 2  person's family situation	column 3  basic allowance	column 4  additional allowance for each AFP child
1.	Not member of couple	\$17.50	\$7.00
2.	Partnered—partner is not benefit increase partner	\$15.00	\$7.00
3.	Member of illness separated couple—partner not benefit increase partner	\$17.50	\$7.00
4.	Partnered—partner is benefit increase partner and both person and partner are in the remote area	\$30.00	\$7.00
5.	Partnered (partner in gaol)	\$17.50	\$7.00

Note 1: For 'member of couple', 'partnered', 'benefit increase partner', 'illness separated couple' and 'partnered (partner in gaol)' see section 4.

Note 2: Item 4 includes illness separated couples.

Note 3: For 'AFP child' see section 6.”.

**39. Section 1068 (Benefit Rate Calculator B—point 1068-B1—Table B):**

Omit the Table (but not the Notes), substitute:

SCHEDULE 1—continued

TABLE B MAXIMUM BASIC RATES			
column 1	column 2	column 3 rate	
item	person's family situation	column 3A person with dependent child	column 3B person without dependent child
1.	Not member of couple and person: (a) has turned 18 but not 21; and (b) is living at a home of parent or parents	\$312.10	\$156.10
2.	Not member of couple and person: (a) has turned 18 but not 21; and (b) is not living at a home of parent or parents	\$312.10	\$237.00
3.	Not member of couple and person has turned 21 but has not turned 60	\$312.10	\$282.70
4.	Not member of couple and person: (a) has turned 60; and (b) has not been receiving social security benefit continuously for at least 6 months	\$312.10	\$282.70
5.	Not member of 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
10.	Partnered (partner in gaol) and person has turned 18 but not 21	\$312.10	\$237.00
11.	Partnered (partner in gaol) and person has turned 21	\$312.10	\$312.10

**SCHEDULE 1—continued**

**40. Section 1068 (Benefit Rate Calculator B—point 1068-B1—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’ and ‘partnered (partner in gaol)’ see section 4.”.

**41. Section 1068 (Benefit Rate Calculator B—point 1068-B1—Note 3):**

Omit the Note.

**42. Section 1068 (Benefit Rate Calculator B—point 1068-D10—Pharmaceutical Allowance Amount Table):**

Omit the Table (including the Note), substitute:

“

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE		
column 1	column 2	column 3
item	person’s family situation	amount per fortnight
1.	Not member of couple	\$5.20
2.	Partnered	\$2.60
3.	Member of illness separated couple	\$5.20
4.	Member of respite care couple	\$5.20
5.	Partnered (partner getting service pension)	\$2.60
6.	Partnered (partner in gaol)	\$5.20

Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 2: The amounts in column 3 are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1206A).”.

**43. Section 1068 (Benefit Rate Calculator B—point 1068-F15—Table F):**

Omit the Table (but not the Notes), substitute:

SCHEDULE 1—continued

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 couple	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20
2.	Partnered—partner does not have rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100.00)}{4}$	\$63.20
3.	Partnered—partner has rent increased benefit	$3 \times \frac{(\text{fortnightly rent} - \$100.00)}{8}$	\$31.60
4.	Partnered—member of illness separated couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{2}$	\$134.40
5.	Partnered—member of illness separated couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20
6.	Partnered—member of respite care couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{2}$	\$134.40
7.	Partnered—member of respite care couple where person's rate is not increased for partner under Module C and partner is getting neither pension nor benefit	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20
8.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{2}$	\$126.40
9.	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	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$63.20
10.	Partnered (partner in gaol)	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20

**SCHEDULE 1—continued**

**44. Section 1068 (Benefit Rate Calculator B—point 1068—F15—Note 1):**

Omit the Note, substitute:

“Note 1: For ‘member of couple’, ‘partnered’, ‘illness separated couple’, ‘respite care couple’, ‘temporarily separated couple’ and ‘partnered (partner in gaol)’ see section 4.”.

**45. Section 1068 (Benefit Rate Calculator B—point 1068—F15A):**

Omit the point.

**46. Section 1068 (Benefit Rate Calculator B—point 1068—J3—Table J):**

Omit the Table (including the Notes), substitute:

“

TABLE J REMOTE AREA ALLOWANCE			
column 1	column 2	column 3	column 4
item	person’s family situation	basic allowance	additional allowance for each AFP child
1.	Not member of couple	\$17.50	\$7.00
2.	Partnered—partner is not benefit increase partner	\$15.00	\$7.00
3.	Member of illness separated couple—partner not benefit increase partner	\$17.50	\$7.00
4.	Partnered—partner is benefit increase partner and both person and partner are in the remote area	\$30.00	\$7.00
5.	Partnered (partner in gaol)	\$17.50	\$7.00

Note 1: For ‘member of couple’, ‘partnered’, ‘benefit increase partner’, ‘illness separated couple’ and ‘partnered (partner in gaol)’ see section 4.

Note 2: Item 4 includes illness separated couples.”.

**SCHEDULE 2**

Section 48

**RATE OF RETURN DECISION AMENDMENTS**

**1. Subsection 9(1) (definitions of “fund manager” and “rate of return decision”):**

Omit the definitions.

**2. Section 1238:**

Repeal the section, substitute:

**Application of Part to decisions under the 1947 Act**

“1238. This Part applies as if a decision under the 1947 Act were a decision under this Act.”.

**3. Subsection 1240(1):**

(a) Omit “other than a rate of return decision in relation to an investment product”.

(b) Omit Note 2.

**4. Section 1245:**

Repeal the section, substitute:

**Application of Part**

“1245.(1) Unless otherwise stated, the provisions of this Part apply to all decisions of an officer under this Act or the *Farm Household Support Act 1992* including a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force.

“(2) This Part applies as if a decision under the 1947 Act were a decision under this Act.”.

**5. Subsections 1247(1B), (2), (3) and (4):**

Omit the subsections.

**6. Subsection 1248(1):**

Omit the subsection.

**7. Subsection 1250(2):**

Omit the subsection.

**8. Subsection 1253(7):**

Omit the subsection, substitute:

“(7) This section does not apply to a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force.”.



**SCHEDULE 2—continued**

**9. Section 1254:**

Repeal the section.

**10. Subsection 1255(6):**

Omit the subsection, substitute:

“(6) This section does not apply to a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force.”.

**11. Section 1256:**

Repeal the section.

**12. Section 1258:**

Repeal the section.

**13. Paragraphs 1260(1)(c) and (d):**

Omit the paragraphs, substitute:

“(c) any other person who has been made a party to the review under subsection (4).”.

**14. Subsection 1260(5):**

Omit the subsection (but not the Note).

**15. Subsection 1264(4):**

Omit the subsection.

**16. Subsection 1282(1):**

Omit “including a rate of return decision”.

**17. Subsection 1282(2):**

Omit the subsection, substitute:

“(2) This Part applies as if a decision under the 1947 Act were a decision under this Act.”.

**18. Subdivision A of Division 2 of Part 6.4:**

Repeal the Subdivision.

**19. Heading to Subdivision B of Division 2 of Part 6.4:**

Omit the heading.

**20. Section 1287:**

Omit “Subdivision”, substitute “Division”.

**SCHEDULE 3**

Section 77

**CONSEQUENTIAL, MINOR AND TECHNICAL AMENDMENTS  
OF THE SOCIAL SECURITY ACT 1991**

**PART 1—AMENDMENTS COMMENCING ON ROYAL ASSENT**

**1. Section 3:**

Omit from the Index:

“FAS child	6(1)
FAS period	6(1)”
“liquid assets	14A
liquid assets	19A(1)”

substitute:

“liquid assets (social security benefit)	14A(1)
liquid assets (family payment hardship rules)	19B(1)”

**2. Paragraph 11(10)(c):**

Omit “a”, substitute “an”.

**3. Subsection 14A(1) (definition of “liquid assets”):**

(a) After “Subdivision AA” insert “of Division 2”.

(b) Add at the end:

“Note 1: The Corporations Law is set out in section 82 of the *Corporations Act 1989*.

Note 2: For ‘qualifying eligible termination payment’ see subsections 27A(12) to (12D) of the *Income Tax Assessment Act*.”.

**4. Subsection 14A(1) (Note to the definition of “maximum reserve”):**

Omit the Note.

**5. Subsection 42(2) (Note):**

Omit “, family”, substitute “and family”.

**6. Paragraphs 677(1)(i) and (ha):**

Omit the paragraphs, substitute:

“(i) the person is subject to an education leavers waiting period and that period has not ended (see sections 695, 696 and 696A); or

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

**7. Section 842 (Note):**

Omit the Note.

**8. Paragraph 952(b):**

Omit the paragraph, substitute:

**SCHEDULE 3—continued**

“(b) because of that disability:

- (i) the young person needs care and attention from another person on a daily basis; and
- (ii) the care and attention needed by the young person is substantially more than that needed by a young person of the same age who does not have a physical, intellectual or psychiatric disability; and”.

**9. Section 1064 (Pension Rate Calculator A—point 1064-A1—Notes):**

- (a) Omit Note 4.
- (b) Renumber Note 5 as Note 4.
- (c) Renumber Note 6 as Note 5.
- (d) Renumber Note 7 as Note 6.

**10. Section 1065 (Pension Rate Calculator B—point 1065-A1—Method statement—Step 6):**

Omit “non income”, substitute “non-income”.

**11. Section 1066 (Pension Rate Calculator C—paragraph 1066-D1(d)):**

Add at the end “; and”.

**12. Section 1066 (Pension Rate Calculator C—point 1066-D3):**

Omit the point, substitute:

*Annual rent affects rate of rent assistance*

“1066-D3. The rate of rent assistance depends on the annual rent paid or payable by the person.”.

**13. Section 1066A (Pension Rate Calculator D—paragraph 1066A-EA2(g)):**

Add at the end “; and”.

**14. Section 1066A (Pension Rate Calculator D—paragraph 1066A-EB2(h)):**

Add at the end “; and”.

**15. Section 1066A (Pension Rate Calculator D—paragraph 1066A-F7(e)):**

Omit “Scheme; or”, substitute “Scheme.”.

**16. Section 1067 (Benefit Rate Calculator A—point 1067-B1):**

Renumber the last Note as Note 8.

**17. Section 1067 (Benefit Rate Calculator A—point 1067-C1):**

Add at the end:

**SCHEDULE 3—continued**

“Note 2: A person’s partner may be temporarily absent from Australia for up to 3 months and nevertheless be treated as being in Australia for the purposes of this point (see point 1067–C5).”.

**18. Section 1067 (Benefit Rate Calculator A—paragraph 1067–F1(g)):**  
Add at the end “; and”.

**19. Section 1067 (Benefit Rate Calculator A—point 1067–G8):**  
Add at the end:

“Note: The parental means test minimum rate is indexed annually in line with CPI increases (see sections 1191 to 1194).”.

**20. Section 1067 (Benefit Rate Calculator A—point 1067–G10):**  
Add at the end:

“Note: The parental assets value limit is indexed annually in line with CPI increases (see sections 1191 to 1194).”.

**21. Section 1067 (Benefit Rate Calculator A—point 1067–G11—  
Note 1):**

Omit the Note, substitute:

“Note 1: The parental assets value limit and the parental means test minimum rate are indexed annually in line with CPI increases (see sections 1191 to 1194).”.

**22. Section 1067 (Benefit Rate Calculator A—point 1067–G22—  
Note 1):**

Omit the Note, substitute:

“Note 1: The parental means test minimum rate is indexed annually in line with CPI increases (see sections 1191 to 1194).”.

**23. Section 1068 (Benefit Rate Calculator B—point 1068–C1):**  
Add at the end:

“Note 2: A person’s partner may be temporarily absent from Australia for up to 3 months and nevertheless be treated as being in Australia for the purposes of this point (see point 1068–C6).”.

**24. Section 1068 (Benefit Rate Calculator B—paragraph 1068–F1(e)):**  
Add at the end “; and”.

**25. Section 1068 (Benefit Rate Calculator B—point 1068–F1):**  
Re-number Note 5 as Note 2.

**26. Section 1190 (Indexed and Adjusted Amounts Table—  
item 14—column 4):**  
Omit “subsection”.

**SCHEDULE 3—continued**

**27. Section 1190 (Indexed and Adjusted Amounts Table—item 22—column 3):**

Omit “AFP free area”, substitute “AFP basic free area”.

**28. Subsection 1191(1) (CPI Indexation Table—item 16—column 2):**

Omit “AFP free area”, substitute “AFP basic free area”.

**29. Paragraph 1207(1)(a):**

Omit “Calculator” (first occurring), substitute “Calculator or”.

**30. Paragraph 1207(1)(c):**

Omit “Module” (first occurring), substitute “Module or”.

**31. Subsection 1216B(2) (paragraph (a) of the definition of “allegation authority”):**

Omit the paragraph, substitute:

“(a) the Greek-Australian Welfare Workers’ Association of NSW; or”.

**32. Subsection 1222(1) (Note 1):**

Omit:

“. section 1224A debts—pension loans scheme;”;

substitute:

“. section 1224A debts—pension loans scheme;

. section 1224B debts—education entry payment;”.

**33. Paragraph 1363(2)(d):**

(a) Omit “allowance”, substitute “payment”.

(b) Omit “Allowance”, substitute “Assistance”.

**PART 2—AMENDMENT COMMENCING ON 1 JULY 1991**

**34. Subsection 896(2):**

After “person’s family allowance” insert “supplement”.

Note: This amendment is effective from 1 July 1991 until 1 January 1993. On 1 January 1993, section 896 of the Social Security Act was repealed by the *Social Security (Family Payment) Amendment Act 1992*.

**PART 3—AMENDMENTS COMMENCING ON  
12 NOVEMBER 1991, IMMEDIATELY AFTER THE  
COMMENCEMENT OF PART 2 OF SCHEDULE 2 TO THE  
SOCIAL SECURITY LEGISLATION AMENDMENT  
ACT (NO. 4) 1991**

**35. Section 146A:**

Omit “132”, substitute “133”.

**SCHEDULE 3—continued**

**36. Section 728M:**

Omit “727”, substitute “728”.

**PART 4—AMENDMENT COMMENCING ON  
12 NOVEMBER 1991, IMMEDIATELY AFTER THE  
COMMENCEMENT OF PART 6 OF SCHEDULE 3 TO THE  
SOCIAL SECURITY LEGISLATION AMENDMENT ACT (NO. 2)  
1992**

**37. After section 31:**

Insert:

**Approval of sheltered employment—non-profit organisation**

“32.(1) If the Secretary is satisfied that:

- (a) a non-profit organisation provides paid employment for disabled persons at certain premises; and
- (b) at least 50% of the persons employed at the premises are disabled persons;

the Secretary may determine that the paid employment provided at the premises by the organisation is sheltered employment.

Note: ‘Sheltered employment’ is relevant to the definition of ‘gainful employment’ in section 19.

“(2) For the purposes of subsection (1), a **disabled person** is a person:

- (a) who is:
  - (i) permanently incapacitated for work; and
  - (ii) the degree of the incapacity for work is 85% or more; and
  - (iii) 50% or more of the incapacity for work is directly caused by a physical or mental impairment; or
- (b) who, in the Secretary’s opinion, would satisfy paragraph (a) if the person were no longer engaged in paid employment.

**Approval of sheltered employment—supported employment**

“33.(1) If:

- (a) the Minister administering the *Disability Services Act 1986* has approved a grant of financial assistance to a non-profit organisation under subsection 10(1) of that Act; and
- (b) the financial assistance relates to the provision by the organisation of supported employment services within the meaning of section 7 of that Act;

the Secretary may determine that the paid employment to which those supported employment services relates is sheltered employment.

Note: ‘Sheltered employment’ is relevant to the definition of ‘gainful employment’ in section 19.

**SCHEDULE 3—continued**

“(2) Subject to subsection (3), a determination under subsection (1) may relate to employment provided before or after the day of determination.

“(3) A determination under subsection (1) may not relate to employment provided before 5 June 1987.”.

**PART 5—AMENDMENT COMMENCING ON 24 DECEMBER 1992, IMMEDIATELY AFTER THE SOCIAL SECURITY LEGISLATION AMENDMENT ACT (NO. 2) 1992 RECEIVED THE ROYAL ASSENT**

**38. Paragraph 688(8)(c):**

After “sole”, insert “or”.

**PART 6—AMENDMENTS COMMENCING ON 1 JANUARY 1993**

**39. Subsections 80(6), (7) and (8):**

Omit the subsections.

**40. Section 1068 (Benefit Rate Calculator B—paragraph 1068–B1A(d)):**

Omit the paragraph.

**41. Subsection 1223A(2):**

Omit the subsection.

**PART 7—AMENDMENTS COMMENCING ON 1 JANUARY 1993, IMMEDIATELY AFTER THE COMMENCEMENT OF THE SOCIAL SECURITY (FAMILY PAYMENT) AMENDMENT ACT 1992**

**42. Section 1064 (Pension Rate Calculator A—point 1064–D5—Table D):**

Omit “Nil”.

**43. Section 1064 Pension Rate Calculator A):**

Add at the end:

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1064–H6. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and
- (b) the person’s partner has an AFP child; and

**SCHEDULE 3—continued**

- (c) the person's partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**44. Section 1065 (Pension Rate Calculator B):**

Add at the end:

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1065–E5. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and  
(b) the person's partner has an AFP child; and  
(c) the person's partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**45. Subsection 1066(3) (Note 1):**

Omit “, maintenance income test (Module F)”.

**46. Section 1066 (Pension Rate Calculator C—point 1066–A1—Method statement—Step 4):**

Omit “1”, substitute “1, 2”.

**47. Section 1066 (Pension Rate Calculator C):**

Add at the end:

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1066–H5. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and  
(b) the person's partner has an AFP child; and  
(c) the person's partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**48. Section 1066A (Pension Rate Calculator D):**

Add at the end:



**SCHEDULE 3—continued**

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1066A–I5. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and
- (b) the person’s partner has an AFP child; and
- (c) the person’s partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**49. Section 1066B (Pension Rate Calculator E):**

Add at the end:

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1066B–F5. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and
- (b) the person’s partner has an AFP child; and
- (c) the person’s partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**50. Section 1067 (Benefit Rate Calculator A—point 1067–K8):**

Omit the point, substitute:

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1067–K8. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and
- (b) the person’s partner has an AFP child; and
- (c) the person’s partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**51. Section 1068 (Benefit Rate Calculator B—point 1068–J8):**

Omit the point, substitute:

**SCHEDULE 3—continued**

*Special rule where partner has an AFP child but is not receiving additional allowance for the AFP child*

“1068–J8. If:

- (a) a person who is a member of a couple is qualified for an amount by way of remote area allowance; and
- (b) the person’s partner has an AFP child; and
- (c) the person’s partner is not receiving additional allowance for the AFP child;

the child is taken, for the purposes of this Module, to be an AFP child of the person.”.

**52. Section 1069 (Family Payment Rate Calculator—point 1069–I7—Table I2):**

Omit the Table (but not the Notes), substitute:

“

TABLE I2 MAINTENANCE INCOME FREE AREA					
column 1 item	column 2 person’s family situation	column 3 basic free area per year	column 4 basic free area per fortnight	column 5 additional free area per year	column 6 additional free area per fortnight
1.	Not member of couple	\$850.20	\$32.70	\$283.40	\$10.90
2.	Partnered (both the person and the partner have maintenance income)	\$1,700.40	\$65.40	\$283.40	\$10.90
3.	Partnered (only one has maintenance income)	\$ 850.20	\$32.70	\$283.40	\$10.90

”

**53. After subparagraph 1170(1)(b)(iv):**

Insert:

“(iva) carer pension; or”.

**54. After subparagraph 1177(1)(b)(iii):**

Insert:

“(iiia) a carer pension; or”.

**55. Section 1319:**

Repeal the section, substitute:

**Penalty for offences under this Division**

“1319. The penalty for an offence against section 1316, 1316A, 1317 or 1318 is imprisonment for 2 years.

**SCHEDULE 3—continued**

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.”.

**PART 8—AMENDMENT COMMENCING ON 1 JANUARY 1993,  
IMMEDIATELY AFTER THE COMMENCEMENT OF  
SECTION 59 OF THE SOCIAL SECURITY LEGISLATION  
AMENDMENT ACT (NO. 2) 1992**

**56. Subsection 19A(6):**

Omit the formula, substitute:

$$\text{“ pharmaceutical allowance rate } \times \left[ \text{number of whole fortnights} + \frac{\text{week days in short period}}{10} \right] \text{” .}$$

**PART 9—AMENDMENT COMMENCING ON 1 JANUARY 1993,  
IMMEDIATELY AFTER THE COMMENCEMENT OF DIVISION  
23 OF PART 2 OF THE SOCIAL SECURITY LEGISLATION  
AMENDMENT ACT (NO. 3) 1992**

**57. Section 1068 (Pension Rate Calculator B—points 1068–B2 and 1068–B1A):**

Omit the points, substitute:

*Certain children who are not young persons are to be treated as dependent children*

“1068–B1A. If:

- (a) a person is not a member of a couple; and
- (b) the person has at least one natural or adopted child who has turned 16 but has not turned 18; and
- (c) a social security benefit is payable to the child; and
- (d) the child is substantially dependent on the person;

the person’s maximum basic rate is worked out as if the person had a dependent child.

*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

**SCHEDULE 3—continued**

- (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 10—AMENDMENTS COMMENCING ON  
28 JANUARY 1993**

**58. Section 1067 (Benefit Rate Calculator A—point 1067–B1—  
Table B—item 2—column 2):**

Omit "and" from paragraphs (a) and (b), substitute "or".

**59. Section 1067 (Benefit Rate Calculator A—  
paragraph 1067–C3(a)):**

Omit "\$251.50", substitute "\$260.30".

**60. Section 1067 (Benefit Rate Calculator A—  
paragraph 1067–C3(b)):**

Omit "\$301.60", substitute "\$312.10".

**61. Section 1068 (Benefit Rate Calculator B—point 1068–B1—  
Table B—item 1—column 3B):**

Omit "\$237.00", substitute "\$156.10".

**62. Section 1068 (Benefit Rate Calculator B—point 1068–B1—  
Table B—item 2—column 3B):**

Omit "\$156.10", substitute "\$237.00".

**63. Section 1068 (Benefit Rate Calculator B—  
paragraph 1068–C4(a)):**

Omit "\$251.50", substitute "\$260.30".

**64. Section 1068 (Benefit Rate Calculator B—  
paragraph 1068–C4(c)):**

Omit "\$301.60", substitute "\$312.10".

**PART 11—AMENDMENTS COMMENCING ON 20 MARCH 1993,  
IMMEDIATELY AFTER THE COMMENCEMENT OF  
DIVISION 8 OF PART 2 OF THE SOCIAL SECURITY  
LEGISLATION AMENDMENT ACT (NO. 3) 1992**

**65. Section 1066A (Pension Rate Calculator D—point 1066A–B1—  
Table B—item 2—column 2—subparagraph (b)(iii)):**

Omit "is not".

**SCHEDULE 3—continued**

**66. Section 1066B (Pension Rate Calculator E—point 1066B–B1—Table B—item 2—column 2—subparagraph (b)(iii)):**

Omit “is not”.

**67. Section 1067 (Benefit Rate Calculator A—after point 1067–F13):**

Insert:

*Rate B increase—20 March 1993*

“1067–F13A. Immediately after the indexation of the rates in column 4 of Table F in point 1067–F13 on 20 March 1993:

- (a) the rate in column 4 for item 3 is increased by \$8.00; and
- (b) the rate in column 4 for item 4 is increased by \$4.00.

Note: For indexation of the column 4 amounts see sections 1191 to 1194.”.

**68. Section 1068 (Benefit Rate Calculator B—after point 1068–F15):**

Insert:

*Rate B increase—20 March 1993*

“1068–F15A. Immediately after the indexation of the rates in column 4 of Table F in point 1068–F15 on 20 March 1993:

- (a) the rate in column 4 for item 1 is increased by \$4.00; and
- (b) the rate in column 4 for item 4 is increased by \$8.00; and
- (c) the rate in column 4 for item 5 is increased by \$4.00.

Note: For indexation of the column 4 rates see sections 1191 to 1194.”.

**PART 12—AMENDMENTS COMMENCING ON 25 MARCH 1993**

**69. Subsection 9(1):**

Omit:

“ ‘investment product’ means a class of market-linked investments specified in a notice under subsection (2);”.

**70. Subsections 9(2), (2A) and (6):**

Omit the subsections.

**71. Subsection 1073(1) (Table—item 1—column 3):**

Omit “1074F”, substitute “1074G”.

**72. Subsection 1073(1) (Table—item 4):**

Omit the item.

**PART 13—AMENDMENTS COMMENCING ON 1 APRIL 1993**

**73. Section 1190 (Indexed and Adjusted Amounts Table—items 36, 37, 38 and 39):**

Omit the items.

**SCHEDULE 3—continued**

**74. Subsection 1191 (CPI Indexation Table—items 26 and 27):**

Omit the items.

**75. Section 1206:**

Repeal the section.

**PART 14—AMENDMENTS COMMENCING ON 1 JULY 1993**

**76. Paragraph 198(1A)(b):**

Omit the paragraph, substitute:

“(b) the person would be receiving a social security or service pension if the person had been an Australian resident for a long enough period.”.

**77. Subsection 198(2A):**

Omit “(c)”, substitute “(e)”.

**78. Subsection 225(2):**

Omit “or 228”, substitute “, 228 or 228AA”.

**79. After section 228:**

Insert:

**Automatic rate reduction—failure to inform Department of payment for remunerative work where earnings credit account balance available**

“228AA. If:

- (a) a person who is receiving a carer pension is given a notice under section 222; and
- (b) the notice requires the person to inform the Department of income for remunerative work undertaken by the person; and
- (c) the person fails to notify the Department of income of that kind in accordance with the notice; and
- (d) the person has an earnings credit account balance for the purposes of Division 4 of Part 3.10;

the pension becomes payable to the person at the reduced rate from the first pension payday after the day on which the person’s earnings credit account balance is reduced to nil.”.

**PART 15—AMENDMENT COMMENCING ON  
20 SEPTEMBER 1993**

**80. Subsection 1073(1) (Table—item 1—column 2):**

After “investments” insert “and listed securities”.

**SCHEDULE 4**

Section 78

**AMENDMENTS OF OTHER ACTS**

**PART 1—AMENDMENT OF THE SOCIAL SECURITY  
LEGISLATION AMENDMENT ACT (NO. 2) 1992**

**1. Section 48:**

Repeal the section.

**PART 2—AMENDMENTS OF THE SOCIAL SECURITY  
LEGISLATION AMENDMENT ACT (NO. 3) 1992**

**2. Paragraph 46(h):**

Omit the paragraph.

**3. Paragraph 47(h):**

Omit the paragraph.

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**SCHEDULE 5**

**AMENDMENTS OF THE SOCIAL SECURITY ACT 1991 RELATING  
TO THE USE OF “SOCIAL SECURITY PAYMENT”**

**1. The following provisions are amended by omitting “pension, benefit or allowance” (wherever occurring) and substituting “social security payment”:**

8(8)(zc)	1061W(3) (Note)	1251(6)
40(1)	1120(3)	1253(2)
41	1222(3)	1253(4)(g)
66(2) (Note)	1222A	1253(4)(n)
66(3) (Note)	1223AA(1)(ca)	1253(4)(o)
128(2) (Note)	1223A(1)(c)	1255(4)(d)
128(3) (Note)	1223A(1)(ca)	1304(1)(a)
170(2) (Note)	1223A(2)(c)	1304(1)(b)
170(3) (Note)	1223A(2)(ca)	1304(1)(ba)
220(2) (Note)	1223B(1)(c)	1304(1)(c)
220(3) (Note)	1223B(1)(ca)	1304(10)(b)
280(2) (Note)	1224(1)(a)	1304(10)(c)
280(3) (Note)	1224(2)(a)	1305(9)(b)
339(2) (Note)	1224(2)(aa)	1305(9)(c)
339(3) (Note)	1224A(a)	1306(8)(b)
387(2) (Note)	1224A(aa)	1306(8)(c)
387(3) (Note)	1224B(c)	1307(1)(a)
571(2) (Note)	1224B(d)	1307(13)(b)
571(3) (Note)	1224D(1)(d)	1307(13)(c)
654(2) (Note)	1224D(1)(e)	1343(b)
654(3) (Note)	1225(1)(a)	1343(c)
724(3) (Note)	1225(1)(aa)	1344(1)(a)
757(2) (Note)	1226A(1)(a)	1347(a)
757(3) (Note)	1226A(1)(b)	1347(b)
806(2) (Note)	1227(1)(a)	1348(a)
806(3) (Note)	1227(1)(aa)	1348(b)
870(2) (Note)	1228(1)(c)	1351(1)(b)
976(2) (Note)	1228(1)(d)	1352(3)
976(3) (Note)	1231(1)	1352(4)
1019(2) (Note)	1231(1A)	1357(2)(b)
1019(3) (Note)	1234A(1)	1359
1052(2) (Note)	1234A(2)	1361(2).
1052(3) (Note)	1241(1)	
1061W(2) (Note)	1241(6)	
	1251(1)	



**SCHEDULE 5—continued**

- 2. Paragraph 11(10)(d):**  
Omit “allowance”, substitute “payment”.
- 3. Paragraph 11(10)(e):**  
Omit “allowance” (wherever occurring), substitute “payment”.
- 4. Paragraph 11(10)(f):**  
Omit “allowance”, substitute “payment”.
- 5. Subparagraph 1126(1)(a)(ii):**  
Omit “allowance” (wherever occurring), substitute “payment”.
- 6. Subsection 870(3) (Note):**  
Omit “pension, benefit or family payment”, substitute “social security payment”.
- 7. Subsection 1224C(2):**  
Omit the subsection.
- 8. Paragraph 1241(1)(a):**  
Omit “pension benefit or allowance”, substitute “social security payment”.
- 9. Paragraph 1251(1)(a):**  
Omit “pension benefit or allowance”, substitute “social security payment”.
- 10. Paragraph 1253(4)(e):**  
Omit “pension, allowance or benefit”, substitute “social security payment”.
- 11. Paragraph 1307(1)(b):**  
Omit “pensions, benefits or allowances” (wherever occurring), substitute “social security payments”.
- 12. Paragraph 1344(1)(b):**  
Omit “or allowances”.
- 13. Subsection 1363(1):**  
Omit “pensions, benefits and allowances”, substitute “social security payments”.

**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; Nos. 12, 69, 81, 94, 118, 133, 134, 138, 228, 229, 230 and 241, 1992; and No. 25, 1993.
2. No. 27, 1986, as amended. For previous amendments see No. 106, 1986 (as amended by Nos. 78 and 130, 1987); No. 130, 1986; No. 78, 1987 (as amended by No. 164, 1989); No. 88, 1987; No. 130, 1987 (as amended by No. 133, 1988); No. 13, 1988 (as amended by No. 83, 1989; and No. 73, 1991); Nos. 35 and 79, 1988; No. 134, 1988 (as amended by No. 164, 1989); No. 135, 1988 (as amended by Nos. 84 and 164, 1989; and No. 73, 1991); Nos. 59, 83, 84, 93 and 163, 1989; No. 164, 1989 (as amended by No. 56, 1990; and No. 73, 1991); Nos. 59, 83, 84, 93, 163, 1989; No. 164, 1989 (as amended by No. 56, 1990; and 73, 1991); Nos. 56, 84 and 119, 1990; No. 2, 1991 (as amended by No. 73, 1991); No. 72, 1991; No. 73, 1991 (as amended by No. 74, 1991); Nos. 74, 122, 175 and 208, 1991; Nos. 12, 51, 70, 94 and 228, 1992; and No. 27, 1993.

**NOTES ABOUT SECTION HEADINGS IN THE SOCIAL SECURITY ACT 1991**

1. On the day on which this Act receives the Royal Assent, the heading to section 41 is altered by omitting “**pension, benefit or allowance**” and substituting “**social security payment**”.
2. On the day on which this Act receives the Royal Assent, the heading to section 146A is altered by omitting “**132**” and substituting “**133**”.
3. On the day on which this Act receives the Royal Assent, the heading to section 689 is altered by inserting “**or inappropriate**” after “**incorrect**”.
4. On the day on which this Act receives the Royal Assent, the heading to section 831 is altered by adding at the end “**of a person**”.
5. On the day on which this Act receives the Royal Assent, the heading to section 728M is altered by omitting “**727**” and substituting “**728**”.
6. On the day on which this Act receives the Royal Assent, the heading to section 1069 is altered by omitting the heading and substituting the following heading:  
“**Rate of family payment**”.
7. On the day on which this Act receives the Royal Assent, the heading to section 1158 is altered by omitting “**conviction**” and substituting “**charge**”.
8. On the day on which this Act receives the Royal Assent, the heading to section 1199 is altered by omitting the heading and substituting the following heading:  
“**Adjustment of AFP child MBRs**”.
9. On the day on which this Act receives the Royal Assent, the heading to section 1132C is altered by omitting “**or 1132B**”.
10. On the day on which this Act receives the Royal Assent, the heading to section 1134A is altered by omitting “**pension, benefit or allowance**” and substituting “**social security payment**”.
11. On 1 January 1994, the heading to section 1253 is altered by omitting “**rate of return decisions and**”.

NOTES—continued

12. On 1 January 1994, the heading to section 1255 is altered by omitting “**rate of return decisions and**”.
13. On 1 January 1994, the heading to section 1255 is altered by omitting “**(other than a rate of return decisions)**”.

NOTES ABOUT SUBSECTION HEADINGS IN THE SOCIAL SECURITY ACT 1991

1. On the day on which this Act receives the Royal Assent, the headings to the following subsections are altered by inserting “*or inappropriate*” after “*incorrect*”:  
46(2), 100(2), 150(2), 201(2), 255(2), 318(2), 366(2), 533(2), 615(2), 731(2), 784(2), 958(2), 1002(2) and 1039(2).
2. On the day on which this Act receives the Royal Assent, the heading to subsection 696(5) is altered by omitting “*employment*” and substituting “*full-time employment*”.
3. On 1 January 1993, immediately after the commencement of Part 1 of Schedule 4 to the *Social Security Legislation Amendment Act (No. 3) 1992*, the heading to subsection 539(2) is altered by omitting “*and no newly arrived resident’s waiting period*”.
4. On 1 January 1993, immediately after the commencement of Part 1 of Schedule 4 to the *Social Security Legislation Amendment Act (No. 3) 1992*, the heading to subsection 621(2) is altered by omitting “*and no newly arrived resident’s waiting period*”.
5. On 1 January 1993, immediately after the commencement of Part 1 of Schedule 4 to the *Social Security Legislation Amendment Act (No. 3) 1992*, the heading to subsection 694(2) is altered by omitting “*and no newly arrived resident’s waiting period*”.
6. On 1 July 1993, the heading to subsection 955(1) is altered by omitting “28” and substituting “42”.
7. On 1 July 1993, the heading to subsection 955(3) is altered by omitting “28” and substituting “42”.

[*Minister’s second reading speech made in—  
House of Representatives on 26 May 1993  
Senate on 31 August 1993*]