



# **Social Security (Budget and Other Measures) Legislation Amendment Act 1993**

**No. 121 of 1993**

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# **Social Security (Budget and Other Measures) Legislation Amendment Act 1993**

**No. 121 of 1993**

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

*[Assented to 24 December 1993]*

The Parliament of Australia enacts:

## **PART 1—PRELIMINARY**

### **Short title etc.**

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

### **Commencement**

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

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- (a) Part 1;
  - (b) Division 1 of Part 2;
  - (c) Division 11 of Part 2;
  - (d) Division 1 of Part 3.
- (2) Subject to subsection (3), Division 2 of Part 3 commences on the day on which this Act receives the Royal Assent.
- (3) If this Act does not receive the Royal Assent on or before 21 January 1994, Division 2 of Part 3 commences, or is taken to have commenced, on that day.
- (4) The amendments made by Division 12 of Part 2 and Schedule 7 are taken to have commenced on 19 September 1993, immediately after the commencement of section 18 of the *Social Security Legislation Amendment Act 1993*.
- (5) The following provisions commence, or are taken to have commenced, on 1 January 1994:
- (a) Division 5 of Part 2;
  - (b) Subdivision A of Division 7 of Part 2;
  - (c) Schedule 5;
  - (d) Division 8 of Part 2 (except subsection 70(2));
  - (e) Schedule 6.
- (6) Subsection 70(2) commences on 1 July 1994.
- (7) Subdivision B of Division 7 of Part 2 commences, or is taken to have commenced, on 1 January 1994, immediately after the commencement of Subdivision A of Division 7 of Part 2.
- (8) The following provisions commence, or are taken to have commenced, on 20 March 1994:
- (a) Division 2 of Part 2 and Schedule 1;
  - (b) Division 3 of Part 2 and Schedule 2;
  - (c) Division 4 of Part 2 and Schedule 3;
  - (d) Division 6 of Part 2 and Schedule 4;
  - (e) section 81.
- (9) Section 82 commences, or is taken to have commenced, on 20 March 1994 immediately after the commencement of section 23.
- (10) Section 85 is taken to have commenced on 1 January 1988.
- (11) Sections 83, 84 and 86 and Part 2 of Schedule 8 are taken to have commenced on 1 July 1991, immediately after the commencement of the *Social Security (Job Search and Newstart) Amendment Act 1991*.

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(12) Part 1 of Schedule 8 is taken to have commenced on 12 November 1991, immediately after the commencement of the *Social Security (Disability and Sickness Support) Amendment Act 1991*.

(13) Part 3 of Schedule 8 is taken to have commenced on 1 January 1993, immediately after the commencement of the *Social Security (Family Payment) Amendment Act 1992*.

(14) Part 4 of Schedule 8 commences on 1 July 1994, immediately after the commencement of Part 3 of the *Social Security Legislation Amendment Act (No. 2) 1993*.

### **Application**

3.(1) The amendments made by Division 3 of Part 2 and Schedule 2 apply to instalments that fall due on or after 20 March 1994.

(2) Sections 15 and 20 apply to enrolments that occur on or after 20 March 1994.

(3) The amendments made by Division 6 of Part 2 and Schedule 4:

(a) apply to social security pensions whether granted before or after 20 March 1994; and

(b) apply to claims for social security pensions whether made before or after 20 March 1994.

(4) Subject to subsection (5), the amendments made by Subdivision A of Division 7 of Part 2 apply to amounts paid on or after 1 January 1994.

(5) Subsection 1223(2B) of the *Social Security Act 1991* inserted by section 60 of this Act applies if the amount referred to in paragraph 1223(2B)(b) was paid on or after 1 January 1994 even if the amount referred to in paragraph 1223(2B)(a) was paid before 1 January 1994.

(6) The amendments made by Subdivision B of Division 7 of Part 2 apply to amounts paid on or after 1 January 1994.

(7) Subject to subsections (9), (10) and (11), the amendments made by Division 8 of Part 2 apply to compensation payments made on or after 1 January 1994.

(8) Subsection (7) applies to a payment even if a period calculated by reference to the payment commences before 1 January 1994.

(9) The amendment made by section 69 applies to lump sum compensation payments that become payable on or after 1 January 1994.

(10) For the purposes of subsection (9), a lump sum becomes payable on:

(a) if the lump sum is payable because of a decision of a court or tribunal—the day on which the decision is made; or

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- (b) if the lump sum is payable because of settlement of a claim—the day on which the claim is settled; or
- (c) in any other case—the day on which the lump sum first becomes due and payable.

(11) The amendments made by sections 75 and 77 apply to compensation payments received by the recipient of a disability support wife pension or a special needs disability support wife pension only if:

- (a) the payment is made on or after 1 January 1994; and
- (b) the recipient claims the pension on or after 1 January 1994.

(12) The amendments made by section 84 apply to notices under section 163 of the *Social Security Act 1947* given on or after 1 January 1988.

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

### *Division 1—Principal Act*

#### **Principal Act**

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

### *Division 2—Mature age allowance*

#### **Insertion of new Part**

5. After Part 2.12 of the Principal Act the following Part is inserted:

#### **“PART 2.12A—MATURE AGE ALLOWANCES**

##### *“Division 1—Structure of Part and time limit on claims*

#### **Structure of Part**

“660XAA. Part 2.12A deals with 2 payment types, mature age allowance and mature age partner allowance:

- Division 1 sets out the date after which claims cannot be made.
- Divisions 2, 3 and 11 are divided into Subdivisions that deal with either mature age allowance or mature age partner allowance.
- Divisions 4 to 10 and 12 also deal with both mature age allowance and mature age partner allowance. The sections in those Divisions usually apply to both allowances (eg section 660XDA). However, sometimes a section is divided into subsections dealing with only one of the allowances (eg section 660XDG).

#### **Claims to be lodged on or before 30 June 1996**

“660XAB. A person is not to be granted a mature age allowance or mature age partner allowance unless the person’s claim for the allowance is lodged on or before 30 June 1996.

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Note: For 'proper claim' see section 660XDB (form), section 660XDC (manner of lodgment) and section 660XDD (residence/presence in Australia).

***“Division 2—Qualification for mature age allowance and  
mature age partner allowance***

***“Subdivision A—Qualification for mature age allowance***

**Qualification for mature age allowance**

“660XBA.(1) A person is qualified for mature age allowance if the person:

- (a) has turned 60 but has not reached pension age; and
- (b) satisfies the Secretary that the person is unemployed; and
- (c) has been registered by the CES in an allowance category as unemployed for a continuous period of at least 12 months immediately before a claim period day; and
- (d) either:
  - (i) has been receiving one or a combination of the following:
    - (A) a social security pension;
    - (B) a social security benefit;
    - (C) a service pension; or
  - (ii) has been a benefit increase partner;for a continuous period of at least 12 months immediately before a claim period day; and
- (e) has 10 years qualifying Australian residence; and
- (f) is in Australia.

“(2) The qualifications in paragraphs (1)(c) and (1)(d) do not apply if the person has previously received mature age allowance or mature age partner allowance.

***Absence from Australia***

“(3) For the purposes of paragraph (1)(f), a person is taken to be in Australia if the person is temporarily absent from Australia for a period of 26 weeks or less.

“(4) In this section, ‘**claim period day**’ means:

- (a) the day on which the claim is lodged; or
- (b) any other day in the period of 3 months that starts immediately after the day on which the claim is lodged.

Note 1: For 'pension age' see section 23.

Note 2: 'CES' means the Commonwealth Employment Service (see section 23).

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Note 3: For 'allowance category' see subsection 23(4A).

Note 4: For 'benefit increase partner' see subsection 4(10).

Note 5: For 'qualifying Australian residence' see section 7.

Note 6: Exceptions to the qualification requirements in subsection (1) are set out in this Subdivision.

Note 7: A mature age allowance is not payable in certain situations even if the person is qualified (see Subdivision A of Division 3).

Note 8: A person receiving mature age allowance may be automatically transferred to the age pension if the person becomes qualified for age pension (see subsection 48(3)).

**Assurance of support**

“660XBB. A person is not qualified for mature age allowance on a day if the Secretary is satisfied that:

- (a) an assurance of support is in force in respect of the person (the 'assuree') on that day; and
- (b) the person who gave the assurance of support is willing and able to provide an adequate level of support to the assuree; and
- (c) it is reasonable for the assuree to accept that support.

Note: For 'assurance of support' see subsection 23(1).

**Person may be treated as unemployed**

“660XBC. If:

- (a) a person undertakes paid work on a day; and
- (b) the Secretary is of the opinion that, taking into account:
  - (i) the nature of the work; and
  - (ii) the duration of the work; and
  - (iii) any other matters relating to the work that the Secretary considers relevant;

the work should be disregarded;

the Secretary may treat the person as being unemployed on that day.

**Persons participating in Jobskills to be treated as employed**

“660XBD. A person participating in a Jobskills placement on a day is to be treated by the Secretary as being employed on that day.

Note: For 'Jobskills' see subsection 23(1).

**Unemployment due to industrial action**

“660XBE.(1) A person is not qualified for mature age allowance on a day unless the person satisfies the Secretary that the person's unemployment on that day was not due to the person being, or having been, engaged in industrial action or in a series of industrial actions.

“(2) A person is not qualified for mature age allowance on a day unless the Secretary is satisfied:

- (a) that the person's unemployment on that day was due to other people being, or having been, engaged in industrial action or a series of industrial actions; and

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- (b) the people, or some of the people, were members of a trade union which was involved in the industrial action; and
- (c) the person was not a member of the trade union on that day.

Note: For 'industrial action', 'trade union' and 'unemployment' see section 16.

“(3) Subsections (1) and (2) do not prevent a person from being qualified for a mature age allowance on a day that occurs after the relevant industrial action or series of industrial actions has stopped.

**Registration by CES**

“660XBF. The Secretary may decide that a person does not have to satisfy paragraph 660XBA(1)(c) (CES registration) if:

- (a) the person is not registered as unemployed by the CES as required; and
- (b) the Secretary is satisfied that there were circumstances beyond the person's control relating to the person's failure to be registered; and
- (c) having regard to those circumstances, the Secretary is satisfied that the person's failure to be registered should be disregarded.

**Certain mature age allowance claimants do not have to satisfy paragraph 660XBA(1)(c)**

“660XBG. If:

- (a) a person is receiving a newstart allowance; and
- (b) immediately before starting to receive the newstart allowance, the person is receiving a mature age allowance; and
- (c) the person claims a mature age allowance; and
- (d) the person does not satisfy paragraph 660XBA(1)(c);

for the purposes of deciding if the person is qualified for mature age allowance, the person does not have to satisfy that paragraph.

Note: This section assists certain persons who transfer between mature age allowance and newstart allowance and in doing so do not continue to be registered with the CES (see also subsection 599A(1)).

**Attendance at Reserve or Emergency Force training camp**

“660XBH. A person is not disqualified for mature age allowance if the person is outside Australia attending a training camp as a member of:

- (a) the Australian Naval Reserve; or
- (b) the Naval Emergency Reserve Forces; or
- (c) the Australian Army Reserve; or
- (d) the Australian Air Force Reserve; or
- (e) the Air Force Emergency Force; or
- (f) the Army Individual Emergency Reserve.



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***“Subdivision B—Qualification for mature age partner allowance***

**Qualification for mature age partner allowance**

“660XBI.(1) A person is qualified for mature age partner allowance if:

- (a) the person is a member of a couple; and
- (b) the person’s partner is receiving mature age allowance; and
- (c) the person is in Australia.

“(2) For the purposes of paragraph (1)(c), a person is taken to be in Australia if the person is temporarily absent from Australia for a period of 26 weeks or less.

Note 1: For ‘member of a couple’ see section 4.

Note 2: A person is not qualified if an assurance of support is in force (see section 660XBJ).

Note 3: A person attending a training camp outside Australia as a member of Australia’s emergency or reserve armed forces may not have to be in Australia to qualify for mature age partner allowance (see section 660XBK).

Note 4: A person who is receiving mature age partner allowance may be automatically transferred to the age pension if the person becomes qualified for the age pension or to wife pension if the person becomes qualified for the wife pension (see subsections 48(3) and 152(3), respectively).

**Assurance of support**

“660XBJ. A person is not qualified for mature age partner allowance on a day if the Secretary is satisfied that:

- (a) an assurance of support is in force in respect of the person (the ‘assuree’) on that day; and
- (b) the person who gave the assurance of support is willing and able to provide an adequate level of support to the assuree; and
- (c) it is reasonable for the assuree to accept that support.

Note: For ‘assurance of support’ see subsection 23(1).

**Attendance at Reserve or Emergency Force training camp**

“660XBK. A person is not disqualified for mature age partner allowance if the person is outside Australia attending a training camp as a member of:

- (a) the Australian Naval Reserve; or
- (b) the Naval Emergency Reserve Forces; or
- (c) the Australian Army Reserve; or
- (d) the Australian Air Force Reserve; or
- (e) the Air Force Emergency Reserve; or
- (f) the Army Individual Emergency Reserve.

***“Division 3—Payability of mature age allowance and mature age partner allowance***

***“Subdivision A—Payability of mature age allowance***

**Mature age allowance not payable in some circumstances**

“660XCA.(1) Even though a person is qualified for mature age allowance, the allowance may not be payable to the person because:

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- (a) the allowance has not commenced to be payable (see sections 660XCB and 660XCC); or
- (b) the person has not provided a tax file number for the person (see section 660XCD) or the person's partner (see section 660XCE); or
- (c) another pension or benefit is being paid to the person (see section 660XCF); or
- (d) the person is receiving a payment under an educational scheme or a scheme providing allowances to refugees (see section 660XCG); or
- (e) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program (see section 660XCH); or
- (f) the person is in gaol (see Part 3.13); or
- (g) the person is subject to a compensation preclusion period (see Part 3.14).

Note: For 'Commonwealth funded employment program' see subsection 23(1).

“(2) Subject to subsection (3), a mature age allowance is not payable to a person if the person's mature age allowance rate would be nil.

“(3) Subsection (2) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:

- (a) Part 2.23 of this Act; or
- (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

**Mature age allowance generally not payable before claim**

“660XCB. A mature age allowance is not payable to a person before the person's provisional commencement day (identified under section 660XCC).

**Provisional commencement day**

*General rule*

“660XCC.(1) Subject to subsections (2) and (3), a person's **provisional commencement day** is the day on which the person claims the mature age allowance.

*Initial incorrect claim followed by claim for mature age allowance*

“(2) If:

- (a) a person makes a claim (the '**initial claim**') for:
  - (i) a social security or service pension or a social security benefit; or
  - (ii) a pension, allowance, benefit or other payment under another Act, or under a program administered by the Commonwealth, that is similar in character to the mature age allowance; and

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- (b) on the day on which the person makes the initial claim the person is qualified for a mature age allowance; and
- (c) the person subsequently makes a claim for a mature age allowance; and
- (d) the Secretary is satisfied that it is reasonable for this subsection to apply to the person;

the person's provisional commencement day is the day on which the person made the initial claim.

*Early claim*

“(3) If:

- (a) a person lodges a claim for a mature age allowance; and
- (b) the person is not, on the day on which the claim is lodged, qualified for a mature age allowance; and
- (c) the person becomes qualified for a mature age allowance sometime during the period of 3 months that starts immediately after the day on which the claim is lodged;

the person's provisional commencement day is the first day on which the person is qualified for the allowance and is an Australian resident and in Australia.

**Provision of person's tax file number**

“660XCD.(1) A mature age allowance is not payable to a person if:

- (a) the person is required under section 660XDF or 660XIA to give the Secretary a written statement of the person's tax file number; and
- (b) at the end of the period of 28 days after the requirement is made, the person has neither:
  - (i) given the Secretary a written statement of the person's tax file number; nor
  - (ii) given the Secretary a declaration by the person in a form approved by the Secretary and satisfied either subsection (2) or (3).

“(2) The person satisfies this subsection if:

- (a) the person's declaration states that the person:
  - (i) has a tax file number but does not know what it is; and
  - (ii) has asked the Commissioner of Taxation to inform the person of the person's tax file number; and
- (b) the person has given the Secretary a document by the person that authorises the Commissioner of Taxation to tell the Secretary:
  - (i) whether the person has a tax file number; and
  - (ii) if the person has a tax file number—the tax file number; and

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- (c) the Commissioner of Taxation has not told the Secretary that the person has no tax file number.
- “(3) The person satisfies this subsection if:
- (a) the person’s declaration states that an application by the person for a tax file number is pending; and
  - (b) the person has given the Secretary a document by the person that authorises the Commissioner of Taxation to tell the Secretary:
    - (i) if a tax file number is issued to the person—the tax file number; or
    - (ii) if the application is refused—that the application has been refused; or
    - (iii) if the application is withdrawn—that the application has been withdrawn; and
  - (c) the Commissioner of Taxation has not told the Secretary that an application by the person for a tax file number has been refused; and
  - (d) the application for a tax file number has not been withdrawn.

**Provision of partner’s tax file number**

“660XCE.(1) Subject to subsection (4), a mature age allowance is not payable to a person if:

- (a) the person is a member of a couple; and
- (b) the person is required under section 660XDG or 660XIB to give the Secretary a written statement of the tax file number of the person’s partner; and
- (c) at the end of the period of 28 days after the requirement is made, the person has neither:
  - (i) given the Secretary a written statement of the partner’s tax file number; nor
  - (ii) given the Secretary a declaration by the partner in a form approved by the Secretary and satisfied either subsection (2) or (3).

“(2) The person satisfies this subsection if:

- (a) the partner’s declaration states that the partner:
  - (i) has a tax file number but does not know what it is; and
  - (ii) has asked the Commissioner of Taxation to inform the partner of the partner’s tax file number; and
- (b) the person has given the Secretary a document by the partner that authorises the Commissioner of Taxation to tell the Secretary:
  - (i) whether the partner has a tax file number; and
  - (ii) if the partner has a tax file number—the tax file number; and

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(c) the Commissioner of Taxation has not told the Secretary that the partner has no tax file number.

“(3) The person satisfies this subsection if:

(a) the partner’s declaration states that an application by the partner for a tax file number is pending; and

(b) the person has given the Secretary a document by the partner that authorises the Commissioner of Taxation to tell the Secretary:

(i) if a tax file number is issued to the partner—the tax file number; or

(ii) if the application is refused—that the application has been refused; or

(iii) if the application is withdrawn—that the application has been withdrawn; and

(c) the Commissioner of Taxation has not told the Secretary that an application by the partner for a tax file number has been refused; and

(d) the application for a tax file number has not been withdrawn.

“(4) The Secretary may waive the requirement for a statement of the partner’s tax file number if the Secretary is satisfied that:

(a) the person does not know the partner’s tax file number; and

(b) the person can obtain none of the following from the partner:

(i) the partner’s tax file number;

(ii) a statement of the partner’s tax file number;

(iii) a declaration by the partner under subparagraph (1)(c)(ii).

**Multiple entitlement exclusion**

“660XCF.(1) A mature age allowance is not payable to a person if the person is already receiving a service pension.

“(2) If:

(a) a person is receiving a mature age allowance; and

(b) another social security pension, a social security benefit or a service pension becomes payable to the person;

the mature age allowance is not payable to the person.

Note 1: Another payment type will generally not become payable to the person until the person claims it.

Note 2: For the day on which the mature age allowance ceases to be payable see section 660XJB.

“(3) A mature age allowance is not payable to a woman if:

(a) the woman is an armed services widow; and

(b) the woman is receiving:

(i) a pension under Part II or IV of the Veterans’ Entitlements Act at a rate determined under or by reference to subsection 30(1) of that Act; or

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- (ii) a pension under the *Seamen's War Pensions and Allowances Act 1940* at a rate determined under subsection 18(2) of that Act;

unless:

- (c) the woman has been receiving a payment referred to in subparagraph (b)(i) or (ii) continuously since before 1 November 1986; and
- (d) before 1 November 1986 the woman was also receiving a social security benefit.

Note 1: For 'armed services widow' see subsection 4(1).

Note 2: A widow receiving a payment under the Veterans' Entitlements Act who is not covered by paragraph (b) may be paid at a lower rate (see subsection 1064(5)).

“(4) A mature age allowance is not payable to a man if:

- (a) the man is an armed services widower; and
- (b) the man is receiving a pension under Part II or IV of the Veterans' Entitlements Act at a rate determined under or by reference to subsection 30(1) of that Act.

Note: For 'armed services widower' see subsection 4(1).

**Educational and other schemes exclusion**

“660XCG.(1) If:

- (a) a payment is, or may be, made in respect of a person under:
  - (i) a prescribed educational scheme other than the ABSTUDY Tertiary Scheme to the extent that it applies to part-time students; or
  - (ii) the scheme to provide an allowance known as the Maintenance Allowance for Refugees; and
- (b) the payment relates to a period;

mature age allowance is not payable to the person on a pension payday that falls within the period.

Note: For 'prescribed educational scheme' see section 5.

“(2) If:

- (a) a person may enrol in a full-time course of education; and
- (b) a payment under a scheme referred to in subsection (1) may be made in respect of the person;

the Secretary may decide that, in spite of subsection (1), mature age allowance is payable to the person before the person starts the course.

**Commonwealth funded employment program exclusion**

“660XCH. If:

- (a) a person receives, or may receive, income that is paid by a community or group from funds provided under a Commonwealth funded employment program; and

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(b) the income is paid in respect of a period;  
mature age allowance is not payable to the person on a pension payday that falls within the period.

Note: For 'Commonwealth funded employment program' see subsection 23(1).

***“Subdivision B—Payability of mature age partner allowance***

**Mature age partner allowance not payable in some circumstances**

“660XCI.(1) Even though a person is qualified for a mature age partner allowance, the allowance may not be payable to the person because:

- (a) the allowance has not commenced to be payable (see sections 660XCJ and 660XCK); or
- (b) the person has not provided a tax file number for the person (see section 660XCL) or the person's partner (see section 660XCM); or
- (c) another pension or benefit is being paid to the person (see section 660XCN); or
- (d) a person is receiving a payment under certain educational schemes (see section 660XCO); or
- (e) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program (see section 660XCP); or
- (f) the person is in gaol (see Part 3.13); or
- (g) the person is subject to a compensation preclusion period (see Part 3.14).

Note: For 'Commonwealth funded employment program' see subsection 23(1).

“(2) Subject to subsection (3), a mature age partner allowance is not payable to a person if the person's mature age partner allowance rate would be nil.

“(3) Subsection (2) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:

- (a) Part 2.23 of this Act; or
- (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

**Mature age partner allowance generally not payable before claim**

“660XCJ. A mature age partner allowance is not payable to a person before the person's provisional commencement day (identified under section 660XCK).

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**Provisional commencement day**

*General rule*

“660XCK.(1) Subject to subsections (2) and (3), a person’s **provisional commencement day** is the day on which the person claims the mature age partner allowance.

*Initial incorrect claim followed by claim for mature age partner allowance*

“(2) If:

- (a) a person makes a claim (the ‘**initial claim**’) for:
  - (i) a social security or service pension or a social security benefit;  
or
  - (ii) a pension, allowance, benefit or other payment under another Act, or under a program administered by the Commonwealth, that is similar in character to the mature age partner allowance;  
and
- (b) on the day on which the person makes the initial claim, the person is qualified for a mature age partner allowance; and
- (c) the person subsequently makes a claim for a mature age partner allowance; and
- (d) the Secretary is satisfied that it is reasonable for this subsection to apply to the person;

the person’s provisional commencement day is the day on which the person made the initial claim.

*Early claim*

“(3) If:

- (a) a person lodges a claim for a mature age partner allowance; and
- (b) the person is not, on the day on which the claim is lodged, qualified for a mature age partner allowance; and
- (c) the person becomes qualified for a mature age partner allowance sometime during the period of 3 months that starts immediately after the day on which the claim is lodged;

the person’s provisional commencement day is the first day on which the person is qualified for the allowance and is an Australian resident and in Australia.

**Provision of person’s tax file number**

“660XCL.(1) A mature age partner allowance is not payable to a person if:

- (a) the person is required under section 660XDF or 660XIA to give the Secretary a written statement of the person’s tax file number; and



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- (b) at the end of the period of 28 days after the requirement is made, the person has neither:
- (i) given the Secretary a written statement of the person's tax file number; nor
  - (ii) given the Secretary a declaration by the person in a form approved by the Secretary and satisfied either subsection (2) or (3).

“(2) The person satisfies this subsection if:

- (a) the person's declaration states that the person:
  - (i) has a tax file number but does not know what it is; and
  - (ii) has asked the Commissioner of Taxation to inform the person of the person's tax file number; and
- (b) the person has given the Secretary a document by the person that authorises the Commissioner of Taxation to tell the Secretary:
  - (i) whether the person has a tax file number; and
  - (ii) if the person has a tax file number—the tax file number; and
- (c) the Commissioner of Taxation has not told the Secretary that the person has no tax file number.

“(3) The person satisfies this subsection if:

- (a) the person's declaration states that an application by the person for a tax file number is pending; and
- (b) the person has given the Secretary a document by the person that authorises the Commissioner of Taxation to tell the Secretary:
  - (i) if a tax file number is issued to the person—the tax file number; or
  - (ii) if the application is refused—that the application has been refused; or
  - (iii) if the application is withdrawn—that the application has been withdrawn; and
- (c) the Commissioner of Taxation has not told the Secretary that an application by the person for a tax file number has been refused; and
- (d) the application for a tax file number has not been withdrawn.

**Provision of partner's tax file number**

“660XCM.(1) Subject to subsection (4), a mature age partner allowance is not payable to a person if:

- (a) the person is required under section 660XDG or 660XIB to give the Secretary a written statement of the tax file number of the person's partner; and
- (b) at the end of the period of 28 days after the requirement is made, the person has neither:

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- (i) given the Secretary a written statement of the partner's tax file number; nor
- (ii) given the Secretary a declaration by the partner in a form approved by the Secretary and satisfied either subsection (2) or (3).

“(2) The person satisfies this subsection if:

- (a) the partner's declaration states that the partner:
  - (i) has a tax file number but does not know what it is; and
  - (ii) has asked the Commissioner of Taxation to inform the partner of the partner's tax file number; and
- (b) the person has given the Secretary a document by the partner that authorises the Commissioner of Taxation to tell the Secretary:
  - (i) whether the partner has a tax file number; and
  - (ii) if the partner has a tax file number—the tax file number; and
- (c) the Commissioner of Taxation has not told the Secretary that the partner has no tax file number.

“(3) The person satisfies this subsection if:

- (a) the partner's declaration states that an application by the partner for a tax file number is pending; and
- (b) the person has given the Secretary a document by the partner that authorises the Commissioner of Taxation to tell the Secretary:
  - (i) if a tax file number is issued to the partner—the tax file number; or
  - (ii) if the application is refused—that the application has been refused; or
  - (iii) if the application is withdrawn—that the application has been withdrawn; and
- (c) the Commissioner of Taxation has not told the Secretary that an application by the partner for a tax file number has been refused; and
- (d) the application for a tax file number has not been withdrawn.

“(4) The Secretary may waive the requirement for a statement of the partner's tax file number if the Secretary is satisfied that:

- (a) the person does not know the partner's tax file number; and
- (b) the person can obtain none of the following from the partner:
  - (i) the partner's tax file number;
  - (ii) a statement of the partner's tax file number;
  - (iii) a declaration by the partner under subparagraph (1)(c)(ii).

**Multiple entitlement exclusion**

“660XCN.(1) A mature age partner allowance is not payable to a person if the person is already receiving a service pension.

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“(2) If:

- (a) a person is receiving a mature age partner allowance; and
- (b) another social security pension, a social security benefit or a service pension becomes payable to the person;

the mature age partner allowance is not payable to the person.

Note 1: Another payment type will generally not become payable to the person until the person claims it.

Note 2: For the day on which the mature age partner allowance ceases to be payable see section 660XJB.

“(3) A mature age partner allowance is not payable to a person if the person is receiving:

- (a) a pension under Part II or IV of the *Veterans’ Entitlements Act* at a rate determined under or by reference to subsection 30(1) of that Act; or
- (b) a pension under the *Seamen’s War Pensions and Allowances Act 1940* at a rate determined under subsection 18(2) of that Act.

**Educational schemes exclusion**

“660XCO.(1) If:

- (a) a payment has been, or may be, made in respect of a person under:
  - (i) the AUSTUDY Scheme; or
  - (ii) the ABSTUDY Scheme; or
  - (iii) the Student Financial Supplement Scheme; and
- (b) the payment relates to a period;

mature age partner allowance is not payable to the person on a pension payday that falls within the period.

“(2) If:

- (a) a person may enrol in a full-time course of education; and
- (b) a payment under a scheme referred to in subsection (1) may be made in respect of the person;

the Secretary may decide that, in spite of subsection (1), mature age partner allowance is payable to the person before the person starts the course.

**Commonwealth funded employment program exclusion**

“660XCP. If:

- (a) a person receives, or may receive, income that is paid by a community or group from funds provided under a Commonwealth funded employment program; and
- (b) the income is paid in respect of a period;

mature age partner allowance is not payable to the person on a pension payday that falls within the period.

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Note: For 'Commonwealth funded employment program' see subsection 23(1).

***“Division 4—Claim for mature age allowance and mature age partner allowance***

**Need for a claim**

“660XDA.(1) A person who wants to be granted mature age allowance or mature age partner allowance must make a proper claim for that allowance.

Note: For 'proper claim' see section 660XDB (form), section 660XDC (manner of lodgment) and section 660XDD (residence/presence in Australia).

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

- (a) a claim for mature age allowance or mature age partner allowance is made by or on behalf of a person; and
- (b) at the time when the claim is made, the claim cannot be granted because the person is not qualified for the allowance; and
- (c) the person does not become qualified for the allowance during the period of 3 months that starts immediately after the day on which the claim is lodged;

the claim is taken not to have been made.

**Form of claim**

“660XDB. To be a proper claim, a claim must be made in writing and must be in accordance with a form approved by the Secretary.

**Lodgment of claim**

“660XDC.(1) To be a proper claim, a claim must be lodged:

- (a) at an office of the Department; or
- (b) at a place approved for the purpose by the Secretary; or
- (c) with a person approved for the purpose by the Secretary.

“(2) A place or person approved under subsection (1) must be a place or person in Australia.

**Claimant must be an Australian resident and in Australia**

“660XDD. A claim by a person is not a proper claim unless the person is:

- (a) an Australian resident; and
- (b) in Australia;

on the day on which the claim is lodged.

Note: For 'Australian resident' see subsections 7(2) and (3).

**Claim may be withdrawn**

“660XDE.(1) A claimant for mature age allowance or mature age partner allowance, or a person on behalf of a claimant, may withdraw a claim that has not been determined.

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

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

**Secretary may require claimant to give statement of claimant’s tax file number**

“660XDF. If a claimant for mature age allowance or mature age partner allowance is in Australia, the Secretary may require the claimant to give the Secretary a written statement of the claimant’s tax file number.

Note 1: For the consequences of a failure to comply with the requirement see sections 660XCD and 660XCL.

Note 2: In some cases the requirement can be satisfied by giving the Secretary a declaration by the claimant about the claimant’s tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant’s tax file number (see subsections 660XCD(2) and (3) and 660XCL(2) and (3)).

**Secretary may require claimant to give statement of partner’s tax file number**

*Claimant for mature age allowance*

“660XDG.(1) If:

- (a) a claimant for a mature age allowance is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may require the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

*Claimant for mature age partner allowance*

“(2) The Secretary may require the claimant of a mature age partner allowance to give the Secretary a written statement of the tax file number of the claimant’s partner if the partner is in Australia.

Note 1: For the consequences of a failure to comply with the requirement see sections 660XCE and 660XCM.

Note 2: In some cases the requirement can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 660XCE(2) and (3) and 660XCM (2) and (3)).

Note 3: The Secretary can waive the requirement in some cases (see subsections 660XCE(4) and 660XCM(4)).

**“Division 5—Determination of claim**

**Secretary to determine claim**

“660XEA. The Secretary must, in accordance with this Act, determine the claim.

**Grant of claim**

“660XEB. The Secretary is to determine that the claim is to be granted if the Secretary is satisfied that:

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- (a) the person is qualified for a mature age allowance or mature age partner allowance; and
- (b) the allowance is payable.

**Date of effect of determination**

“660XEC.(1) Subject to subsections (2), (3) and (4), a determination under section 660XEB takes effect on the day on which the determination is made or on such later day or earlier day as is specified in the determination.

*Notified decision—review sought within 3 months*

“(2) If:

- (a) a decision (the ‘**previous decision**’) is made rejecting a person’s claim for a mature age allowance or mature age partner allowance; and
- (b) a notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240, within 3 months after the notice is given, for review of the previous decision; and
- (d) a determination granting the claim is made as a result of the application for review;

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

*Notified decision—review sought after 3 months*

“(3) If:

- (a) a decision (the ‘**previous decision**’) is made rejecting a person’s claim for mature age allowance or mature age partner allowance; and
- (b) a notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240, more than 3 months after the notice is given, for review of the previous decision; and
- (d) a determination granting the claim is made as a result of the application for review;

the determination takes effect on the day on which the person sought the review.

*Decision not notified*

“(4) If:

- (a) a decision (the ‘**previous decision**’) is made rejecting a person’s claim for mature age allowance or mature age partner allowance; and

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- (b) no notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240 for review of the previous decision; and
- (d) a determination granting the claim is made as a result of the application for review;

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

*“Division 6—Rate of mature age allowance and mature age partner allowance*

**How to work out a person’s mature age allowance or mature age partner allowance**

“660XFA. A person’s mature age allowance or mature age partner allowance rate is worked out by using Pension Rate Calculator A at the end of section 1064 (see Part 3.2).

*“Division 7—Payment of mature age allowance or mature age partner allowance*

**Commencement of payment of mature age allowance or mature age partner allowance**

“660XGA. A mature age allowance or mature age partner allowance becomes payable to a person on the first day on which:

- (a) the person is qualified for the allowance; and
- (b) no provision of this Act makes the allowance not payable to the person.

Note 1: For qualification for mature age allowance (see section 660XBA) and mature age partner allowance (see section 660XB1).

Note 2: For the circumstances in which a mature age allowance is not payable see section 660XCA.

Note 3: For the circumstances in which a mature age partner allowance is not payable see section 660XCI.

**Payment by instalments**

“660XGB.(1) Subject to section 660XGC, a full instalment of mature age allowance or mature age partner allowance is payable to a person on each pension payday on which:

- (a) the person is qualified for the allowance; and
- (b) the allowance is payable to the person.

“(2) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person on such pension paydays as the Secretary determines for the purposes of this subsection.

**Effect on instalments of backdating claim**

“660XGC. If:

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- (a) a person claims a mature age allowance or a mature age partner allowance on a particular day (the ‘**claim day**’); and
- (b) the person’s provisional commencement day is before the claim day; and
- (c) there is a pension payday on or after the provisional commencement day and before the claim day;

then:

- (d) no instalment of the allowance is payable on that payday; and
- (e) a full instalment of the allowance in respect of that payday is payable on the first pension payday on or after the claim day.

Note: For ‘provisional commencement day’ see sections 660XCC and 660XCK.

**Calculation of amount of instalment**

“660XGD.(1) The amount of an instalment of mature age allowance or mature age partner allowance is the amount worked out by dividing the amount of the annual rate of the allowance by 26.

“(2) If the amount that is payable to a person on a pension payday is not a multiple of 10 cents, the amount is, subject to subsection (3), to be increased or decreased to the nearest multiple of 10 cents.

“(3) If the amount that is payable to a person on a pension payday is a multiple of 5 cents, the amount is to be increased by 5 cents.

“(4) If:

- (a) an amount of pharmaceutical allowance is added to a person’s maximum basic rate in working out the amount of an instalment of mature age allowance or mature age partner allowance; and
- (b) apart from this subsection, the amount of the instalment would be less than the person’s fortnightly PA rate;

the amount of the instalment is to be increased to the person’s fortnightly PA rate.

“(5) For the purposes of subsection (4), the person’s **fortnightly PA rate** is:

**pharmaceutical allowance rate**

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where:

‘**pharmaceutical allowance rate**’ is the yearly amount of pharmaceutical allowance added to the person’s maximum basic rate in working out the amount of the instalment.

“(6) If, apart from this subsection, the amount of an instalment of mature age allowance or mature age partner allowance would be less than \$1.00, the amount of the instalment is to be increased to \$1.00.



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**Instalments to be paid to person or nominee**

“660XGE.(1) Subject to subsection (3), instalments of a person’s mature age allowance or mature age partner allowance are to be paid to that person.

“(2) The Secretary may direct that the whole or part of the instalments of a person’s allowance are to be paid to someone else on behalf of the person.

“(3) If the Secretary makes a direction under subsection (2), the instalments are to be paid in accordance with the direction.

**Payment into bank account etc.**

“660XGF.(1) An amount that is to be paid to a person under section 660XGE is to be paid in the manner set out in this section.

“(2) Subject to this section, the amount is to be paid to the credit of a bank account, credit union account or building society account nominated and maintained by the person.

“(3) The account may be an account that is maintained by the person either alone or jointly or in common with another person.

“(4) If the person has not nominated an account for the purposes of subsection (2), then, subject to subsections (5) and (7), the amount is not to be paid.

“(5) If:

- (a) an amount has not been paid because of subsection (4); and
  - (b) the person nominates an account for the purposes of subsection (2);
- the amount is to be paid under subsection (2).

“(6) The Secretary may direct that the whole or a part of the amount be paid to the person in a different way from that provided for by subsection (2).

“(7) If the Secretary gives a direction under subsection (6), the amount is to be paid in accordance with the direction.

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

“660XGG. If the Secretary is satisfied that an amount of mature age allowance or mature age partner allowance that would normally be paid on a particular day cannot reasonably be paid on that day (because, for example, it is a public holiday or a bank holiday), the Secretary may direct that the amount be paid on an earlier day.

**Payment of mature age allowance or mature age partner allowance after death**

“660XGH.(1) If:

- (a) a mature age allowance or mature age partner allowance is payable to a person; and

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- (b) the person dies; and
- (c) at the date of the person's death the person had not received an amount of the allowance payable to him or her; and
- (d) another person applies to receive that amount; and
- (e) the application is made:
  - (i) within 6 months after the death; or
  - (ii) within a further period allowed by the Secretary in special circumstances;

the Secretary may pay the amount to the person who, in the Secretary's opinion, is best entitled to it.

“(2) If the Secretary pays an amount of the allowance under subsection (1), the Commonwealth has no further liability to any person in respect of that amount of the allowance.

***“Division 8—Protection of mature age allowance and mature age partner allowance***

**Mature age allowance and mature age partner allowance to be absolutely inalienable**

“660XHA.(1) Subject to subsections (2) and (3) and section 1359, mature age allowance and mature age partner allowance are absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

***Payments to Commissioner of Taxation at recipient's request***

“(2) The Secretary may make deductions from the instalments of mature age allowance or mature age partner allowance payable to a person if the recipient asks the Secretary:

- (a) to make the deductions; and
- (b) to pay the amounts to be deducted to the Commissioner of Taxation.

Note: The Secretary must make deductions from a person's social security payment if requested by the Commissioner of Taxation (see section 1359).

***Deductions from instalments with recipient's consent***

“(3) The Secretary may make deductions from the instalments of mature age allowance or mature age partner allowance payable to a person if the recipient consents under section 1234A to the Secretary making the deductions.

Note: Section 1234A enables the Secretary to recover a debt from a person other than the debtor if the person is receiving a social security payment.

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**Effect of garnishee or attachment order**

“660XHB.(1) If:

- (a) a person has an account with a financial institution; and
- (b) instalments of mature age allowance or mature age partner allowance payable to the person (whether on the person’s own behalf or not) are being paid to the credit of that account; and
- (c) a court order in the nature of a garnishee order comes into force in respect of the account;

the court order does not apply to the saved amount (if any) in the account.

“(2) The saved amount is worked out as follows:

*Method statement*

- Step 1.* Work out the total amount of mature age allowance or mature age partner allowance payable to the person that has been paid to the credit of the account during the 4 week period immediately before the court order came into force.
- Step 2.* Subtract from that amount the total amount withdrawn from the account during the same 4 week period: the result is the **saved amount**.

“(3) This section applies to an account whether it is maintained by a person:

- (a) alone; or
- (b) jointly with another person; or
- (c) in common with another person.

Note: A person affected by a garnishee order may have other saved amounts if the person receives telephone allowance (see section 1061X).

**“Division 9—Recipient obligations**

**Secretary may require recipient to give statement of recipient’s tax file number**

“660XIA. If a recipient of a mature age allowance or mature age partner allowance is in Australia, the Secretary may require the recipient to give the Secretary a written statement of the recipient’s tax file number.

Note 1: For the consequences of a failure to comply with the requirement see sections 660XCD and 660XCL.

Note 2: In some cases the requirement can be satisfied by giving the Secretary a declaration by the recipient about the recipient’s tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient’s tax file number (see subsections 660XCD (2) and (3) and 660XCL(2) and (3)).

**Secretary may require recipient to give statement of partner's tax file number**

*Mature age allowance recipient*

“660XIB.(1) If:

- (a) a mature age allowance recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may require the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

*Mature age partner allowance recipient*

“(2) The Secretary may require the recipient of a mature age partner allowance to give the Secretary a written statement of the tax file number of the recipient's partner if the partner is in Australia.

Note 1: For the consequences of a failure to comply with the requirement see sections 660XCE and 660XCM.

Note 2: In some cases the requirement can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 660XCE(2) and (3) and 660XCM(2) and (3)).

Note 3: The Secretary can waive the requirement in some cases (see subsections 660XCE(4) and 660XCM(4)).

**Secretary may require notice of the happening of an event or a change in circumstances**

“660XIC.(1) The Secretary may give a person to whom a mature age allowance or mature age partner allowance is being paid a notice that requires the person to inform the Department if:

- (a) a specified event or change of circumstances occurs; or
- (b) the person becomes aware that a specified event or change of circumstances is likely to occur.

“(2) An event or change of circumstances is not to be specified in a notice under subsection (1) unless the occurrence of the event or change of circumstances might affect the payment of the allowance.

“(3) Subject to subsection (4), a notice under subsection (1):

- (a) must be in writing; and
- (b) may be given personally or by post; and
- (c) must specify how the person is to give the information to the Department; and
- (d) must specify the period within which the person is to give the information to the Department; and
- (e) must specify that the notice is a recipient notification notice given under this Act.

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“(4) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).

“(5) The period specified under paragraph (3)(d) must end at least 14 days after:

- (a) the day on which the event or change of circumstances occurs; or
- (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

“(6) If a notice requires the person to inform the Department of any proposal by the person to leave Australia, subsection (5) does not apply to that requirement.

“(7) A person must not, without reasonable excuse, refuse or fail to comply with a notice under subsection (1) to the extent that the person is capable of complying with the notice.

Note: Subsections 4B(2) and (3) of the *Crimes Act 1914* allow a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment.

Penalty: Imprisonment for 6 months.

“(8) This section extends to:

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

**Secretary may require recipient to give particular information relevant to payment of mature age allowance or mature age partner allowance**

“660XID.(1) The Secretary may give a person to whom a mature age allowance or mature age partner allowance is being paid a notice that requires the person to give the Department a statement about a matter that might affect the payment of the allowance to the person.

“(2) Subject to subsection (3), a notice under subsection (1):

- (a) must be in writing; and
- (b) may be given personally or by post; and
- (c) must specify how the statement is to be given to the Department; and
- (d) must specify the period within which the person is to give the statement to the Department; and
- (e) must specify that the notice is a recipient statement notice given under this Act.

“(3) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).

“(4) The period specified under paragraph (2)(d) must end at least 14 days after the day on which the notice is given.

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“(5) A statement given in response to a notice under subsection (1) must be in writing and in accordance with a form approved by the Secretary.

“(6) A person must not, without reasonable excuse, refuse or fail to comply with a notice under subsection (1) to the extent that the person is capable of complying with the notice.

Note: Subsections 4B(2) and (3) of the *Crimes Act 1914* allow a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment.

Penalty: Imprisonment for 6 months.

“(7) This section extends to:

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

*“Division 10—Continuation, variation and termination*

*“Subdivision A—General*

**Continuing effect of determination**

*Entitlement determination*

“660XJA.(1) A determination that:

- (a) a person’s claim for a mature age allowance or mature age partner allowance is granted; or
- (b) a mature age allowance or mature age partner allowance is payable to a person;

continues in effect until:

- (c) the allowance ceases to be payable under section 660XJB, 660XJC, 660XJD or 660XJE; or
- (d) a further determination in relation to the allowance under section 660XJL or 660XJM has taken effect.

Note 1: For paragraph (a) see section 660XEB.

Note 2: For paragraph (b) see section 660XJO—this paragraph is relevant where the determination in question reverses an earlier cancellation or suspension.

Note 3: For paragraph (d) see also section 660XJN.

*Rate determination*

“(2) A determination of the rate of a mature age allowance or mature age partner allowance continues in effect until:

- (a) the allowance becomes payable at a lower rate under section 660XJF, 660XJG or 660XJH; or
- (b) a further determination in relation to the allowance under section 660XJJ or 660XJK has taken effect.

Note: For paragraph (b) see also section 660XJN.

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***“Subdivision B—Automatic termination***

**Automatic termination—transfer to new payment type**

“660XJB. If:

- (a) a person is receiving a mature age allowance or mature age partner allowance; and
- (b) another social security pension or a social security benefit or a service pension becomes payable to the person;

the allowance ceases to be payable to the person immediately before the day on which the other pension or benefit becomes payable to the person.

**Automatic termination of mature age partner allowance—transfer of partner to new payment type**

“660XJC. If:

- (a) a person is receiving a mature age partner allowance; and
- (b) a social security pension, a social security benefit or a service pension becomes payable to the person’s partner; and
- (c) because the pension or benefit referred to in paragraph (b) becomes payable to the partner, a mature age allowance ceases to be payable to the partner;

the mature age partner allowance ceases to be payable to the person immediately before the day on which the pension or benefit referred to in paragraph (b) becomes payable to the partner.

**Automatic termination—recipient *complying* with section 660XIC notification obligations**

“660XJD. If:

- (a) a person who is receiving a mature age allowance or mature age partner allowance is given a notice under section 660XIC; and
- (b) the notice requires the person to inform the Department of the occurrence of an event or change in circumstances within a specified period (the ‘**notification period**’); and
- (c) the event or change in circumstances occurs; and
- (d) the person informs the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances:
  - (i) the person ceases to be qualified for the allowance; or
  - (ii) the allowance would, but for this section, cease to be payable to the person; and

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- (f) the allowance is not cancelled before the end of the notification period;

the allowance continues to be payable to the person until the end of the notification period and then ceases to be payable to the person.

Note: If the person informs the Department, within the notification period, of an event or change in circumstances that reduces the rate of the person's allowance, there is no automatic rate reduction and a determination under section 660XJK must be made in order to bring the rate reduction into effect.

**Automatic termination—recipient *not complying* with section 660XIC notification obligations**

“660XJE. If:

- (a) a person who is receiving a mature age allowance or mature age partner allowance is given a notice under section 660XIC; and
- (b) the notice requires the person to inform the Department of the occurrence of an event or change in circumstances within a specified period (the ‘**notification period**’); and
- (c) the event or change in circumstances occurs; and
- (d) the person does not inform the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or the change in circumstances:
  - (i) the person ceases to be qualified for the allowance; or
  - (ii) the allowance ceases to be payable to the person;

the allowance ceases to be payable to the person immediately after the day on which the event or change in circumstances occurs.

***“Subdivision C—Automatic rate reduction***

**Automatic rate reduction of mature age allowance—partner starting to receive pension or benefit**

“660XJF. If:

- (a) a person is receiving a mature age allowance; and
- (b) the person's partner starts to receive:
  - (i) a social security pension or benefit; or
  - (ii) a service pension; and
- (c) the person's mature age allowance rate is reduced because of the partner's receipt of that pension or benefit;

the allowance becomes payable to the person at the reduced rate on the day on which the partner starts to receive that pension or benefit.



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**Automatic rate reduction—recipient *not complying* with section 660XIC notification obligations**

“660XJG. If:

- (a) a person who is receiving a mature age allowance or mature age partner allowance is given a notice under section 660XIC; and
- (b) the notice requires the person to inform the Department of the occurrence of an event or change in circumstances within a specified period (the ‘**notification period**’); and
- (c) the event or change in circumstances occurs; and
- (d) the person does not inform the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances, the person’s rate of allowance is to be reduced;

the allowance becomes payable to the person at the reduced rate immediately after the day on which the event or change in circumstances occurs.

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

“660XJH. If:

- (a) a person who is receiving a mature age allowance or mature age partner allowance is given a notice under section 660XIC; 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 allowance 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.

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

“660XJI. If:

- (a) a person is receiving a mature age allowance or mature age partner allowance on the basis of data in a computer; and
- (b) the allowance is automatically terminated or the allowance rate is automatically reduced by the operation of a provision of this Act; and

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(c) the automatic termination or reduction is given effect to by the operation of a computer program approved by the Secretary stopping payment or reducing the rate of payment of the allowance; there is taken to be a decision by the Secretary that the automatic termination or rate reduction provision applies to the person's allowance.

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

***“Subdivision D—Determinations***

**Rate increase determination**

“660XJJ. If the Secretary is satisfied that the rate at which a mature age allowance or mature age partner allowance is being, or has been, paid is less than the rate provided for by this Act, the Secretary is to determine that the rate is to be increased to the rate specified in the determination.

Note: For the date of effect of a determination under this section see section 660XJP.

**Rate reduction determination**

“660XJK. If the Secretary is satisfied that the rate at which a mature age allowance or mature age partner allowance is being, or has been, paid is more than the rate provided for by this Act, the Secretary is to determine that the rate is to be reduced to the rate specified in the determination.

Note 1: A determination under this section is not necessary in a case where an automatic rate reduction is produced by section 660XJG or 660XJH (see subsection 660XJA(2)).

Note 2: For the date of effect of a determination under this section see section 660XJQ.

**Cancellation or suspension determination**

“660XJL. If the Secretary is satisfied that a mature age allowance or mature age partner allowance is being, or has been, paid to a person to whom it is not, or was not, payable under this Act, the Secretary is to determine that the allowance is to be cancelled or suspended.

Note 1: A determination under this section is not necessary in a case where an automatic termination is produced by section 660XJD or 660XJE (see subsection 660XJA(1)).

Note 2: For the date of effect of a determination under this section see section 660XJQ.

**Cancellation or suspension for failure to comply with section 660XID, 1304 or 1305 notice**

“660XJM. If:

- (a) a person who is receiving a mature age allowance or mature age partner allowance is given a notice under section 660XID, 1304 or 1305; and
- (b) the person does not comply with the requirements set out in the notice;

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the Secretary may determine that the allowance is to be cancelled or suspended.

Note 1: This section will not apply in a case where section 660XJL applies.

Note 2: For the date of effect of a determination under this section see section 660XJQ.

**Changes to payments by computer**

“660XJN. If:

- (a) payment of a mature age allowance or mature age partner allowance to a person is based upon data in a computer; and
- (b) the allowance rate is increased or reduced, or the allowance is cancelled or suspended, because of the operation of a computer program approved by the Secretary; and
- (c) the program causes the change for a reason for which the Secretary could determine the change;

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

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

**Resumption of payment after cancellation or suspension**

“660XJO.(1) If the Secretary:

- (a) cancels or suspends a person’s mature age allowance or mature age partner allowance under section 660XJL or 660XJM; and
- (b) reconsiders the decision to cancel or suspend; and
- (c) becomes satisfied that because of the decision to cancel or suspend:
  - (i) the person did not receive a mature age allowance or mature age partner allowance that was payable to the person; or
  - (ii) the person is not receiving a mature age allowance or mature age partner allowance that is payable to the person;

the Secretary is to determine that a mature age allowance or mature age partner allowance was or is payable to the person.

“(2) The reconsideration referred to in paragraph (1)(b) might be a reconsideration on an application under section 1240 for review or a reconsideration on the Secretary’s own initiative.

Note: For the date of effect of a determination under this section see section 660XJP.

*“Subdivision E—Date of effect of determinations*

**Date of effect of favourable determination**

“660XJP.(1) The day on which a determination under section 660XJJ or 660XJO (the ‘**favourable determination**’) takes effect is worked out in accordance with this section.

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*Notified decision—review sought within 3 months*

“(2) If:

- (a) a decision (the ‘**previous decision**’) is made in relation to a person’s mature age allowance or mature age partner allowance; and
- (b) a notice is given to the person to whom the allowance is payable advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240, within 3 months after the notice is given, for review of the previous decision; and
- (d) the favourable determination is made as a result of the application for review;

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

*Notified decision—review sought after 3 months*

“(3) If:

- (a) a decision (the ‘**previous decision**’) is made in relation to a person’s mature age allowance or mature age partner allowance; and
- (b) a notice is given to the person to whom the allowance is payable advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240, more than 3 months after the notice is given, for review of the previous decision; and
- (d) the favourable determination is made as a result of the application for review;

the determination takes effect on the day on which the person sought the review.

*Decision not notified*

“(4) If:

- (a) a decision (the ‘**previous decision**’) is made in relation to a person’s mature age allowance or mature age partner allowance; and
- (b) notice is not given to the person to whom the allowance is payable advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240, for review of the previous decision; and
- (d) the favourable determination is made as a result of the application for review;

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

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*Notified change of circumstances*

“(5) Subject to subsections (6) and (7), if:

- (a) the favourable determination is made following a person having advised the Department of a change in circumstances; and
- (b) the change is not a decrease in the rate of the person’s maintenance income;

the determination takes effect on the day on which the advice was received or on the day on which the change occurred, whichever is the later.

“(6) If:

- (a) the favourable determination is made following the death of the person’s partner; and
- (b) the favourable determination is made because the person elects not to receive bereavement payments; and
- (c) within the bereavement period:
  - (i) the person notifies the Department orally or in writing of their partner’s death; or
  - (ii) the Secretary otherwise becomes aware of the death;

the determination takes effect on the day after the day on which the partner died.

“(7) If:

- (a) the favourable determination is made following the death of the person’s partner; and
- (b) before the partner died, the partner:
  - (i) was not receiving a social security pension or a service pension; and
  - (ii) was not a long-term social security recipient; and
- (c) within the period of 4 weeks that starts on the day after the day on which the partner dies:
  - (i) the person notifies the Department orally or in writing of their partner’s death; or
  - (ii) the Secretary otherwise becomes aware of the death;

the determination takes effect on the day on which the partner died.

Note 1: For ‘long-term social security recipient’ see subsection 23(1).

Note 2: If the person’s partner is receiving a social security pension or service pension or is a long-term social security recipient, the person is entitled to bereavement payments and this subsection does not apply to the person.

*Other determinations*

“(8) In any other case, the favourable determination takes effect on the day on which the determination was made or on such later day or earlier day (not being a day more than 3 months before the determination was made) as is specified in the determination.

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**Date of effect of adverse determination**

*General*

“660XJQ.(1) The day on which a determination under section 660XJK, 660XJL or 660XJM (the ‘**adverse determination**’) takes effect is worked out in accordance with this section.

Note: If the adverse determination depends on a discretion or opinion and a person affected by the determination applies for review, the Secretary may continue payment pending the outcome of the review (see section 1241 (internal review) and section 1251 (review by the Social Security Appeals Tribunal)).

“(2) The adverse determination takes effect on:

- (a) the day on which the determination is made; or
- (b) if another day is specified in the determination—on that day.

“(3) Subject to subsections (4), (5), (6), (7) and (8), the day specified under paragraph (2)(b) must be later than the day on which the determination is made.

*Contravention of Act*

“(4) If:

- (a) the person whose mature age allowance or mature age partner allowance is affected by the adverse determination has contravened a provision of this Act (other than section 660XID, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in making the determination;

the day specified under paragraph (2)(b) may be earlier than the day on which the determination is made.

*False statement or misrepresentation—suspension or cancellation*

“(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, a mature age allowance or mature age partner allowance has been paid to a person when it should have been cancelled or suspended;

the day specified under paragraph (2)(b) may be earlier than the day on which the determination is made.

*False statement or misrepresentation—rate reduction*

“(6) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the mature age allowance or mature age partner allowance was paid to a person was more than it should have been;

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the day specified under paragraph (2)(b) may be earlier than the day on which the determination is made.

*Payment of arrears of periodic compensation payments—suspension or cancellation*

“(7) If:

(a) an adverse determination is made in relation to a person because of point 1064-E3 in Pension Rate Calculator A at the end of section 1064 (payment of arrears of periodic compensation payments); and

(b) either:

(i) the mature age allowance has been paid to the person or the person’s partner; or

(ii) the mature age partner allowance has been paid to the person or the person’s partner;

when, because of the payment of arrears of periodic compensation, the allowance should have been cancelled or suspended;

the day specified under paragraph (2)(b) may be earlier than the day on which the determination is made.

*Payment of arrears of periodic compensation payments — rate reduction*

“(8) If:

(a) an adverse determination is made in relation to a person because of point 1064-E3 in Pension Rate Calculator A at the end of section 1064 (payment of arrears of periodic compensation payments); and

(b) either:

(i) the rate at which the mature age allowance was paid to the person or the person’s partner; or

(ii) the rate at which the mature age partner allowance was paid to the person or the person’s partner;

was, because of the payment of arrears of periodic compensation, more than the rate at which the allowance should have been paid;

the day specified under paragraph (2)(b) may be earlier than the day on which the determination is made.

*“Division 11—Bereavement payments*

*“Subdivision A—Person receiving mature age allowance  
(death of partner)*

**Qualification for payments under this Subdivision**

“660XKA.(1) If:

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

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

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

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

“(2) If:

- (a) a person is receiving a mature age allowance; and
- (b) immediately before starting to receive the allowance the person was receiving partner bereavement payments; and
- (c) the bereavement rate continuation period in relation to the death of the person's partner has not ended;

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

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

Note: If a person makes an election, the date of effect of any determination to increase the person's rate of mature age allowance may, in some circumstances, be the day after the day on which the person's partner died (see subsection 660XJP(6)).

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

- (a) must be made by written notice to the Secretary; and



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

“(5) If a person is qualified for payments under this Subdivision in relation to the partner’s death, the rate at which mature age allowance is payable to the person during the bereavement period is, unless the person has made an election under subsection (3), governed by section 660XKD.

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

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

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

- (a) the person’s receipt of social security pension, social security benefit or service pension, or the person’s status as a benefit increase partner, or a combination of these, was continuous for the period of 12 months; or
- (b) the person was receiving one or other of the payments referred to in paragraph (6)(b) or had the status of a benefit increase partner, or a combination of these, for 46 weeks of the previous 52.

**Continued payment of partner’s pension**

“660XKB.(1) If a person is qualified for payments under this Subdivision in relation to the death of the person’s partner, there is payable to the person, on each of the partner’s paydays in the bereavement rate continuation period the following amount:

- (a) where the partner was receiving a social security pension—the amount that would have been payable to the partner on the payday if the partner had not died; or
- (b) where the partner was receiving a service pension—the amount that would have been payable to the partner under Part III of the Veterans’ Entitlements Act on the service payday that:
  - (i) where the first Thursday after the partner’s death was a service payday—precedes the partner’s payday; or
  - (ii) in any other case—follows the partner’s payday;

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if the partner had not died.

“(2) For the purposes of subsection (1), if the couple were, immediately before the partner’s death, an illness separated couple or a respite care couple, the amounts are to be worked out as if they were not such a couple.

**Lump sum payable in some circumstances**

“660XKC. If:

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

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

**LUMP SUM CALCULATOR**

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

*Method statement*

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|--|
| <p><i>Step 1.</i> Work out the amount that would have been payable to the person on the person’s payday immediately before the first available bereavement adjustment payday if:</p> <ul style="list-style-type: none"><li>(a) the person’s partner had not died; and</li><li>(b) where immediately before the partner’s death the couple were an illness separated couple or a respite care couple—they were not such a couple.</li></ul> <p><i>Step 2.</i> Work out the amount that would have been payable to the person’s partner on the partner’s payday or service payday immediately before the first available bereavement adjustment payday if:</p> <ul style="list-style-type: none"><li>(a) the partner had not died; and</li><li>(b) where immediately before the partner’s death the couple were an illness separated couple or a respite care couple—they were not such a couple.</li></ul> <p><i>Step 3.</i> Add the results of Step 1 and Step 2: the result is called the <b>combined rate</b>.</p> <p><i>Step 4.</i> Work out the amount that, but for section 660XKD, would have been payable to the person on the person’s payday immediately before the first available bereavement adjustment payday: the result is called the <b>person’s individual rate</b>.</p> <p><i>Step 5.</i> Take the person’s individual rate away from the combined rate: the result is called the <b>partner’s instalment component</b>.</p> |
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**Step 6.** Work out the number of paydays of the partner in the bereavement lump sum period.

**Step 7.** Multiply the partner's instalment component by the number obtained in Step 6: the result is the amount of the lump sum payable to the person under this section.

**Adjustment of person's mature age allowance rate**

“660XKD. If:

- (a) a person is qualified for payments under this Subdivision; and
- (b) the person does not elect under subsection 660XKA(3) not to receive payments under this Subdivision;

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

- (c) during the bereavement rate continuation period, the rate of mature age allowance payable to the person is the rate at which the mature age allowance would have been payable to the person if:
  - (i) the person's partner had not died; and
  - (ii) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple;
- (d) during the bereavement lump sum period (if any), the rate at which mature age allowance is payable to the person is the rate at which the mature age allowance would be payable to the person apart from this Subdivision.

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

“660XKE. If:

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

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

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**LUMP SUM CALCULATOR**

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

<i>Method statement</i>	
<i>Step 1.</i>	Work out the amount that would have been payable to the person on the person's payday immediately after the day on which the person died if: (a) neither the person nor the person's partner had died; and (b) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple.
<i>Step 2.</i>	Work out the amount that would have been payable to the partner on the person's payday or service payday immediately after the day on which the person died if: (a) neither the person nor the partner had died; and (b) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple.
<i>Step 3.</i>	Add the results of Step 1 and Step 2: the result is called the <b>combined rate</b> .
<i>Step 4.</i>	Work out the amount that, but for section 660XKD, would have been payable to the person on the person's payday immediately after the day on which the person died if the person had not died: the result is called the <b>person's individual rate</b> .
<i>Step 5.</i>	Take the person's individual rate away from the combined rate: the result is called the <b>partner's instalment component</b> .
<i>Step 6.</i>	Work out the number of paydays of the partner in the period that commences on the day after the person dies and ends on the day on which the bereavement period ends.
<i>Step 7.</i>	Multiply the partner's instalment component by the number obtained in Step 6: the result is the amount of the lump sum payable under this section.

**Matters affecting payment of benefits under this Subdivision**

“660XKF.(1) If:

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

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- (c) the Secretary is not satisfied that the person has not had the benefit of that amount;

the following provisions have effect:

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

“(2) If:

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

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

*“Subdivision B—Death of person receiving mature age allowance*

**Death of recipient**

“660XKG.(1) If:

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

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

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

Note 1: For amounts owing to the recipient before the recipient’s death see section 660XGH.

Note 2: For death of a person qualified for bereavement payments under Subdivision A see section 660XKE.

***“Subdivision C—Continuation of mature age partner allowance  
where partner dies***

**Continuation of mature age partner allowance for bereavement period**

“660XKH. If:

- (a) a person is receiving a mature age partner allowance; and
- (b) the person’s partner dies;

the person remains qualified for the mature age partner allowance during the bereavement period as if:

- (c) the partner had not died; and
- (d) the partner had continued to receive a mature age allowance; and
- (e) the person and the partner had continued to be members of a couple.

**Continued mature age partner allowance rate**

“660XKI. Where a person is qualified for a mature age partner allowance because of section 660XKH, the person’s mature age partner allowance rate is worked out as follows:

- (a) during the bereavement rate continuation period, the rate of mature age partner allowance is the rate that would have been payable to the person if:
  - (i) the partner had not died; and
  - (ii) where the couple had been an illness separated couple or a respite care couple—they had not been such a couple;
- (b) during the bereavement lump sum period (if any), the rate of payments under this Subdivision is the rate at which a widow B pension would have been payable to the person if he or she had been qualified for a widow B pension.

***“Subdivision D—Person receiving mature age partner allowance  
(death of partner)***

**Qualification for payments under this Subdivision**

“660XKJ.(1) If:

- (a) a person is receiving a mature age partner allowance; and
- (b) the person’s partner dies;

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

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

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

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

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

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

**Continued payment of partner's allowance**

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

**Lump sum payable in some circumstances**

“660XKL. If:

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

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

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**LUMP SUM CALCULATOR**

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

*Method statement*

- Step 1.* Work out the amount that would have been payable to the person on the pension payday immediately before the first available bereavement adjustment payday if:
- (a) the person's partner had not died; and
  - (b) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple.
- Step 2.* Work out the amount that would have been payable to the person's partner on that pension payday if:
- (a) the partner had not died; and
  - (b) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple.
- Step 3.* Add the results of Step 1 and Step 2: the result is called the **combined rate**.
- Step 4.* Work out the amount of widow B pension that would have been payable to the person on the pension payday immediately before the first available bereavement adjustment payday if a widow B pension had been payable to the person on that payday: the result is called the **person's individual rate**.
- Step 5.* Take the person's individual rate away from the combined rate: the result is called the **partner's instalment component**.
- Step 6.* Work out the number of pension paydays in the bereavement lump sum period.
- Step 7.* Multiply the partner's instalment component by the number of pension paydays in the bereavement lump sum period: the result is the amount of the lump sum payable to the person under this section.

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

“660XKM. If:

- (a) a person is qualified for payments under this Subdivision in relation to the death of the person's partner; and
- (b) the person dies within the bereavement period; and



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(c) the Secretary does not become aware of the death of the person's partner before the person dies;

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

**LUMP SUM CALCULATOR**

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

*Method statement*

- Step 1.* Work out the amount that would have been payable to the person on the pension payday immediately after the day on which the person died if:
- (a) neither the person nor the person's partner had died; and
  - (b) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple.
- Step 2.* Work out the amount that would have been payable to the person's partner on that pension payday if:
- (a) neither the person nor the partner had died; and
  - (b) where immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple.
- Step 3.* Add the results of Step 1 and Step 2: the result is called the **combined rate**.
- Step 4.* Work out the amount that, but for sections 660XKH and 660XKI, would have been payable to the person on the pension payday immediately after the day on which the person died if the person had not died: the result is called the **person's individual rate**.
- Step 5.* Take the person's individual rate away from the combined rate: the result is called the **partner's instalment component**.
- Step 6.* Work out the number of pension paydays in the period that commences on the day after the person dies and ends on the day on which the bereavement period ends.
- Step 7.* Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable under this section.

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**Matters affecting payment of benefits under this Subdivision**

“660XKN.(1) If:

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

the following provisions have effect:

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

“(2) If:

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

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

*“Division 12—Fringe benefits*

**Fringe benefits**

“660XLA.(1) A person who:

- (a) is receiving a mature age allowance or mature age partner allowance; and
- (b) is an Australian resident; and
- (c) is in Australia;

is qualified for fringe benefits.

Note: For ‘Australian resident’ see subsections 7(2) and (3).

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

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

**Consequential amendments**

6. The Acts specified in Schedule 1 are amended as set out in that Schedule.

***Division 3—Earnings credit for allowance recipients***

**Insertion of new Division**

7. After Division 4 of Part 3.10 of the Principal Act the following Division is inserted in Part 3.10:

***“Division 5—Earnings credit (benefits)***

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

“1115A.(1) If:

- (a) a person is receiving a social security benefit (other than special benefit); and
- (b) the person earns an amount of money for remunerative work done by the person during an earnings credit accounting period; and
- (c) in that period, the person’s fortnightly rate of ordinary income exceeds the person’s ordinary income free area; and
- (d) the rate of social security benefit payable to the person for the accounting period would otherwise be greater than nil; and
- (e) immediately before the beginning of that period, the person’s earnings credit account balance is greater than nil;

then, in applying an ordinary income test to the person or to the person’s partner, disregard:

- (f) if the person’s earnings credit account balance equals or exceeds the amount earned—the whole of the amount; or
- (g) if the person’s earnings credit account balance is less than the amount earned—the part of the amount that does not exceed the earnings credit account balance.

Note: For ‘ordinary income test’ see:

- Pension Rate Calculator A (Module E);
- Pension Rate Calculator C (Module E);
- Pension Rate Calculator D (Module F);
- Benefit Rate Calculator A (Module H);
- Benefit Rate Calculator B (Module G).

“(2) If:

- (a) a person is receiving a social security benefit (other than a special benefit); and

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- (b) the person is a member of a couple; and
- (c) the person's partner:
  - (i) is not receiving a social security or service pension; and
  - (ii) is not receiving a social security benefit; and
- (d) the partner earns an amount of money from remunerative work done by the partner during an earnings credit accounting period; and
- (e) in that period, the person's fortnightly rate of ordinary income exceeds the person's ordinary income free area; and
- (f) the rate of social security benefit payable to the person for the accounting period would otherwise be greater than nil; and
- (g) immediately before the beginning of that period, the partner's earnings credit account balance is greater than nil;

then, in applying an ordinary income test to the person, disregard:

- (h) if the partner's earnings credit account balance equals or exceeds the amount earned—the whole of the amount; or
- (i) if the partner's earnings credit account balance is less than the amount earned—the part of the amount that does not exceed the earnings credit account balance.

Note: For 'ordinary income test' see:

- Benefit Rate Calculator A (Module H);
- Benefit Rate Calculator B (Module G).

### **Earnings credit accounts**

“1115B.(1) If a person is receiving a social security benefit (other than a special benefit), the person has an earnings credit account.

“(2) If:

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

the partner has an earnings credit account.

“(3) The partner does not have an earnings credit account under subsection (2) if the partner is receiving:

- (a) a carer pension; or
- (b) special benefit.

### **Earnings credit account balance**

“1115C. The person's earnings credit account balance is worked out using the Earnings Credit Account Balance Calculator at the end of this section.

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**“EARNINGS CREDIT ACCOUNT BALANCE CALCULATOR B**

**“MODULE A—OVERALL ACCOUNT BALANCE CALCULATION**

*Account balance calculation*

“1115C-A1. If the person has an earnings credit account, this is how to work out the balance of the account:

<i>Method statement</i>	
<i>Step 1.</i>	Work out the person’s opening balance using MODULE B below.
<i>Step 2.</i>	If the person has an earnings credit, add the amount of the earnings credit to the account: see MODULE C below.
<i>Step 3.</i>	If the person draws on the account, deduct from the account the amount drawn: see MODULE D below.

*Account balance not to exceed \$500.00*

“1115C-A2. The balance of an individual account is not to exceed \$500.00.

*Balance not to be in debit*

“1115C-A3. The balance of an earnings credit account is not to fall below nil.

*EC accounting periods*

“1115C-A4. The earnings credit accounting periods for an account established under subsection 1115B(1) are the fortnights commencing on the first day in each period for which an instalment of the person’s social security benefit is payable.

“1115C-A5. The earnings credit accounting periods for an account established under subsection 1115B(2) are the fortnights commencing on the first day in each period for which an instalment of the person’s partner’s social security benefit is payable.

**“MODULE B—OPENING BALANCE**

*General rule*

“1115C-B1. The opening balance of the person’s earnings credit account is nil.

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*Transferees from social security pensions or benefits or service pensions*

“1115C-B2. Subject to point 1115C-B3, if:

- (a) the person commences to receive a social security benefit; and
- (b) immediately before commencing to receive the benefit, the person was receiving a social security pension, a social security benefit or a service pension and had an earnings credit account balance under this Act or Division 11 of Part III of the Veterans’ Entitlements Act;

the opening balance of the person’s earnings credit account is the amount of that account balance.

“1115C-B3. If:

- (a) a person commences to receive a social security benefit; and
- (b) immediately before commencing to receive the benefit, the person was receiving a social security pension or a service pension and had an earnings credit account balance under this Act or Division 11 of Part III of the Veterans’ Entitlements Act; and
- (c) the earnings credit account was a joint account with the person’s partner;

the opening balance of the person’s new earnings credit account is 50% of the balance of the joint account.

*Preservation of benefit earnings credit account balances for 13 weeks*

“1115C-B4. If:

- (a) a person commences to receive a social security benefit; and
- (b) within the period of 13 weeks immediately before the person commences to receive the social security benefit, the person was receiving a social security benefit; and
- (c) immediately before the person ceased to receive the earlier social security benefit, the person had an earnings credit account balance that was greater than nil;

the opening balance of the person’s earnings credit account is the closing balance of that earlier earnings credit account.

“1115C-B5. If:

- (a) a person commences to receive a social security benefit; and
- (b) the person is a member of a couple; and
- (c) the person’s partner:
  - (i) is not receiving a social security or service pension; and
  - (ii) is not receiving a social security benefit; and
- (d) within the period of 13 weeks immediately before the person commences to receive the social security benefit, the person was receiving a social security benefit; and

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- (e) immediately before the person ceased to receive the earlier social security benefit, the partner had an earnings credit account balance that was greater than nil;

the opening balance of the partner's earnings credit account is the amount of the closing balance of that earlier earnings credit account.

***“MODULE C—EARNINGS CREDIT***

*When earnings credit arises*

“1115C-C1. A person has an earnings credit for an EC accounting period if during that period the person's fortnightly rate of ordinary income is less than the person's ordinary income free area.

Note 1: For 'EC (earnings credit) accounting period' see points 1115C-A4 and 1115C-A5 above.

Note 2: For 'ordinary income free area' see Module H of Benefit Rate Calculator A or Module G of Benefit Rate Calculator B.

*Amount of earnings credit*

“1115C-C2. If the person is not a member of a couple, the amount of an earnings credit for an EC accounting period is \$90.00.

Note: This is the basic free area plus all the maximum additional free area for income from personal exertion. See point 1067-H9A (Benefit Rate Calculator A) and point 1068-G9A (Benefit Rate Calculator B).

“1115C-C3. If the person is a member of a couple, the amount of an earnings credit for an EC accounting period is \$80.00.

Note: This is half the basic free area plus all the maximum additional free area for income from personal exertion by the person. See point 1067-H10 (Benefit Rate Calculator A) and point 1068-G10 (Benefit Rate Calculator B).

***“MODULE D—DRAWING ON ACCOUNT***

*Drawing on account (recipient account)*

“1115C-D1. A person draws on an account established under subsection 1115B(1) if:

- (a) during an EC accounting period:
- (i) the person earns an amount of money for remunerative work done by the person during that period; and
  - (ii) the person's fortnightly rate of ordinary income exceeds the person's ordinary income free area; and
- (b) the rate of social security benefit payable to the person for the accounting period would otherwise be greater than nil; and
- (c) immediately before the beginning of the EC accounting period, the person's earnings credit account balance was greater than nil.

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*Drawing on account (partner account)*

“1115C-D2. A person draws on an account established under subsection 1115B(2) if:

- (a) during an EC accounting period:
  - (i) the person earns an amount of money for remunerative work done by the person during that period; and
  - (ii) the person’s partner’s fortnightly rate of ordinary income exceeds the partner’s ordinary income free area; and
- (b) the rate of social security benefit that would otherwise be payable to the person’s partner is greater than nil; and
- (c) immediately before the beginning of the EC accounting period, the person’s earnings credit account balance was greater than nil.

*Amount to be deducted*

“1115C-D3. The amount to be deducted is the amount earned.”.

**Consequential amendments**

**8.(1)** The Principal Act is amended as set out in Part 1 of Schedule 2.

**(2)** The *Veterans’ Entitlements Act 1986* is amended as set out in Part 2 of Schedule 2.

***Division 4—Job search allowance and newstart allowance initiatives***

**Qualification for job search allowance**

**9.** Section 513 of the Principal Act is amended:

**(a)** by inserting after paragraph (1)(b) the following paragraphs:

- “(ba) when the person is required by the Secretary to enter into a Job Search Activity Agreement in relation to the period, the person enters into that agreement; and
- (bb) while the agreement is in force, the person satisfies the Secretary that the person is taking reasonable steps to comply with the terms of the agreement; and
- (bc) at all times during the period when the person is a party to the agreement, the person is prepared to enter into another such agreement instead of the existing agreement if required to do so by the Secretary; and”;

**(b)** by inserting after paragraph (1A)(c) the following paragraphs:

- “(ca) when the person is required by the Secretary to enter into a Job Search Activity Agreement in relation to the period, the person enters into that agreement; and
- (cb) while the agreement is in force, the person satisfies the Secretary that the person is taking reasonable steps to comply with the terms of the agreement; and



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- (cc) at all times during the period when the person is a party to the agreement, the person is prepared to enter into another such agreement instead of the existing agreement if required to do so by the Secretary; and”;
- (c) by inserting after paragraph (2)(b) the following paragraphs:
  - “(ba) when the person is required by the Secretary to enter into a Job Search Activity Agreement in relation to the period, the person enters into that agreement; and
  - (bb) while the agreement is in force, the person satisfies the Secretary that the person is taking reasonable steps to comply with the terms of the agreement; and
  - (bc) at all times during the period when the person is a party to the agreement, the person is prepared to enter into another such agreement instead of the existing agreement if required to do so by the Secretary; and”.

**Effect of incapacity on qualification**

**10.** Section 514 of the Principal Act is amended:

- (a) by omitting subsections (2) and (3) and substituting the following subsection:
  - “(3) Subject to subsections (4) and (5), a person is qualified for a job search allowance in respect of a sickness period of the person that the Secretary does not expect to be longer than 13 weeks.”;
- (b) by omitting from paragraph (4)(b) “6” and substituting “13”;
- (c) by omitting from subsection (4) “6” (last occurring) and substituting “13”.

**Persons may be treated as unemployed**

**11.** Section 516 of the Principal Act is amended:

- (a) by omitting subsection (2) and substituting the following subsection:
  - “(2) A person complying with:
    - (a) a requirement under subsection 522(2) (activity test); or
    - (b) a Job Search Activity Agreement;may be treated by the Secretary as being unemployed.”;
- (b) by omitting paragraph (3)(a) and substituting the following paragraph:
  - “(a) the nature of the activity undertaken by the person so as to comply with a requirement under subsection 522(2) (activity test) or a Job Search Activity Agreement; and”.

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**Activity test**

**12.** Section 522 of the Principal Act is amended:

(a) by omitting from subsection (1) “subsection (3)” and substituting “subsections (1A) and (3)”;

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

“Note: For situations in which a person is not required to satisfy the activity test see:

- (a) section 523 (persons attending training camps);
- (b) section 524 (certain allowees under 18 engaged in voluntary work);
- (c) section 524A (certain allowees between 18 and 50 engaged in voluntary work);
- (d) section 525 (certain allowees over 50 engaged in voluntary work);
- (e) section 525AA (special circumstances).

“(1A) The Secretary may notify a person that the person must apply for a particular number of advertised job vacancies in the period specified in the notice.

“(1B) If the person fails to take reasonable steps to comply with the notice under subsection (1A), the person is taken to not satisfy the activity test in respect of the period specified in the notice.

“(1C) A person is taken to have applied for a job vacancy as required under the notice under subsection (1A) only if the person gives the Secretary a written statement from the employer concerned that confirms that the person applied for the job vacancy.

“(1D) The statement from the employer must be in a form approved by the Secretary.

“(1E) Subsection (1C) does not apply to a person if the Secretary is satisfied that there are special circumstances in which it is not reasonable to expect the person to give the statement referred to in that subsection.”;

(c) by inserting after sub-subparagraph (2)(a)(ii)(B) the following sub-subparagraph:

“(BA) participate in a rehabilitation program; or”;

(d) by omitting the Note to subsection (3) and substituting the following subsections:

“(4) A person also satisfies the activity test in respect of a period if, throughout the period, the person is taking reasonable steps to comply with the terms of a Job Search Activity Agreement between the CES and the person.

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“(5) If a person fails to take reasonable steps to comply, throughout a period, with the terms of a Job Search Activity Agreement between the CES and the person, the person cannot be taken to satisfy the activity test in respect of the period in spite of any compliance of the person with subsection (1).”.

**Insertion of new section**

**13.** After section 525 of the Principal Act the following section is inserted in Subdivision B of Division 1 of Part 2.11:

**Relief from activity test—special circumstances**

“525AA.(1) Subject to subsections (2) and (3), a person is not required to satisfy the activity test for a period if:

- (a) the Secretary is satisfied that special circumstances, beyond the person’s control, exist; and
- (b) the Secretary is satisfied that in those circumstances it would be unreasonable to expect the person to comply with the activity test for that period.

“(2) The period referred to in subsection (1) is not to exceed 13 weeks.

“(3) If:

- (a) the Secretary makes a number of determinations under subsection (1); and
- (b) the periods to which the determinations relate form a continuous period;

the continuous period is not to exceed 13 weeks.”.

**Insertion of new Subdivision**

**14.** After Subdivision B of Division 1 of Part 2.11 of the Principal Act the following Subdivision is inserted:

***“Subdivision BA—Job Search Activity Agreements***

**Job Search Activity Agreements—requirement**

“525A.(1) If a person is claiming or receiving a job search allowance, the Secretary may require the person to enter into a Job Search Activity Agreement.

“(2) The Secretary may require a person who has entered into a Job Search Activity Agreement to enter into another such agreement instead of the existing one.

“(3) The Secretary is to give a person who is required to enter into a Job Search Activity Agreement notice of:

- (a) the requirement; and

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(b) the places and times at which the agreement is to be negotiated.

“(4) A Job Search Activity Agreement is a written agreement, in a form approved by the Employment Secretary, with the CES.

Note 1: For ‘Employment Secretary’ see section 23.

Note 2: ‘CES’ means the Commonwealth Employment Service (see section 23).

**Job Search Activity Agreements—terms**

“525B.(1) A Job Search Activity Agreement with a person is to require the person to undertake one or more of the following activities approved by the Secretary:

- (a) a job search;
- (b) a vocational training course;
- (c) training that would help in searching for work;
- (d) paid work experience;
- (e) measures designed to eliminate or reduce any disadvantage the person has in the labour market, not being measures compelling the person to work in return for payment of job search allowance;
- (f) participation in a labour market program conducted by the CES;
- (g) participation in a rehabilitation program;
- (h) an activity proposed by the person (such as unpaid voluntary work proposed by the person).

“(2) The agreement is not to require the person to undertake unpaid voluntary work for a period greater than that covered by section 524A or 525.

“(3) The terms of an agreement, which include the specification of the activities that the person is to be required to undertake, are to be approved by the Secretary.

“(4) In considering whether to approve the terms of an agreement with a person, the Secretary is to have regard to the person’s capacity to comply with the proposed agreement and the person’s needs.

“(5) In having regard to a person’s capacity to comply with an agreement and the person’s needs, the Secretary is to take into account:

- (a) the person’s education, experience, skills, age and physical condition; and
- (b) the state of the labour market in the locality where the person resides; and
- (c) the training opportunities available to the person; and
- (d) any factors that the Secretary considers relevant in the circumstances.

“(6) An agreement with a person:

- (a) may be varied or suspended; and

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- (b) if another Job Search Activity Agreement is made with the person—may be cancelled; and
- (c) may be reviewed from time to time at the request of either party to the agreement.

“(7) An allowee who is a party to an agreement is to notify the Secretary of any circumstances preventing or affecting the allowee’s compliance with the agreement.

**Job Search Activity Agreements—failure to negotiate**

“525C.(1) If:

- (a) a person has been given notice under subsection 525A(3) of a requirement to enter into a Job Search Activity Agreement; and
- (b) the Secretary is satisfied, because of the person’s failure to:
  - (i) attend the negotiation of the agreement; or
  - (ii) respond to correspondence about the agreement; or
  - (iii) agree to terms of the agreement proposed by the CES; orotherwise, that the person is unreasonably delaying entering into the agreement;

then:

- (c) the Secretary may give the person notice that the person is being taken to have failed to enter the agreement; and
- (d) if the notice is given—the person is taken to have so failed.

Note: Refusal to enter into a Job Search Activity Agreement disqualifies a person for job search allowance—see paragraphs 513(1)(ba), 513(1A)(ca) and 513(2)(ba).

“(2) A notice under paragraph (1)(c) must:

- (a) be in writing; and
- (b) set out the reasons for the decision to give the notice; and
- (c) include a statement describing the rights of the person to apply for the review of the decision.”.

**Multiple entitlement exclusion**

15. Section 532 of the Principal Act is amended:

- (a) by omitting from subsection (4) “A” and substituting “Subject to subsections (5) and (6), a”;
- (b) by adding at the end the following subsection:

“(6) If:

- (a) a person enrolls in a full-time course of education; and

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- (b) the course is to last for 6 months or more; and
  - (c) an application is made for a payment in respect of the person under:
    - (i) the AUSTUDY Scheme; or
    - (ii) the ABSTUDY Schools Scheme; or
    - (iii) the ABSTUDY Tertiary Scheme; and
  - (d) the person was receiving job search allowance immediately before the start of the course;
- the Secretary may decide that, in spite of subsection (4), job search allowance is payable to the person until:
- (e) the application is determined; or
  - (f) the end of the period of 3 weeks commencing on the day on which the course starts;
- whichever happens first.”.

**Insertion of new sections**

**16.** After section 542 of the Principal Act the following sections are inserted:

**Removal from allowance for failure to enter Job Search Activity Agreement**

“542A.(1) If:

- (a) a job search allowance was payable to a person; and
  - (b) the person ceased to be qualified for the allowance because the person failed to enter a Job Search Activity Agreement; and
  - (c) the person later becomes qualified for a job search allowance;
- the job search allowance is not payable to the person for the deferment period.

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

- (a) who has started:
  - (i) formal vocational training in a labour market program approved by the Employment Secretary; or
  - (ii) a rehabilitation program approved by the Employment Secretary; and
- (b) who has been exempted from the application of that subsection by the Employment Secretary.

Note 1: ‘CES’ means the Commonwealth Employment Service (see section 23).

Note 2: For ‘Employment Secretary’ see section 23.

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“(3) Subject to subsections (4) and (5), the deferment period is 2 weeks.

“(4) If:

- (a) subsection (1) applies to a person at a particular time; and
- (b) on one occasion only within the period of 3 years before that time an automatic deferment provision applied to the person;

the deferment period is 6 weeks.

Note: For ‘automatic deferment provision’ see section 23.

“(5) If:

- (a) subsection (1) applies to a person at a particular time; and
- (b) an automatic deferment provision or provisions applied to the person on 2 or more occasions within the period of 3 years before that time;

the deferment period is 6 weeks plus 6 weeks for each occasion referred to in paragraph (b) after the first.

Note: For ‘automatic deferment provision’ see section 23.

“(6) The Secretary may determine in writing the day on which the deferment period commences and that day may be before the day of the determination.

**Removal from allowance for failure to comply with Job Search Activity Agreement**

“542B.(1) If:

- (a) a job search allowance was payable to a person; and
- (b) the person ceased to be qualified for the allowance because the person did not comply with a Job Search Activity Agreement; and
- (c) the person later becomes qualified for a job search allowance;

a job search allowance is not payable to the person for the deferment period.

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

- (a) who has started:
  - (i) formal vocational training in a labour market program approved by the Employment Secretary; or
  - (ii) a rehabilitation program approved by the Employment Secretary; and
- (b) who has been exempted from the application of that subsection by the Employment Secretary.

Note 1: ‘CES’ means the Commonwealth Employment Service (see section 23).

Note 2: For ‘Employment Secretary’ see section 23.

“(3) Subject to subsections (4) and (5), the deferment period is 2 weeks.

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“(4) If:

- (a) subsection (1) applies to a person at a particular time; and
- (b) on one occasion only within the period of 3 years before that time an automatic deferment provision applied to the person;

the deferment period is 6 weeks.

Note: For ‘automatic deferment provision’ see section 23.

“(5) If:

- (a) subsection (1) applies to a person at a particular time; and
- (b) an automatic deferment provision or provisions applied to the person on 2 or more occasions within the period of 3 years before that time;

the deferment period is 6 weeks plus 6 weeks for each occasion referred to in paragraph (b) after the first.

Note: For ‘automatic deferment provision’ see section 23.

“(6) The Secretary may determine in writing the day on which the deferment period commences and that day may be before the day of the determination.”.

### **Activity test**

**17. Section 601 of the Principal Act is amended:**

- (a) by omitting from subsection (1) “subsection (3)” and substituting “subsections (1A) and (3)”; and
- (b) by inserting after subsection (1) the following Note and subsections:

“Note: For situations in which a person is not required to satisfy the activity test see:

- (a) section 602 (certain persons over 50);
- (b) section 603 (persons attending training camps in remote areas);
- (c) section 603A (special circumstances).

“(1A) The Secretary may notify a person that the person must apply for a particular number of advertised job vacancies in the period specified in the notice.

“(1B) If the person fails to take reasonable steps to comply with the notice under subsection (1A), the person is taken to not satisfy the activity test in respect of the period specified in the notice.

“(1C) A person is taken to have applied for a job vacancy as required under the notice under subsection (1A) only if the person gives the Secretary a written statement from the employer concerned that confirms that the person applied for the job vacancy.

“(1D) The statement from the employer must be in a form approved by the Secretary.



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“(1E) Subsection (1C) does not apply to a person if the Secretary is satisfied that there are special circumstances in which it is not reasonable to expect the person to give the statement referred to in that subsection.”;

- (c) by inserting after sub-subparagraph (2)(a)(ii)(B) the following sub-subparagraph:

“(BA) participate in a rehabilitation program; or”.

**Insertion of new section**

**18.** After section 603 of the Principal Act the following section is inserted in Subdivision B of Division 1 of Part 2.12:

**Relief from activity test—special circumstances**

“603A.(1) Subject to subsections (2) and (3), a person is not required to satisfy the activity test for a period if:

- (a) the Secretary is satisfied that special circumstances, beyond the person’s control, exist; and  
(b) the Secretary is satisfied that in those circumstances it would be unreasonable to expect the person to comply with the activity test for that period.

“(2) The period referred to in subsection (1) is not to exceed 13 weeks.

“(3) If:

- (a) the Secretary makes a number of determinations under subsection 525AA(3) and subsection (1) of this section; and  
(b) the periods to which the determinations relate form a continuous period;

the continuous period is not to exceed 13 weeks.”.

**Newstart Activity Agreements—terms**

**19.** Section 606 of the Principal Act is amended by inserting after paragraph (1)(f) the following paragraph:

“(fa) participation in a rehabilitation program;”.

**Multiple entitlement exclusion**

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

- (a) by omitting from subsection (4) “A” and substituting “Subject to subsections (5) and (6), a”;  
(b) by adding at the end the following subsection:

“(6) If:

- (a) a person enrolls in a full-time course of education; and  
(b) the course is to last for 6 months or more; and

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- (c) an application is made for a payment in respect of the person under:
    - (i) the AUSTUDY Scheme; or
    - (ii) the ABSTUDY Schools Scheme; or
    - (iii) the ABSTUDY Tertiary Scheme; and
  - (d) the person was receiving newstart allowance immediately before the start of the course;
- the Secretary may decide that, in spite of subsection (4), newstart allowance is payable to the person until:
- (e) the application is determined; or
  - (f) the end of the period of 3 weeks commencing on the day on which the course starts;
- whichever happens first.”.

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

**21.** Section 667 of the Principal Act is amended by omitting subsections (1) and (2).

**Delegation**

**22.** Section 1299 of the Principal Act is amended by adding at the end the following subsection:

“(4) The restrictions imposed by subsection (3) do not apply to the Secretary’s powers under subsection 601(1), (1A) or (1E) (activity test for newstart allowance).”.

**Schedule 1A**

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

**Sickness allowance for people on rehabilitation programs (changes introduced on 20 March 1994)**

“67.(1) Subsections 667(1) and (2), as in force immediately before 20 March 1994, continue to apply to a person who started a rehabilitation program before 20 March 1994.

“(2) Subclause (1) ceases to apply to the person when the person finishes the rehabilitation program.”.

**Consequential amendments**

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

***Division 5—Education entry payment for the long term unemployed***

**Insertion of new Divisions**

**25.** After Division 4 of Part 2.13A of the Principal Act the following Divisions are inserted in Part 2.13A:

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***“Division 5—Job search allowance recipients***

**Payment to a job search allowance recipient who has not turned 18**

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

- (a) the person has not turned 18; and
- (b) either:
  - (i) the Secretary is satisfied that the person intends to enrol in a full-time course of education that is an approved course under the AUSTUDY or ABSTUDY scheme; or
  - (ii) the person is enrolled in such a course; and
- (c) immediately before the person commences the course of education the person:
  - (i) is receiving job search allowance; and
  - (ii) has been registered for at least 12 months by the CES in an allowance category as being unemployed; and
- (d) the person ceases to be qualified for job search allowance because the person commences the course of education; and
- (e) the person has not, within the last 12 months, received a payment under this Part.

**Amount of section 665Q payment**

“665R. The amount of an education entry payment under section 665Q is \$200.00.

**Need for a claim**

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

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

**Claim may be withdrawn**

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

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

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

***“Division 6—Newstart allowance recipients***

**Payment to a newstart allowance recipient**

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

- (a) either:

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- (i) the Secretary is satisfied that the person intends to enrol in a full-time course of education that is an approved course under the AUSTUDY or ABSTUDY scheme; or
- (ii) the person is enrolled in such a course; and
- (b) immediately before commencing the course of education the person is receiving newstart allowance; and
- (c) the person ceases to be qualified for a newstart allowance because the person commences the course of education; and
- (d) the person has not, within the last 12 months, received a payment under this Part.

**Amount of section 665U payment**

“665V. The amount of an education entry payment under section 665U is \$200.00.

**Need for a claim**

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

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

**Claim may be withdrawn**

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

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

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

**Education entry payment debt**

26. Section 1224B of the Principal Act is amended by inserting in paragraph (b) “or ABSTUDY” after “AUSTUDY”.

*Division 6—Claims for comparable foreign payments*

**General definitions**

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

“ ‘CFP (comparable foreign payment) country’ means:

- (a) the United Kingdom of Great Britain and Northern Ireland; and
- (b) the Republic of Italy; and
- (c) New Zealand; and
- (d) Canada; and
- (e) Spain; and

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- (f) Malta; and
- (g) the Kingdom of the Netherlands; and
- (h) Ireland; and
- (i) the Republic of Portugal; and
- (j) the Republic of Austria; and
- (k) the Republic of Cyprus; and
- (l) a country determined by the Minister to be a CFP country under subsection 38A(1);

but does not include a country determined by the Minister to be an excluded CFP country under subsection 38A(2);

**‘comparable foreign payment’** means a payment-type that is:

- (a) available from a foreign country; and
- (b) similar to a social security pension;”.

**Insertion of new section**

**28.** After section 38 of the Principal Act the following section is inserted in Part 1.3:

**CFP countries**

“38A.(1) The Minister may determine that a foreign country is to be a CFP (comparable foreign payment) country for the purposes of this Act by notice in the *Gazette*.

“(2) The Minister may determine that a foreign country is to be an excluded CFP (comparable foreign payment) country for the purposes of this Act by notice in the *Gazette*.

“(3) A notice under subsection (1) or (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

**Insertion of new section**

**29.** After section 51B of the Principal Act the following section is inserted in Division 2 of Part 2.2:

**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“51C.(1) If:

- (a) a person claims an age pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

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“(2) If:

- (a) a person claims an age pension; and
- (b) the Secretary is satisfied that the claimant’s partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the claimant a notice that requires the partner to take reasonable action to obtain the payment.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) The Secretary may, in spite of section 53, reject a claim if:

- (a) the claimant is given a notice under subsection (1) or (2); and
- (b) the Secretary is satisfied that the claimant or the claimant’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

“(6) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**30.** After section 69 of the Principal Act the following section is inserted in Division 7 of Part 2.2:

**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“69A.(1) If the Secretary is satisfied that an age pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 78AA.

“(2) If the Secretary is satisfied that the partner of an age pension recipient would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment, the Secretary may give the recipient a notice that requires the partner to take reasonable action to obtain the payment.

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Note: For the consequences of failure to comply with the notice see section 78AA.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**31.** After section 78A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“78AA.(1) If:

- (a) an age pension recipient has been given a notice under subsection 69A(1); and
- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) If:

- (a) an age pension recipient has been given a notice under subsection 69A(2); and
- (b) the Secretary is satisfied that the recipient’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(3) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**32.** After section 112 of the Principal Act the following section is inserted in Division 2 of Part 2.3:

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**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“112A.(1) If:

- (a) a person claims a disability support pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

“(2) If:

- (a) a person claims a disability support pension; and
- (b) the Secretary is satisfied that the claimant’s partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the claimant a notice that requires the partner to take reasonable action to obtain the payment.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) The Secretary may, in spite of section 113, reject a claim if:

- (a) the claimant is given a notice under subsection (1) or (2); and
- (b) the Secretary is satisfied that the claimant or the claimant’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

“(6) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**33.** After section 133 of the Principal Act the following section is inserted in Division 8 of Part 2.3:



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**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“133A.(1) If the Secretary is satisfied that a disability support pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 146AA.

“(2) If the Secretary is satisfied that the partner of a disability support pension recipient would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment, the Secretary may give the recipient a notice that requires the partner to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 146AA.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”

**Insertion of new section**

**34.** After section 146A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“146AA.(1) If:

- (a) a disability support pension recipient has been given a notice under subsection 133A(1); and
- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) If:

- (a) a disability support pension recipient has been given a notice under subsection 133A(2); and

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- (b) the Secretary is satisfied that the recipient's partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(3) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**35.** After section 155B of the Principal Act the following section is inserted in Division 2 of Part 2.4:

**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“155C.(1) If:

- (a) a woman claims a wife pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

“(2) If:

- (a) a woman claims a wife pension; and
- (b) the claimant's partner is receiving rehabilitation allowance; and
- (c) the Secretary is satisfied that the claimant's partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the claimant a notice that requires the partner to take reasonable action to obtain the payment.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) The Secretary may, in spite of section 156, reject a claim if:

- (a) the claimant is given a notice under subsection (1) or (2); and
- (b) the Secretary is satisfied that the claimant or the claimant's partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

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“(6) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**36.** After section 173 of the Principal Act the following section is inserted in Division 7 of Part 2.4:

**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“174.(1) If the Secretary is satisfied that a wife pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 182AA.

“(2) If:

- (a) the partner of a wife pension recipient is receiving rehabilitation allowance; and
- (b) the Secretary is satisfied that the partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the recipient a notice that requires the partner to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 182AA.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**37.** After section 182A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“182AA.(1) If:

- (a) a wife pension recipient has been given a notice under subsection 174(1); and
- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) If:

- (a) a wife pension recipient has been given a notice under subsection 174(2); and
- (b) the Secretary is satisfied that the recipient’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(3) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**38.** After section 206B of the Principal Act the following section is inserted in Division 2 of Part 2.5:

**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“206C.(1) If:

- (a) a person claims a carer pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

“(2) If:

- (a) a person claims a carer pension; and
- (b) the Secretary is satisfied that the claimant’s partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the claimant a notice that requires the partner to take reasonable action to obtain the payment.

“(3) A notice under subsection (1) or (2):

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- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

- “(5) The Secretary may, in spite of section 207, reject a claim if:
- (a) the claimant is given a notice under subsection (1) or (2); and
  - (b) the Secretary is satisfied that the claimant or the claimant’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

“(6) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**39.** After section 223 of the Principal Act the following section is inserted in Division 7 of Part 2.5:

**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“223A.(1) If the Secretary is satisfied that a carer pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 231AA.

“(2) If the Secretary is satisfied that the partner of a carer pension recipient would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment, the Secretary may give the recipient a notice that requires the partner to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 231AA.

- “(3) A notice under subsection (1) or (2):
- (a) must be in writing; and
  - (b) must be given personally or by post; and
  - (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

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“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**40.** After section 231A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“231AA.(1) If:

- (a) a carer pension recipient has been given a notice under subsection 223A(1); and
- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) If:

- (a) a carer pension recipient has been given a notice under subsection 223A(2); and
- (b) the Secretary is satisfied that the recipient’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(3) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**41.** After section 265B of the Principal Act the following section is inserted in Division 2 of Part 2.6:

**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“265C.(1) If:

- (a) a person claims a sole parent pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

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“(2) If:

- (a) a person claims a sole parent pension; and
- (b) the Secretary is satisfied that the claimant’s partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the claimant a notice that requires the partner to take reasonable action to obtain the payment.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) The Secretary may, in spite of section 266, reject a claim if:

- (a) the claimant is given a notice under subsection (1) or (2); and
- (b) the Secretary is satisfied that the claimant or the claimant’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

“(6) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**42.** After section 285 of the Principal Act the following section is inserted in Division 7 of Part 2.6:

**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“285A.(1) If the Secretary is satisfied that a sole parent pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 295AA.

“(2) If the Secretary is satisfied that the partner of a sole parent pension recipient would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment, the Secretary may give the recipient a notice that requires the partner to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 295AA.

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“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**43.** After section 295A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“295AA.(1) If:

- (a) a sole parent pension recipient has been given a notice under subsection 285A(1); and
- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) If:

- (a) a sole parent pension recipient has been given a notice under subsection 285A(2); and
- (b) the Secretary is satisfied that the recipient’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(3) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**44.** After section 325A of the Principal Act the following section is inserted in Division 2 of Part 2.7:



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**Secretary may require claimant to take action to obtain a comparable foreign payment**

“325B.(1) If:

- (a) a person claims a widowed person allowance; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

“(2) A notice under subsection (1):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(3) The period specified under paragraph (2)(c) must end at least 14 days after the day on which the notice is given.

“(4) The Secretary may, in spite of section 326, reject a claim if:

- (a) the claimant is given a notice under subsection (1); and
- (b) the Secretary is satisfied that the claimant has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**45.** After section 342 of the Principal Act the following section is inserted in Division 7 of Part 2.7:

**Secretary may require recipient to take action to obtain a comparable foreign payment**

“343.(1) If the Secretary is satisfied that a widowed person allowance recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 352AA.

“(2) A notice under subsection (1):

- (a) must be in writing; and
- (b) must be given personally or by post; and

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(c) must specify the period within which the reasonable action is to be taken.

“(3) The period specified under paragraph (2)(c) must end at least 14 days after the day on which the notice is given.

“(4) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**46.** After section 352A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“352AA.(1) If:

- (a) a widowed person allowance recipient has been given a notice under subsection 343(1); and
- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**47.** After section 372A of the Principal Act the following section is inserted in Division 2 of Part 2.8:

**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“372B.(1) If:

- (a) a woman claims a widow B pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

“(2) A notice under subsection (1):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

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“(3) The period specified under paragraph (2)(c) must end at least 14 days after the day on which the notice is given.

“(4) The Secretary may, despite section 373, reject a claim if:

- (a) the claimant is given a notice under subsection (1); and
- (b) the Secretary is satisfied that the claimant has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**48.** After section 390 of the Principal Act the following section is inserted in Division 7 of Part 2.8:

**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“391.(1) If the Secretary is satisfied that a widow B pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 400AA.

“(2) A notice under subsection (1):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(3) The period specified under paragraph (2)(c) must end at least 14 days after the day on which the notice is given.

“(4) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**49.** After section 400A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“400AA.(1) If:

- (a) a widow B pension recipient has been given a notice under subsection 391(1); and

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- (b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;

the Secretary may determine that the pension is to be cancelled or suspended.

“(2) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**50.** After section 791A of the Principal Act the following section is inserted in Division 2 of Part 2.16:

**Secretary may require claimant or partner to take action to obtain a comparable foreign payment**

“791B.(1) If:

- (a) a person claims a special needs pension; and
- (b) the Secretary is satisfied that the claimant would be entitled to a comparable foreign payment from a CFP country if the claimant applied for the payment;

the Secretary may give the claimant a notice that requires the claimant to take reasonable action to obtain the payment.

“(2) If:

- (a) a person claims a special needs pension; and
- (b) the Secretary is satisfied that the claimant’s partner would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment;

the Secretary may give the claimant a notice that requires the partner to take reasonable action to obtain the payment.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) The Secretary may, in spite of section 792, reject a claim if:

- (a) the claimant is given a notice under subsection (1) or (2); and
- (b) the Secretary is satisfied that the claimant or the claimant’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice.

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“(6) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**51.** After section 809 of the Principal Act the following section is inserted in Division 8 of Part 2.16:

**Secretary may require recipient or partner to take action to obtain a comparable foreign payment**

“810.(1) If the Secretary is satisfied that a special needs pension recipient would be entitled to a comparable foreign payment from a CFP country if the recipient applied for the payment, the Secretary may give the recipient a notice that requires the recipient to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 818AA.

“(2) If the Secretary is satisfied that the partner of a special needs pension recipient would be entitled to a comparable foreign payment from a CFP country if the partner applied for the payment, the Secretary may give the recipient a notice that requires the partner to take reasonable action to obtain the payment.

Note: For the consequences of failure to comply with the notice see section 818AA.

“(3) A notice under subsection (1) or (2):

- (a) must be in writing; and
- (b) must be given personally or by post; and
- (c) must specify the period within which the reasonable action is to be taken.

“(4) The period specified under paragraph (3)(c) must end at least 14 days after the day on which the notice is given.

“(5) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Insertion of new section**

**52.** After section 818A of the Principal Act the following section is inserted:

**Cancellation or suspension for failure to take action to obtain a comparable foreign payment**

“818AA.(1) If:

- (a) a special needs pension recipient has been given a notice under subsection 810(1); and

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(b) the Secretary is satisfied that the recipient has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;  
the Secretary may determine that the pension is to be cancelled or suspended.

“(2) If:

(a) a special needs pension recipient has been given a notice under subsection 810(2); and  
(b) the Secretary is satisfied that the recipient’s partner has not taken reasonable action to obtain the comparable foreign payment within the period specified in the notice;  
the Secretary may determine that the pension is to be cancelled or suspended.

“(3) For the purposes of this section, a person takes reasonable action to obtain a comparable foreign payment only if the person takes reasonable action to obtain that payment at the highest rate applicable to the person.”.

**Consequential amendments**

53. The Principal Act is amended as set out in Schedule 4.

***Division 7—Debt recovery***

***Subdivision A—Debt creation***

**Automatic termination—recipient *not complying* with section 574 notification obligations**

54. Section 580 of the Principal Act is amended by omitting “after” and substituting “before”.

**Automatic rate reduction—recipient *not complying* with section 574 notification obligations**

55. Section 583 of the Principal Act is amended by omitting “after” and substituting “before”.

**Automatic termination—recipient *not complying* with section 657 notification obligations**

56. Section 660C of the Principal Act is amended by omitting “after” and substituting “before”.

**Automatic rate reduction—recipient *not complying* with section 657 notification obligations**

57. Section 660F of the Principal Act is amended by omitting “after” and substituting “before”.

**Automatic termination—recipient *not complying* with section 727 notification obligations**

58. Section 728F of the Principal Act is amended by omitting “after” and substituting “before”.

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**Automatic rate reduction—recipient *not complying* with section 727 notification obligations**

59. Section 728H of the Principal Act is amended by omitting “after” and substituting “before”.

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

60. Section 1223 of the Principal Act is amended by inserting after subsection (1) the following subsections:

*Non-payability because of certain multiple entitlement exclusion provisions*

“(2) If:

- (a) an amount has been paid to a person by way of social security payment; and
- (b) the amount was not payable to the person because of one of the following multiple entitlement exclusion provisions:
  - (i) subsection 258(3) or (4) (sole parent pension);
  - (ii) subsection 321(3) or (4) (widowed person allowance);
  - (iii) subsection 368(3) (widow B pension);
  - (iv) subsection 532(3), (3A) or (4) (job search allowance);
  - (v) subsection 614(2A), (2B), (3), (3A) or (4) (newstart allowance);
  - (vi) subsection 660XCF(3) or (4) or section 660XCG (mature age allowance);
  - (vii) subsection 660XCN(3) or section 660XCO (mature age partner allowance);
  - (viii) subsection 686(3), (4) or (5) (sickness allowance);
  - (ix) subsection 735(3) or (4) or 738(1) (special benefit);
  - (x) subsection 787(3) or (4) (special needs pension);

the amount so paid is a debt due to the Commonwealth.

Note: Other multiple entitlement provisions also give rise to debts because of the operation of automatic termination provisions. For example, the multiple entitlement provision in subsection 258(2) gives rise to an automatic termination under section 287A and this in turn gives rise to a debt under section 1223A (see paragraph 1223A(3)(g)).

*Duplicate instalments*

“(2A) If:

- (a) an amount has been paid to a person by way of an instalment of a social security payment; and
- (b) another amount (the ‘**later amount**’) is paid to the person in respect of the same instalment; and

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- (c) the later amount is not a payment of arrears; and
  - (d) the later amount would not otherwise be a debt due to the Commonwealth;
- the later amount is a debt due to the Commonwealth.”.

**Insertion of new section**

**61.** After section 1224 of the Principal Act the following section is inserted:

**Person other than payee obtaining payment of a cheque**

“1224AA.(1) If:

- (a) an instalment of a social security payment is paid by cheque; and
  - (b) a person other than the payee obtains possession of the cheque from the payee; and
  - (c) the cheque is not endorsed by the payee to the person; and
  - (d) the person obtains value for the cheque;
- the amount of the cheque is a debt due by the person to the Commonwealth.

“(2) A debt due to the Commonwealth under this section is recoverable by the Commonwealth by means of:

- (a) if the person is receiving a social security payment under this Act—deductions from that person’s 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 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.

*Application overseas*

“(3) This section extends to:

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

**Consequential amendments**

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

***Subdivision B—Recovery of debts from persons involved in  
contravention of Act***

**General effect of Chapter**

**63.** Section 1222 of the Principal Act is amended:



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(a) by inserting in Note 1 to subsection (1) after the sixth dot point the following:

“• section 1224AB debts arising from conviction of person for involvement in contravention of Act by debtor;”;

(b) by inserting after item 4A in the Recovery Methods Table in subsection (2) the following item:

“

4B.	1224AB (conviction of person for involvement in contravention of Act by debtor)	deductions legal proceedings garnishee notice	1231, 1234A 1232 1233
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”.

**Insertion of new section**

**64.** After section 1224AA of the Principal Act the following section is inserted:

**Debts arising from conviction of person for involvement in contravention of Act by debtor**

“1224AB.(1) If:

- (a) a recipient is liable to pay a debt under section 1224 because the recipient contravened this Act; and
- (b) another person is convicted of an offence under section 5, 7A or 86 of the *Crimes Act 1914* in relation to that contravention;

the recipient and the other person are jointly and severally liable to pay the debt.

Note 1: Subsection (1) does not create a new debt. It extends liability for a debt that has already arisen under section 1224 to a person who is convicted of certain offences.

Note 2: In recovering a debt, the Department may have regard to any view expressed by a court as to the responsibility of a person to pay the debt.

“(2) A debt that arises under section 1224 for which a person is liable because of subsection (1) is recoverable by the Commonwealth by means of:

- (a) if the person is receiving a social security payment—deductions; or
- (b) if section 1234A applies to another person who is receiving a social security payment—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.

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Note 3: For 'garnishee notice' see section 1233.

“(3) This section extends to:

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

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

**65.** Section 1229 of the Principal Act is amended by adding at the end the following Note:

“Note: Subsection (1) also applies to a debt that arises under section 1224 for which a person is liable because of section 1224AB.”.

**Deductions from debtor’s social security payment**

**66.** Section 1231 of the Principal Act is amended by adding at the end of subsection (2B) the following Note:

“Note: The time limit in subsection (2B) also applies to action for recovery against a person who is liable because of section 1224AB for a debt that arises under section 1224.”.

**Legal proceedings**

**67.** Section 1232 of the Principal Act is amended by adding at the end of subsection (3) the following Note:

“Note: The time limit in subsection (3) also applies to legal proceedings for recovery against a person who is liable because of section 1224AB for a debt that arises under section 1224.”.

**Garnishee notice**

**68.** Section 1233 of the Principal Act is amended:

- (a) by inserting in subsection (1) “1224AB,” after “1224AA,”;
- (b) by adding at the end of subsection (7B) the following Note:

“Note: The time limit in subsection (7B) also applies to action for recovery against a person who is liable because of section 1224AB for a debt that arises under section 1224.”.

***Division 8—Compensation***

***Subdivision A—Enhance effectiveness of treatment of compensation lump sums***

**Compensation recovery definitions**

**69.** Section 17 of the Principal Act is amended by omitting “male employees” from paragraph (a) of the definition of “average weekly earnings” in subsection (1) and substituting “employees (all persons)”.

***Subdivision B—Compensation (general)***

**Compensation recovery definitions**

**70.(1)** Section 17 of the Principal Act is amended:

- (a) by inserting the following Note to the definition of “compensation” in subsection (1):

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“Note: See also section 1163B.”;

(b) by inserting in subsection (1) the following definitions:

“**‘compensation affected payment’** means:

- (a) a disability support pension; or
- (b) a sole parent pension; or
- (c) a social security benefit; or
- (d) a rehabilitation allowance payable in place of one of those; or
- (e) a disability support wife pension; or
- (f) a carer pension; or
- (g) a special needs disability support pension; or
- (h) a special needs disability support wife pension;

**‘disability support wife pension’** means a wife pension for a woman whose partner is receiving a disability support pension;

**‘event that gives rise to an entitlement to compensation’** has the meaning given by subsection (5A);”;

(c) by inserting the following Note to subsection (2):

“Note: Under section 1163B, a person may be treated as having received compensation that the person would have received but for the effect of a State or Territory law.”;

(d) by inserting after subsection (5) the following subsection:

“(5A) For the purposes of Part 3.14, the event that gives rise to a person’s entitlement to compensation for a disease, injury or condition is:

- (a) if the disease, injury or condition was caused by an accident—the accident; or
- (b) in any other case—the disease, injury or condition first becoming apparent;

and is not, for example, the decision or settlement under which the compensation is payable.”.

(2) Section 17 of the Principal Act is amended by omitting subsection (3A) and substituting the following subsection:

“(3A) Paragraph (3)(d) does not apply to a compensation payment if:

- (a) the recipient has made contributions (for example, by way of insurance premiums) towards the payment; and
- (b) the agreement under which the contributions are made does not provide for the amounts that would otherwise be payable under the agreement being reduced or not payable because the recipient is eligible for or receives payments under this Act that are compensation affected payments.”.

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**General effect of Part**

**71.** Section 1163 of the Principal Act is amended:

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

“(1) If a person is or may be entitled to or receives compensation, the following social security payments of the person or the person’s partner might be affected under this Part:

- (a) disability support pension;
- (b) sole parent pension;
- (c) social security benefit;
- (d) rehabilitation allowance payable in place of one of those;
- (e) disability support wife pension;
- (f) carer pension;
- (g) special needs disability support pension;
- (h) special needs disability support wife pension.

Note: These payments are defined in section 17 as ‘compensation affected payments’.”;

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

“(9) This Part operates in certain specified circumstances to affect a person’s compensation affected payment because of compensation received by the person or the person’s partner. This Part is not intended to contain any implication that, in addition to those specified circumstances, there needs to be some connection between the circumstances that give rise to the person’s qualification for the payment and the circumstances that give rise to the person’s or the partner’s compensation.

Note: See the Note to subsection 1184(2) for more background information.”.

**Insertion of new sections**

**72.** After section 1163 of the Principal Act the following sections are inserted in Division 1 of Part 3.14:

**Certain lump sums to be treated as though they were received as periodic payments**

“1163A. If:

- (a) a person is entitled to periodic payments under a law of a State or Territory; and
- (b) the person’s entitlement to the periodic payments is converted under the law of the State or Territory into an entitlement to a lump sum; and
- (c) the lump sum is calculated by reference to a period; and
- (d) the lump sum is to be paid to the person in 2 or more instalments;

this Part applies to the person as if:

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- (e) the person had not received the instalments; and
- (f) the person had received in each fortnight during the period a periodic compensation payment equal to:

$$\frac{\text{**lump sum amount**}}{\text{**number of fortnights in the period**}}$$

where:

**'lump sum amount'** is the amount of the lump sum referred to in paragraph (b);

**'number of fortnights in the period'** is the number of whole fortnights in the period referred to in paragraph (c).

**Effect of certain State and Territory laws**

“1163B. If:

- (a) a law of a State or Territory provides for the payment of compensation; and
- (b) the law includes a provision to the effect that a person's compensation under the law is to be or may be reduced or cancelled if the person is qualified for or receives payments under this Act;

this Act applies as if the person had received under the law the compensation that the person would have received under the law if the provision referred to in paragraph (b) had not been enacted.

Note: An example of a law to which this provision is directed is section 45 of the New South Wales Workers' Compensation Act 1987 as in force on 1 August 1993.”.

**Secretary may require person to take action to obtain compensation**

73. Section 1164 of the Principal Act is amended:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) If:

- (a) a person is receiving a compensation affected payment; and
- (b) the person or the person's partner is entitled or may, in the Secretary's opinion, be entitled to compensation; and
- (c) the person or the partner has taken:
  - (i) no action to claim or obtain the compensation; or
  - (ii) no action that the Secretary considers reasonable to claim or obtain the compensation;

the Secretary may require the person or the partner to take the action specified by the Secretary.

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“(2) If:

- (a) a person is qualified for a compensation affected payment; and
- (b) the person or the person’s partner is entitled or may, in the Secretary’s opinion, be entitled to compensation; and
- (c) the person or the partner has taken:
  - (i) no action to claim or obtain the compensation; or
  - (ii) no action that the Secretary considers reasonable to claim or obtain the compensation;

the Secretary may require the person or the partner to take the action specified by the Secretary.

“(2A) Even though a person has entered into an agreement to give up the person’s right to compensation, the Secretary may form the opinion that the person may be entitled to compensation if the Secretary is satisfied that the agreement is void, ineffective or unenforceable.

“(2B) For the purposes of subsection (2A), a person enters into an agreement to give up the person’s right to compensation if the person:

- (a) enters into an agreement to waive the person’s right to compensation; or
- (b) enters into an agreement to withdraw the person’s claim for compensation.”;

(b) by inserting after subsection (4) the following subsection:

“(4A) If, under subsection (1), the Secretary requires the partner of a person who is receiving a pension, benefit or allowance, to take action to obtain or claim compensation, the pension, benefit or allowance ceases to be payable to the person unless the partner complies with the requirement.”;

(c) by inserting after subsection (5) the following subsection:

“(5A) If, under subsection (2), the Secretary requires the partner of a person who is qualified for a pension, benefit or allowance, to take action to claim or obtain compensation, the pension, benefit or allowance is not to be granted to the person unless the partner complies with the requirement.”;

(d) by inserting in subsection (6) “or a person’s partner” after “a person”.

**Pension, benefit or allowance not payable during lump sum preclusion period**

**74.** Section 1165 of the Principal Act is amended:

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

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- “(a) a person is qualified for a compensation affected payment; and”;
- (b) by omitting paragraph (2)(a) and substituting the following paragraph:
  - “(a) a person is qualified for a compensation affected payment; and”;
- (c) by omitting paragraphs (2)(d) and (e) and substituting the following paragraphs:
  - “(d) no compensation affected payment is payable to the person for the lump sum preclusion period;
  - (e) no compensation affected payment is payable to the person’s partner for the lump sum preclusion period;”.

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

**75.** Section 1166 of the Principal Act is amended:

- (a) by omitting paragraph (1)(b) and substituting the following paragraph:
  - “(b) the person receives payments of a compensation affected payment for the lump sum preclusion period;”;
- (b) by omitting from column 4 of item 2 of the Recoverable Amount Table in subsection (2) “WP” and substituting “DSWP”;
- (c) by inserting in column 4 of item 2 of the Recoverable Amount Table in subsection (2) “SNDSWP” after “SNDSP”;
- (d) by inserting in column 3 of item 3 in the Recoverable Amount Table in subsection (2) “DSWP” after “SSB”;
- (e) by inserting in column 3 of item 3 in the Recoverable Amount Table in subsection (2) “SNDSWP” after “SNDSP”;
- (f) by omitting from column 4 of item 3 in the Recoverable Amount Table in subsection (2) “WP” and substituting “DSWP”;
- (g) by inserting in column 4 of item 3 in the Recoverable Amount Table in subsection (2) “SNDSWP” after “SNDSP”;
- (h) by omitting from the Key to the Recoverable Amount Table in subsection (2) “WP = wife pension” and substituting “DSWP = disability support wife pension”;
- (i) by inserting in the Key to the Recoverable Amount Table in subsection (2) “SNDSWP = special needs disability support wife pension” after “SNDSP = special needs disability support pension”;
- (j) by adding at the end the following subsection:
  - “(8) Subsection (1) applies to:
    - (a) a wife pension recipient; or

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- (b) a special needs wife pension recipient;  
only if:
- (c) the compensation is received on or after 1 January 1994; and
- (d) the claim for the pension is made on or after 1 January 1994.”.

**Rate reduction of certain pensions, benefits and allowances where periodic compensation payments received**

**76.** Section 1168 of the Principal Act is amended:

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

“(b) the person is qualified for a compensation affected payment for the periodic payments period; and”;

- (b) by omitting from paragraph (1)(c) “qualified for a pension, benefit or allowance” and substituting “receiving a compensation affected payment”;

- (c) by omitting from Note 2 to subsection (1) “qualified for a pension, benefit or allowance referred to in subsection (1)” and substituting “receiving a compensation affected payment”;

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

“Note 3: Subsection (1) can apply to both members of a couple so as to reduce both their social security payments. For example, if a wife pensioner receives periodic compensation payments and her partner is receiving a disability support pension, subsection (1) applies to the wife pensioner to reduce her pension and to the partner to reduce his pension.”;

- (e) by inserting in column 4 of item 2 of the Reduction Table in subsection (3) “SNDSWP” after “SNDSP”;
- (f) by inserting in column 4 of item 3 of the Reduction Table in subsection (3) “SNDSWP” after “SNDSP”;
- (g) by inserting in column 3 of item 4 of the Reduction Table in subsection (3) “DSWP” after “SSB”;
- (h) by inserting in column 3 of item 4 of the Reduction Table in subsection (3) “SNDSWP” after “SNDSP”;
- (i) by inserting in column 4 of item 4 of the Reduction Table in subsection (3) “SNDSWP” after “SNDSP”;
- (j) by inserting in column 3 of item 5 of the Reduction Table in subsection (3) “DSWP” after “SSB”;
- (k) by inserting in column 3 of item 5 of the Reduction Table in subsection (3) “SNDSWP” after “SNDSP”;
- (l) by inserting in column 4 of item 5 of the Reduction Table in subsection (3) “SNDSWP” after “SNDSP”;



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- (m) by omitting from column 4 of items 2, 3, 4 and 5 of the Reduction Table in subsection (3) “WP” and substituting “DSWP”;
- (n) by omitting from the Key to the Reduction Table in subsection (3) “WP = wife pension” and substituting “DSWP = disability support wife pension”;
- (o) by inserting in the Key to the Reduction Table in subsection (3) “SNDSWP = special needs disability support wife pension” after “SNDSP = special needs disability support pension”.

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

77. Section 1170 of the Principal Act is amended:

- (a) by omitting paragraph (1)(b) and substituting the following paragraph:
  - “(b) the person receives payments of a compensation affected payment for the periodic payments period; and”;
- (b) by omitting from paragraph (1)(c) “pension, benefit or allowance referred to in paragraph (b)” and substituting “compensation affected payment”;
- (c) by omitting the Note to paragraph (1)(c);
- (d) by omitting from paragraph (1)(d) “those pension, benefit or allowance payments” and substituting “the payments referred to in paragraph (b)”;
- (e) by inserting at the end of subsection (1) the following Note:
  - “Note: If a person was, at the time of the event that gave rise to the entitlement of the person to compensation, receiving a pension, benefit or allowance referred to in paragraph (b), the compensation is treated as ordinary income. In cases where arrears of periodic compensation payments are treated as ordinary income and a ‘compensation debt’ is involved then see subsections 146E(7) and (8) (disability support pension), 185(7) and (8) (disability support wife pension), 234(7) and (8) (carer pension), 300(7) and (8) (sole parent pension), 589(7) and (8) (job search allowance), 660L(7) and (8) (newstart allowance), 660XJQ(7) and (8) (mature age allowance and mature age partner allowance), 728R(7) and (8) (sickness allowance) or 821(7) and (8) (special needs disability support pension and disability support wife pension).”;
- (f) by omitting from column 4 of item 2 of the Recoverable Amount Table in subsection (2) “WP” and substituting “DSWP”;
- (g) by inserting in column 4 of item 2 of the Recoverable Amount Table in subsection (2) “SNDSWP” after “SNDSP”;
- (h) by inserting in column 3 of item 3 of the Recoverable Amount Table in subsection (2) “DSWP” after “SSB”;
- (i) by inserting in column 3 of item 3 of the Recoverable Amount Table in subsection (2) “SNDSWP” after “SNDSP”;
- (j) by omitting from column 4 of item 3 of the Recoverable Amount Table in subsection (2) “WP” and substituting “DSWP”;

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- (k) by inserting in column 4 of item 3 of the Recoverable Amount Table in subsection (2) “SNDSWP” after “SNDSP”;
- (l) by omitting from the Key to the Recoverable Amount Table in subsection (2) “WP = wife pension” and substituting “DSWP = disability support wife pension”;
- (m) by inserting in the Key to the Recoverable Amount Table in subsection (2) “SNDSWP = special needs disability support wife pension” after “SNDSP = special needs disability support pension”;
- (n) by adding at the end the following subsection:
  - “(5) Subsection (1) applies to:
    - (a) a wife pension recipient; or
    - (b) a special needs wife pension recipient;
  - only if:
    - (c) the compensation is received on or after 1 January 1994; and
    - (d) the claim for the pension is made on or after 1 January 1994.”.

**Secretary may send recovery notice to compensation payer**

**78.** Section 1174 of the Principal Act is amended by omitting paragraph (1)(a) and substituting the following paragraph:

- “(a) a compensation payer:
  - (i) is liable to pay compensation to a person for a disease, injury or condition of the person; or
  - (ii) has determined that a payment by way of compensation is to be made to a person in respect of a disease, injury or condition of the person; and”.

**Secretary may disregard some payments**

**79.** Section 1184 of the Principal Act is amended by adding at the end the following subsection:

- “(2) If:
  - (a) a person is qualified for a compensation affected payment; and
  - (b) the person’s partner receives compensation; and
  - (c) the set of circumstances giving rise to the compensation are not related to the set of circumstances that give rise to the person’s qualification for the set of compensation affected payment;

the fact that those 2 sets of circumstances are unrelated does not in itself constitute special circumstances for the purposes of subsection (1).

**Note:** Subsection (2) is in response to comments made in the decision of the Administrative Appeals Tribunal in *Re Secretary, Department of Social Security and Lee (S92/155)* to the effect that the Social Security Act is aimed at reducing pensions in situations where a social security recipient’s entitlement is somehow connected with the fact that the recipient’s partner is in receipt of compensation payments and not wages.”.

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**Consequential amendments**

80. The Principal Act is amended as set out in Schedule 6.

***Division 9—Rent assistance***

**Benefit Rate Calculator A**

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

- (a) by omitting from point 1067-F1 “points 1067-F3 and 1067-F4” and substituting “point 1067-F3”;
- (b) by omitting points 1067-F4 to 1067-F9.

**Schedule 1A**

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

**Rent assistance waiting periods (changes made on 20 March 1994)**

“68. If:

- (a) a person lodged a claim for job search allowance or sickness allowance before 20 March 1994; and
- (b) immediately before that day, the person had not turned 18; and
- (c) the person’s rent assistance waiting period started before that day and would, apart from the amendments made by section 86, have finished after that day;

the person’s rent assistance waiting period is taken to have finished immediately before that day.”

***Division 10—Notice provisions***

**Secretary may require notice of the happening of an event or a change in circumstances**

83. Section 68 of the Principal Act is amended:

- (a) by omitting from subsection (3) “A notice” and substituting “Subject to subsection (3A), a notice”;
- (b) by inserting after subsection (3) the following subsection:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”

**Secretary may require recipient to give particular information relevant to payment of age pension**

84. Section 69 of the Principal Act is amended:

- (a) by omitting from subsection (2) “A notice” and substituting “Subject to subsection (2A), a notice”;

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

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**Amendment of section 163 of the *Social Security Act 1947***

**85.** Section 163 of the *Social Security Act 1947* is amended:

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

“(1A) A notice under subsection (1) is not invalid merely because it does not specify the manner in which the person is to notify the Department or the officer specified in the notice.”;

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

“(2A) A notice under subsection (2) is not invalid merely because it does not specify the manner in which the person is to furnish the statement.”.

**Further amendments in Schedule 8**

**86.** The Principal Act is further amended as set out in Schedule 8.

*Division 11—Waiver provisions*

**Repeal of section 1237 and substitution of new sections**

**87.** Section 1237 of the Principal Act is repealed and the following sections are substituted:

**Application**

“1236A. Sections 1237 and 1237A apply to all debts, whenever incurred, owed to the Commonwealth and arising under this Act or under the *Social Security Act 1947*.

**Secretary must waive whole of a debt**

“1237.(1) The Secretary may, on behalf of the Commonwealth, decide to waive the Commonwealth’s right to recover the whole of a debt from a person but only in accordance with this section.

*Administrative error*

“(2) The Secretary must waive if:

- (a) the debt arose solely because of an administrative error made by the Commonwealth; and
- (b) the person received in good faith the payment or payments that gave rise to the debt.

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*Conviction of offence*

- “(3) The Secretary must waive if:
- (a) a person is convicted of an offence; and
  - (b) in sentencing the court indicated that it imposed a longer custodial sentence on the person because the person was unable or unwilling to pay the debt.

*Valuing property*

- “(4) The Secretary must waive if:
- (a) the debt arose because the person or the person’s partner underestimated the value of particular property of the person or partner; and
  - (b) the estimate was made in good faith; and
  - (c) the value of the property was not able to be easily determined at the time when the estimate was made.

*Debt less than \$200*

- “(5) The Secretary must waive if:
- (a) the debt is, or is likely to be, less than \$200; and
  - (b) it is not cost effective for the Commonwealth to take action to recover the debt.

*Date of effect of decision*

- “(6) A decision under subsection (1) takes effect:
- (a) if no day is specified in the decision—on the day on which the decision is made; or
  - (b) if a day is specified in the decision—on the day so specified (whether that day is before, after or on the day on which the decision is made).

Note: If the Secretary waives the Commonwealth’s right to recover, this is a permanent bar to recovery of the debt—the debt effectively ceases to exist.

**Secretary must waive part of a debt**

“1237A.(1) The Secretary may, on behalf of the Commonwealth, decide to waive the Commonwealth’s right to recover a part of a debt from a person but only in accordance with this section.

*Settlement of civil action*

“(2) If the Commonwealth has agreed to settle a civil action against the person for recovery of the debt for less than the full amount of the debt, the Secretary must waive the difference between the debt and the amount that is the subject of the settlement.

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*Recovery of part of debt in full satisfaction for whole of debt*

“(3) If:

- (a) the Commonwealth has recovered at least 80% of the original value of the debt from the person; and
- (b) the Commonwealth and the person agree that the recovery is in full satisfaction for the whole of the debt; and
- (c) the person does not have the capacity to repay a greater proportion of the debt;

the Secretary must waive the remaining 20% or less of the value of the original debt.

*No claim made for family payment or family allowance*

“(4) If:

- (a) a debt arises from overpayments made to the person; and
- (b) the person or the person’s partner does not claim family payment or family allowance during the period when the overpayments were made; and
- (c) an amount of family payment or family allowance would have been payable during the period when the overpayments were made if the person or the person’s partner had lodged a claim;

the Secretary must waive the debt to the extent set out in subsection (5).

*Amount of debt Secretary must waive*

“(5) The amount of debt the Secretary must waive under subsection (4) is equal to the amount of family payment or family allowance which would have been payable in the 3 year period ending on the day the overpayment is stopped if:

- (a) the overpayments had not been made to the person; and
- (b) the person or the person’s partner had lodged a claim for the payment.

*Reference to amount of family payment or family allowance is a reference to basic rate of payment or allowance only*

“(6) For the purposes of subsection (5), an amount of family payment does not include multiple birth allowance, additional family payment or rent assistance. And an amount of family allowance does not include multiple birth allowance.

*Date of effect of decision*

“(7) A decision of the Secretary under subsection (1) takes effect:

- (a) if no day is specified in the decision—on the day on which the decision is made; or

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- (b) if a day is specified in the decision—on the day so specified (whether that day is before, after or on the day on which the decision is made).

Note: If the Secretary waives the Commonwealth's right to recover, this is a permanent bar to recovery of part of the debt—the waived part of the debt effectively ceases to exist.”.

**Non-reviewable decisions**

**88.** Section 1250 of the Principal Act is amended:

- (a) by omitting from paragraph (1)(l) “; or”;  
(b) by omitting paragraph (1)(m).

***Division 12—Minor technical amendments***

**Further amendments**

**89.** The Principal Act is amended as set out in Schedule 7.

**PART 3—AMENDMENTS OF THE DATA-MATCHING  
PROGRAM (ASSISTANCE AND TAX) ACT 1990**

***Division 1—Amendments of data-matching cycle***

**Principal Act**

**90.** In this Part, “**Principal Act**” means the *Data-matching Program (Assistance and Tax) Act 1990*<sup>2</sup>.

**Interpretation**

**91.** Section 3 of the Principal Act is amended by adding at the end of the definition of “family identity data” the following paragraph:

- “(x) if the person is or was a joint applicant for assistance under the *First Home Owners Act 1983*—surname, any other name, initial of any other name, address or addresses and date of birth of any joint applicant with the person for assistance under that Act;”.

**Steps in data-matching cycle**

**92.** Section 7 of the Principal Act is amended:

- (a) by adding at the end of paragraph 7 the following subparagraph:  
“; (e) surname and any other name or initial of any other name of any spouse of the person.”;  
(b) by inserting after paragraph 8 the following paragraph in Step 3:

“8A. If the tax agency gives the matching agency tax file numbers under paragraph 8, the tax agency may indicate to the matching agency which, if any, of those tax file numbers, according to the tax agency's records, may have become known to, or used by, a person not authorised to know or use that tax file number.”;

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**Source agencies may use results of data program**

**93.** Section 10 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) If the source agency is an assistance agency, then for the purposes of investigating further a discrepancy indicated in a data matching cycle under section 7, the source agency may quote a person’s tax file number to the tax agency.”.

**Guidelines relating to privacy**

**94.** Subsection 12(2A) of the Principal Act is amended by omitting all the words after “each House of the Parliament” and substituting “further comprehensive reports including references to all the matters identified in Guideline 12 of the Privacy Commissioner’s Guidelines:

- (a) by the end of October 1994; and
- (b) by the end of October 1995.”.

**Insertion of new section**

**95.** After section 15 of the Principal Act the following section is inserted in Part 2:

**Appropriation**

“15A. Payments of any personal assistance made because of the operation of subsection (11)(1) must be made out of the Consolidated Revenue Fund, which is appropriated accordingly.”.

***Division 2—Operation of the Act***

**Cessation of operation of Act**

**96.** Section 21 of the Principal Act is amended by omitting “22 January 1994” and substituting “22 January 1996”.



**SCHEDULE 1**

Section 6

**AMENDMENTS RELATING TO MATURE AGE ALLOWANCE AND  
MATURE AGE PARTNER ALLOWANCE**

**PART 1—AMENDMENTS OF THE SOCIAL SECURITY ACT 1991**

**1. Subsection 17(1) (definition of “compensation affected payment”):**

Add at the end:

“or (i) mature age allowance; or  
(j) mature age partner allowance;”.

**2. Subsection 23(1) (after paragraph (e) of the definition of  
“assurance of support debt”):**

Insert:

“(ea) mature age allowance under Part 2.12A of this Act; or  
(eb) mature age partner allowance under Part 2.12A of this Act; or”.

**3. Subsection 23(1) (definition of “compensation arrears debt”):**

After “660L”, insert “, 660XJQ”.

**4. Subsection 23(1) (after paragraph (i) of the definition of “recipient  
notification notice”):**

Insert:

“(ia) section 660XIC (mature age allowance or mature age partner  
allowance);”.

**5. Subsection 23(1) (after paragraph (i) of the definition of “recipient  
statement notice”):**

Insert:

“(ia) section 660XID (mature age allowance or mature age partner  
allowance);”.

**6. Subsection 23(1) (after paragraph (g) of the definition of “social  
security pension”):**

Insert:

“(h) a mature age allowance; or  
(i) a mature age partner allowance; or”.

**7. Subsection 23(4A):**

Omit “and 2.12”, substitute “, 2.12 and 2.12A”.

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**SCHEDULE 1—continued**

**7A. Section 150:**

Add at the end:

“(5) If a woman is not required to make a claim for the wife pension because of subsection 152(3), the woman’s provisional commencement day is the day on which the woman becomes qualified for wife pension.”.

**8. Section 152:**

Add at the end:

“(3) If:

- (a) a woman is receiving a mature age partner allowance; and
- (b) the woman becomes qualified for wife pension; and
- (c) the Secretary determines that the woman is to be automatically transferred to the wife pension;

the woman does not have to make a claim for the wife pension.”.

**9. After subparagraph 237(1)(d)(vii):**

Insert:

“(viiia) a mature age allowance or mature age partner allowance; or”.

**10. After subparagraph 303(1)(d)(vi):**

Insert:

“(via) a mature age allowance or mature age partner allowance; or”.

**11. Subsection 593(1):**

Add at the end:

“Note 16: A person who is qualified for a newstart allowance may also be qualified for a mature age allowance (see section 660XBA).

Note 17: Mature age allowance recipients who claim newstart allowance do not have to satisfy paragraph (1)(h) (see section 599A).”.

**12. After section 599:**

Insert:

**Mature age allowance and mature age partner allowance recipients taken to satisfy paragraph 593(1)(h)**

*Mature age allowance*

“599A.(1) If:

- (a) a person is receiving a mature age allowance during a period; and
- (b) the person claims a newstart allowance; and
- (c) the person does not satisfy paragraph 593(1)(h) in respect of the period;

for the purposes of deciding whether the person is qualified for a newstart allowance in respect of the period, the person is taken to have satisfied paragraph 593(1)(h) throughout the period.

**SCHEDULE 1**—continued

*Mature age partner allowance*

“(2) If:

- (a) a person is receiving a mature age partner allowance during a period; and
- (b) immediately before starting to receive the mature age partner allowance, the person was receiving a newstart allowance; and
- (c) the person claims a newstart allowance; and
- (d) the person does not satisfy paragraph 593(1)(h) in respect of the period;

for the purposes of deciding whether the person is qualified for a newstart allowance in respect of the period, the person is taken to have satisfied paragraph 593(1)(h) throughout the period.

Note: Section 593 sets out the qualification conditions for newstart allowance.”.

**13. After subsection 614(2):**

Insert:

“(2A) Despite anything in this Act, if:

- (a) an instalment of mature age allowance is payable to a person on a pension payday (the “instalment day”); and
- (b) the person has previously received an instalment of mature age allowance;

then, newstart allowance is not payable during the 14 day period that ends on the day immediately before the instalment day.

“(2B) Despite anything in this Act, if:

- (a) an instalment of mature age partner allowance is payable to a person on a pension payday (the “instalment day”); and
- (b) the person has previously received an instalment of mature age partner allowance;

then, newstart allowance is not payable during the 14 day period that ends on the day immediately before the instalment day.”.

**14. After section 664:**

Insert:

**Mature age allowance and mature age partner allowance recipients**

*Mature age allowance recipient*

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

- (a) the person commences employment; and

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**SCHEDULE 1—continued**

- (b) immediately before the person commences the employment, the person was receiving a mature age allowance; and
- (c) because the person commences the employment, the person ceases to be qualified for a mature age allowance; and
- (d) the employment is, in the Secretary's opinion, likely to continue for more than 4 weeks; and
- (e) the person has not, within the last 12 months, received a payment under this Part.

*Mature age partner allowance recipient*

“(2) A person is qualified for an employment entry payment under this section if:

- (a) the person is a member of a couple; and
- (b) the person commences employment; and
- (c) immediately before the person commences the employment, the person was receiving mature age partner allowance; and
- (d) the income earned by the person from the employment results in mature age allowance ceasing to be payable to the person's partner; and
- (e) the employment is, in the Secretary's opinion, likely to continue for more than 4 weeks; and
- (f) the person has not, within the last 12 months, received a payment under this Part.

“(3) If the Secretary is satisfied that:

- (a) a person has entered an agreement under which the person is to be employed; and
- (b) on the start of that employment, the person would, apart from receiving a payment under this subsection, be qualified for a payment under subsection (1) or (2);

the following provisions have effect:

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

“(4) The time determined under paragraph (3)(c) is not to be more than 14 days before the person is to start the employment.

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**SCHEDULE 1—continued**

**Amount of section 664AA payment**

“664AB. The amount of an employment entry payment under section 664AA is \$100.00.”

**15. After section 665X:**

Insert in Part 2.13A:

*“Division 7—Mature age allowance recipient*

**Payment to a mature age allowance recipient**

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

- (a) either:
  - (i) the Secretary is satisfied that the person intends to enrol in a full-time course of education that is an approved course under the AUSTUDY or ABSTUDY schemes; or
  - (ii) the person is enrolled in such a course; and
- (b) immediately before commencing the course of education, the person is receiving mature age allowance; and
- (c) the person has not, within the last 12 months, received a payment under this Part.

**Amount of section 665Y payment**

“665Z. The amount of an education entry payment under section 665Y is \$200.00.

**Need for a claim**

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

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

**Claim may be withdrawn**

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

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

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

**16. Paragraph 1064(1)(e):**

Add at the end:

- “and (f) mature age allowance; and  
(g) mature age partner allowance;”

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**SCHEDULE 1—continued**

**17. Paragraph 1064(5)(b):**

Add at the end:

“(v) a mature age allowance;”.

**18. Section 1064 (Pension Rate Calculator A—  
paragraph 1064-E3(a)):**

Omit “or sole parent pension”, substitute “, sole parent pension, mature age allowance or mature age partner allowance”.

**19. Section 1158:**

After “widow B pension”, insert “, mature age allowance, mature age partner allowance”.

**20. After paragraph 1163(1)(h):**

Insert:

“; (i) mature age allowance;  
(j) mature age partner allowance.”.

**21. After subsection 1163(8):**

Insert:

“(8A) A mature age allowance or mature age partner allowance will only be affected under this Part if:

- (a) the compensation is received on or after 20 March 1994; and
- (b) the claim for the allowance was made on or after 20 March 1994.”.

**21A. Subsection 1166(2) (Recoverable Amount Table—item 1—  
column 3):**

Add at the end “MA”.

**22. Subsection 1166(2) (Recoverable Amount Table—item 2—  
column 3):**

Add at the end “MA”.

**23. Subsection 1166(2) (Recoverable Amount Table—item 2—  
column 4):**

Add at the end “MAPA”.

**24. Subsection 1166(2) (Recoverable Amount Table—item 3—  
column 3):**

Add at the end:

“MA  
MAPA”.

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**SCHEDULE 1—continued**

**25. Subsection 1166(2) (Recoverable Amount Table—item 3—column 4):**

Add at the end:

“MA  
MAPA”.

**26. Subsection 1166(2) (Recoverable Amount Table—Key):**

After “SNDSP = special needs disability support pension”, insert:  
“MA = mature age allowance  
MAPA = mature age partner allowance”.

**26A. Subsection 1168(3) (Reduction Table—item 1—column 3):**

Add at the end “MA”.

**27. Subsection 1168(3) (Reduction Table—item 2—column 3):**

Add at the end “MA”.

**28. Subsection 1168(3) (Reduction Table—item 2—column 4):**

Add at the end:

“MA  
MAPA”.

**29. Subsection 1168(3) (Reduction Table—item 3—column 3):**

Add at the end “MA”.

**30. Subsection 1168(3) (Reduction Table—item 3—column 4):**

Add at the end:

“MA  
MAPA”.

**31. Subsection 1168(3) (Reduction Table—item 4—column 3):**

Add at the end:

“MA  
MAPA”.

**32. Subsection 1168(3) (Reduction Table—item 4—column 4):**

Add at the end:

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**SCHEDULE 1—continued**

“MA  
MAPA”.

**33. Subsection 1168(3) (Reduction Table—item 5—column 3):**

Add at the end:

“MA  
MAPA”.

**34. Subsection 1168(3) (Reduction Table—item 5—column 4):**

Add at the end:

“MA  
MAPA”.

**35. Subsection 1168(3) (Reduction Table—Key):**

After “RHA = rehabilitation allowance payable in place of DSP or SSB”,  
insert:

“MA = mature age allowance  
MAPA = mature age partner allowance”.

**35A. Subsection 1170(2) (Recoverable Amount Table—item 1—  
column 3):**

Add at the end “MA”.

**36. Subsection 1170(2) (Recoverable Amount Table—item 2—  
column 3):**

Add at the end “MA”.

**37. Subsection 1170(2) (Recoverable Amount Table—item 2—  
column 4):**

Add at the end

“MA  
MAPA”.

**38. Subsection 1170(2) (Recoverable Amount Table—item 3—  
column 3):**

Add at the end:

“MA  
MAPA”.

**39. Subsection 1170(2) (Recoverable Amount Table—item 3—  
column 4):**

Add at the end:



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**SCHEDULE 1—continued**

“MA  
MAPA”.

**40. Subsection 1170(2) (Recoverable Amount Table—Key):**

After “RHA = rehabilitation allowance payable in place of DSP or SSB”, insert:

“MA = mature age allowance  
MAPA = mature age partner allowance”.

**41. After subparagraph 1187(1)(a)(vi):**

Insert:

“or (vii) mature age allowance; or  
(viii) mature age partner allowance;”.

**42. After subparagraph 1187(2)(a)(ii):**

Insert:

“or (iii) mature age allowance;”.

**43. After subparagraph 1187(2)(c)(ii):**

Insert:

“or (iii) mature age partner allowance in respect of the person;”.

**44. Section 1211:**

- (a) Omit “Social”, substitute “Mature age allowance, mature age partner allowance, social”.
- (b) After “593(2)(g)” insert “, 660XBA(1)(f), 660XBI(1)(c)”.
- (c) Add at the end:

“Note 4: Subsection 660XBA(4) provides that a person is taken to be in Australia for the purposes of paragraph 660XBA(1)(f) (qualification for mature age allowance) if the person is temporarily absent from Australia due to exceptional circumstances for the period of 13 weeks or less. Similar provisions exist for mature age partner allowance (see subsection 660XBI(2) and paragraph 660XBI(1)(c)).”.

**45. After subparagraph 1212(3)(a)(vi):**

Insert:

“(via) mature age allowance; or  
(vib) mature age partner allowance; or”.

**46. After paragraph 1223A(3)(m):**

Insert:

“(ma) section 660XJB (mature age allowance);

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(mb) section 660XJB (mature age partner allowance);”.

**47. After paragraph 1223B(2)(h):**

Insert:

“(ha) section 660XJF (mature age allowance);”.

**48. Subsection 1239(1) (Note):**

(a) After “660FA”, insert “, 660XJI”.

(b) After “660IB”, insert “, 660XJN”.

**49. Subsection 1240(1) (Note):**

(a) After “660FA”, insert “, 660XJI”.

(b) After “660IB”, insert “, 660XJN”.

**50. Subsection 1247(1) (Note):**

(a) After “660FA”, insert “, 660XJI”.

(b) After “660IB”, insert “, 660XJN”.

**51. Paragraph 1250(1)(d):**

After “637”, insert “660XDB, 660XDC,”.

**PART 2—AMENDMENTS OF OTHER ACTS**

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

**52. Section 3 (after subparagraph (c)(xvii) of the definition of “personal assistance”):**

Insert:

“(xviiia) mature age allowance;

(xviiib) mature age partner allowance;”.

*Veterans’ Entitlements Act 1986*

**53. Subsection 5Q(1) (after paragraph (g) of the definition of “social security pension”):**

Insert:

“(ga) mature age allowance under Part 2.12A; or

(gb) mature age partner allowance under Part 2.12A; or”.

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**SCHEDULE 2**

Section 8

**AMENDMENTS CONSEQUENTIAL UPON DIVISION 3 OF PART 2**

**PART 1—AMENDMENTS OF THE SOCIAL SECURITY ACT 1991**

**1. Paragraph 577(2)(a):**

Omit “or 583”, substitute “, 583 or 583AA”.

**2. After section 583:**

Insert:

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

“583AA. If:

- (a) a person who is receiving job search allowance is given a notice under section 574; and
- (b) the notice requires the person to inform the Department of income for remunerative work undertaken by the person or the person’s partner; 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 5 of Part 3.10;

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

**3. Paragraph 660(2)(a):**

Insert “, 660E or 660FAA” after “660F”.

**4. After section 660F:**

Insert:

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

“660FAA. If:

- (a) a person who is receiving newstart allowance is given a notice under section 657; and

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**SCHEDULE 2—continued**

- (b) the notice requires the person to inform the Department of income for remunerative work undertaken by the person or the person's partner; 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 5 of Part 3.10;

the allowance becomes payable to the person at the reduced rate from the first payday after the day on which the person's earnings credit account balance is reduced to nil."

**5. Paragraph 728B(2)(a):**

Omit "or 728H", substitute ", 728H or 728HAA".

**6. After section 728H:**

Insert:

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

"728HAA. If:

- (a) a person who is receiving sickness allowance is given a notice under section 727; and
- (b) the notice requires the person to inform the Department of income for remunerative work undertaken by the person or the person's partner; 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 5 of Part 3.10;

the allowance becomes payable to the person at the reduced rate from the first payday after the day on which the person's earnings credit account balance is reduced to nil."

**7. Section 1064 (Pension Rate Calculator A—point 1064-E1—Note 2—last dot point):**

Omit the dot point, substitute the following:

- pensions earnings credit (sections 1113 to 1115);
- benefits earnings credit (sections 1115A to 1115C);
- VEA earnings credit (point 1064-E2A)."

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**SCHEDULE 2—continued**

**8. Section 1064 (Pension Rate Calculator A):**

After point 1064-E2, insert:

*Partner's VEA earnings credit to be taken into account*

“1064-E2A. If:

- (a) a person is a member of a couple; and
- (b) the person's partner is receiving a service pension; and
- (c) an amount earned by the partner is disregarded under section 49 of the Veterans' Entitlements Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 1064-E2.”

**9. Section 1066 (Pension Rate Calculator C—point 1066-E1—  
Note 2—last dot point):**

Omit the dot point, substitute the following:

- “• pensions earnings credit (sections 1113 to 1115);
- benefits earnings credit (sections 1115A to 1115C);
- VEA earnings credit (point 1066-E2A).”

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

After point 1066-E2, insert:

*Partner's VEA earnings credit to be taken into account*

“1066-E2A. If:

- (a) a person is a member of a couple; and
- (b) the person's partner is receiving a service pension; and
- (c) an amount earned by the partner is disregarded under section 49 of the Veterans' Entitlements Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 1066-E2.”

**11. Section 1066A (Pension Rate Calculator D—point 1066A-F1—  
Note 2—last dot point):**

Omit the dot point, substitute the following:

- “• pensions earnings credit (sections 1113 to 1115);
- benefits earnings credit (sections 1115A to 1115C);
- VEA earnings credit (point 1066A-F2AA).”

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

After point 1066A-F2, insert:

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*Partner's VEA earnings credit to be taken into account*

“1066A-F2AA. If:

- (a) a person is a member of a couple; and
- (b) the person's partner is receiving a service pension; and
- (c) an amount earned by the partner is disregarded under section 49 of the Veterans' Entitlements Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 1066A-F2.”.

**13. Section 1067 (Benefit Rate Calculator A—point 1067-H1—Note 3):**

Insert after the last dot point:

- pensions earnings credit (sections 1113 to 1115);
- benefits earnings credit (sections 1115A to 1115C);
- VEA earnings credit (point 1067-H3).”.

**14. Section 1067 (Benefit Rate Calculator A—point 1067-H3):**

Omit, substitute:

*Partner's VEA earnings credit to be taken into account*

“1067-H3. If:

- (a) a person is a member of a couple; and
- (b) the person's partner is receiving a service pension; and
- (c) an amount earned by the partner is disregarded under section 49 of the Veterans' Entitlements Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 1067-H2.”.

**15. Section 1068 (Benefit Rate Calculator B—point 1068-G1—Note 3):**

Insert after the last dot point:

- pensions earnings credit (sections 1113 to 1115);
- benefits earnings credit (sections 1115A to 1115C);
- VEA earnings credit (point 1068-G3).”.

**16. Section 1068 (Benefit Rate Calculator B—point 1068-G3):**

Omit, substitute:

*Partner's VEA earnings credit to be taken into account*

“1068-G3. If:

- (a) a person is a member of a couple; and

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- (b) the person's partner is receiving a service pension; and
- (c) an amount earned by the partner is disregarded under section 49 of the Veterans' Entitlements Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 1068-G2."

**17. Heading to Division 4 of Part 3.10:**

Add at the end "*(pensions)*".

**18. Section 1113:**

- (a) Omit "the ordinary income test to the person", substitute "an ordinary income test to the person or the person's partner".
- (b) Add at the end the following Note:

"Note: For 'ordinary income test' see:

- Pension Rate Calculator A (Module E);
- Pension Rate Calculator C (Module E);
- Pension Rate Calculator D (Module F);
- Benefit Rate Calculator A (Module H);
- Benefit Rate Calculator B (Module G)."

**19. Section 1115 (Earnings Credit Account Balance Calculator—heading):**

Add at the end "A".

**20. Section 1115 (Earnings Credit Account Balance Calculator):**

After point 1115-B3 insert in Module B:

*Transferees from social security benefit*

"1115-B4. If:

- (a) a person commences to receive a social security pension; and
- (b) immediately before commencing to receive the pension, the person was receiving a social security benefit and had an earnings credit account balance under this Act; and
- (c) either:
  - (i) the person is not a member of a couple; or
  - (ii) the person is a member of a couple but the person's partner does not have an earnings credit account under this Division;

the opening balance of the person's earnings credit account is the amount of that account balance.

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“1115-B5. If:

- (a) a person commences to receive a social security pension; and
- (b) immediately before commencing to receive the pension, the person was receiving a social security benefit and had an earnings credit account balance under this Act; and
- (c) the person is a member of a couple; and
- (d) the person and the person’s partner have a joint earnings credit account;

the amount of that benefits earnings credit account balance is to be added to the opening balance of the joint earnings credit account.

*Preservation of benefits earnings credit account balances for 13 weeks*

“1115-B6. If:

- (a) a person commences to receive a social security pension; and
- (b) within the period of 13 weeks immediately before the person commences to receive the social security pension, the person was receiving a social security benefit; and
- (c) immediately before the person ceased to receive the social security benefit, the person had an earnings credit account balance that was greater than nil;

the opening balance of the person’s earnings credit account balance is the closing balance of the earlier earnings credit account.”.

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ENTITLEMENTS ACT 1986**

**21. Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children—point 41-D1—Note 2—last dot point):**

Omit, substitute:

- “• earnings credit under this Act (section 49);
- earnings credit under the Social Security Act (see point 41-D2A).”.

**22. Section 41 (Service Pension Rate Calculator Where There Are No Dependent Children):**

After point 41-D2, insert:

*Partner’s DSS earnings credit to be taken into account*

“41-D2A. If:

- (a) a person is a member of a couple; and
  - (b) the person’s partner is receiving a social security pension or benefit;
- and



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- (c) an amount earned by the partner is disregarded under section 1113 or 1115A of the Social Security Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 41-D2.”.

**23. Section 42 (Service Pension Rate Calculator Where There Are Dependent Children—point 42-E1—Note 2—last dot point):**

Omit, substitute:

- “• earnings credit under this Act (section 49);
- earnings credit under the Social Security Act (see point 42-E2A).”.

**24. Section 42 (Service Pension Rate Calculator Where There Are Dependent Children):**

After point 42-E2, insert:

*Partner’s DSS earnings credit to be taken into account*

“42-E2A. If:

- (a) a person is a member of a couple; and
- (b) the person’s partner is receiving a social security pension or benefit; and
- (c) an amount earned by the partner is disregarded under section 1113 or 1115A of the Social Security Act;

that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 42-E2.”.

**25. Section 44 (Service Pension Rate Calculator For Widows, Widowers and Non-illness Separated Spouses—point 44-D1—Note 2—last dot point):**

Omit, substitute:

- “• earnings credit under this Act (section 49);
- earnings credit under the Social Security Act (see point 44-D2A).”.

**26. Section 44 (Service Pension Rate Calculator For Widows, Widowers and Non-illness Separated Spouses):**

After point 44-D2, insert:

*Partner’s DSS earnings credit to be taken into account*

“44-D2A. If:

- (a) a person is a member of a couple; and

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- (b) the person's partner is receiving a social security pension or benefit;  
and
  - (c) an amount earned by the partner is disregarded under section 1113 or 1115A of the Social Security Act;
- that amount is also to be disregarded in working out the ordinary income of the person for the purposes of point 44-D2.”.
-

**SCHEDULE 3**

Section 24

**AMENDMENTS CONSEQUENTIAL UPON DIVISION 4 OF PART 2**

**1. Subsection 23(1) (definition of “JSA automatic deferment provision”):**

After paragraph (a), insert:

“(aa) subsection 542A(1) (failure to enter Job Search Activity Agreement); or

(ab) subsection 542B(1) (failure to comply with Job Search Activity Agreement); or”.

**After subsection 513(1):**

Insert:

“Note 1: A person may be treated as unemployed (see section 516).

Note 2: The activity test is set out in section 522.

Note 3: ‘CES’ means the Commonwealth Employment Service (see section 23).

Note 4: For ‘pension age’ see section 23.

Note 5: For ‘Australian resident’ see section 7.

Note 6: For ‘allowance category’ see subsection 23(4A).

Note 7: A person may not be qualified if the person’s unemployment is due to industrial action (see section 517).

Note 8: A person may not be qualified if the person has reduced the person’s employment prospects by moving to an area of lower employment prospects (see section 518).

Note 9: Where circumstances beyond the person’s control prevent the person from being registered by the CES, this requirement may be waived (see section 520).

Note 10: A person unregistered by the CES for up to 6 weeks may be taken to be registered (see section 520).

Note 11: A job search allowance is not payable in certain circumstances even if the person is qualified (see Subdivisions C, D and E).

Note 12: A job search allowance may continue to be paid during incapacity (see section 514).

Note 13: Qualification for a job search allowance may continue to the end of last pay period (see section 515).”.

**3. Paragraph 518(2)(a):**

Omit, substitute:

“(a) who has started:

(i) formal vocational training in a labour market program approved by the Employment Secretary; or

(ii) a rehabilitation program approved by the Employment Secretary; and”.

**4. Paragraph 519(8)(a):**

Omit, substitute:

“(a) who has started:

(i) formal vocational training in a labour market program approved by the Employment Secretary; or

**SCHEDULE 3—continued**

- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**5. Paragraph 535(4)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**6. Subparagraph 538(e)(i):**

Omit, substitute:

“(i) has started:

- (A) formal vocational training in a labour market program approved by the Employment Secretary; or
- (B) a rehabilitation program approved by the Employment Secretary; and”.

**7. Paragraph 540(4)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**8. Paragraph 542(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**9. Paragraph 543(4A)(a):**

Omit, substitute:

“(a) who has started:

**SCHEDULE 3—continued**

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**10. Paragraph 547(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**11. Paragraph 548(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**12. Paragraph 549(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**13. Paragraph 550(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**14. Paragraph 597(2)(a):**

Omit, substitute:

“(a) who has started:

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**SCHEDULE 3—continued**

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**15. Paragraph 598(8)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**16. At the end of section 604:**

Add:

“(2) For the purposes of this Part, if:

- (a) a person starts to receive newstart allowance on a particular day; and
- (b) immediately before that day, the person was a party to a Job Search Activity Agreement (see sections 525A to 525C); and
- (c) the period covered by the agreement ends after that day;

the agreement has effect on and after that day as if it were a Newstart Activity Agreement.”.

**17. Paragraph 617(4)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**18. Subparagraph 620(f)(i):**

Omit, substitute:

“(i) has started:

- (A) formal vocational training in a labour market program approved by the Employment Secretary; or
- (B) a rehabilitation program approved by the Employment Secretary; and”.

**SCHEDULE 3—continued**

**19. Paragraph 622(4)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**20. Paragraph 624(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**21. Paragraph 625(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**22. Paragraph 626(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**23. Paragraph 627(4A)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

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**SCHEDULE 3—continued**

**24. Paragraph 631(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**25. Paragraph 632(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**26. Paragraph 633(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**27. Paragraph 634(2)(a):**

Omit, substitute:

“(a) who has started:

- (i) formal vocational training in a labour market program approved by the Employment Secretary; or
- (ii) a rehabilitation program approved by the Employment Secretary; and”.

**28. Subsection 666(6):**

Omit the subsection (but not the subsection heading).

**29. Paragraphs 666(7)(a) and (b):**

Omit the paragraphs, substitute:

“(a) a person who is incapacitated for work was receiving job search allowance immediately before the person became so incapacitated; and”.



**SCHEDULE 3—continued**

**30. Paragraph 666(7)(c):**

Omit “6”, substitute “13”.

**31. Subsection 666(7):**

Omit “6” (second occurring), substitute “13”.

**32. Subsection 666(7) (Note):**

Omit “6”, substitute “13”.

**33. Subsection 1245(1):**

Omit, substitute:

“(1) Unless otherwise stated, the provisions of this Part apply to:

(a) all decisions of an officer under this Act, including:

(i) a decision under section 525B to the extent to which it relates to the terms of a Job Search Activity Agreement that is in force; and

(ii) a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force; and

(b) all decisions of an officer under the *Farm Household Support Act 1992*.”.

**34. Section 1248:**

Repeal, substitute:

**Application requirement for certain decisions**

“1248.(1) The Social Security Appeals Tribunal may only review a decision under section 525B (to the extent to which it relates to the terms of a Job Search Activity Agreement that is in force) if the application is expressed to be an application for review of that decision.

“(2) The Social Security Appeals Tribunal may only review a decision under section 606 (to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force) if the application is expressed to be an application for review of that decision.”.

**35. Paragraph 1250(1)(ca):**

Omit “or labour market program”, substitute “, labour market program or rehabilitation program”.

**36. Subsection 1252A(1):**

Omit, substitute:

**SCHEDULE 3—continued**

“(1) This section applies to:

- (a) a decision to give a notice under section 525C because of a person’s failure to agree to terms of a Job Search Activity Agreement proposed by the CES (subparagraph 525C(1)(b)(iii)); and
- (b) a decision to give a notice under section 607 because of a person’s failure to agree to terms of a Newstart Activity Agreement proposed by the CES (subparagraph 607(1)(b)(iii)).”.

**37. Paragraph 1252A(2)(d):**

- (a) Insert “job search or” after “payment of the”.
- (b) Omit “Newstart Activity”.

**38. Paragraph 1252A(2)(e):**

Insert “589 or” after “section”.

**39. Paragraph 1252A(2)(f):**

Omit “Newstart Activity”.

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

Omit, substitute:

“(7) This section does not apply to:

- (a) a decision under section 525B to the extent to which it relates to the terms of a Job Search Activity Agreement that is in force; or
- (b) a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force.”.

**41. Section 1254A:**

- (a) Insert “525B or” after “section”.
- (b) Insert “Job Search or” after “the terms of a”.

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

Omit, substitute:

“(6) This section does not apply to:

- (a) a decision under section 525B to the extent to which it relates to the terms of a Job Search Activity Agreement that is in force; or
- (b) a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force.”.

**43. Subsection 1256A(1):**

Omit, substitute:

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“(1) This section applies to:

- (a) a decision under section 525B to the extent to which it relates to the terms of a Job Search Activity Agreement that is in force; or
- (b) a decision under section 606 to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force.

“(1A) Subject to subsection (2), a decision by the Social Security Appeals Tribunal (SSAT) in relation to a decision to which this section applies comes into operation immediately on the giving of the decision.”.

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**SCHEDULE 4**

Section 53

**AMENDMENTS CONSEQUENTIAL UPON DIVISION 6 OF PART 2**

**1. Paragraph 71(1)(d):**

Omit “or 78A”, substitute “, 78A or 78AA”.

**2. Paragraph 79(1)(a):**

Omit “or 78A”, substitute “, 78A or 78AA”.

**3. Subsection 81(1):**

Omit “or 78A”, substitute “, 78A or 78AA”.

**4. Paragraph 135(1)(e):**

Omit “or 146A”, substitute “, 146A or 146AA”.

**5. Paragraph 146C(1)(a):**

Omit “or 146A”, substitute “, 146A or 146AA”.

**6. Subsection 146E(1):**

Omit “or 146A”, substitute “, 146A or 146AA”.

**7. Paragraph 175(1)(d):**

Omit “or 182A”, substitute “, 182A or 182AA”.

**8. Paragraph 183(1)(a):**

Omit “or 182A”, substitute “, 182A or 182AA”.

**9. Subsection 185(1):**

Omit “or 182A”, substitute “, 182A or 182AA”.

**10. Paragraph 225(1)(d):**

Omit “or 231A”, substitute “, 231A or 231AA”.

**11. Paragraph 232(1)(a):**

Omit “or 231A”, substitute “, 231A or 231AA”.

**12. Subsection 234(1):**

Omit “or 231A”, substitute “, 231A or 231AA”.

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**SCHEDULE 4**—continued

**13. Paragraph 287(1)(d):**

After “295A”, insert “, 295AA ”.

**14. Paragraph 298(1)(a):**

Omit “or 295A”, substitute “, 295A or 295AA”.

**15. Subsection 300(1):**

Omit “or 295A”, substitute “, 295A or 295AA”.

**16. Subparagraph 344(1)(d)(ii):**

Omit “or 352A”, substitute “, 352A or 352AA”.

**17. Paragraph 353(1)(a):**

Omit “or 352A”, substitute “, 352A or 352AA”.

**18. Subsection 355(1):**

Omit “or 352A”, substitute “, 352A or 352AA”.

**19. Paragraph 392(1)(d):**

Omit “or 400A”, substitute “, 400A or 400AA”.

**20. Paragraph 401(1)(a):**

Omit “or 400A”, substitute “, 400A or 400AA”.

**21. Subsection 403(1):**

Omit “or 400A”, substitute “, 400A or 400AA”.

**22. Paragraph 811(1)(e):**

Omit “or 818A”, substitute “, 818A or 818AA”.

**23. Paragraph 819(1)(a):**

Omit “or 818A”, substitute “, 818A or 818AA”.

**24. Subsection 821(1):**

Omit “or 818A”, substitute “, 818A or 818AA”.

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**SCHEDULE 5**

Section 62

**AMENDMENTS OF THE SOCIAL SECURITY ACT 1991  
CONSEQUENTIAL UPON SUBDIVISION A OF  
DIVISION 7 OF PART 2**

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

After the fifth dot point, insert:

“• section 1224AA debts—person other than payee obtaining payment of a cheque;”.

**2. Subsection 1222(2) (Recovery Methods Table):**

After item 4, insert the following item:

“

4A.	1224AA (person other than payee obtaining payment of a cheque)	deductions	1231, 1234A
		legal proceedings	1232
		garnishee notice	1233

”.

**3. Section 1222A (Note 1):**

After “1224,” insert “1224AA,”.

**4. Subsection 1233(1):**

After “1224,” insert “1224AA,”.

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**SCHEDULE 6**

Section 80

**AMENDMENTS CONSEQUENTIAL UPON SUBDIVISION B OF  
DIVISION 8 OF PART 2**

**1. After subsection 1163(3):**

Insert:

“Note 1: Under section 1163A, certain lump sum payments may be treated as though they were received as periodic payments.

Note 2: Under section 1163B, a person may be treated as having received compensation that the person would have received but for the effect of a State or Territory law.”.

**2. After subsection 1163(4):**

Insert:

“Note 1: Under section 1163A, certain lump sum payments may be treated as though they were received as periodic payments.

Note 2: Under section 1163B, a person may be treated as having received compensation that the person would have received but for the effect of a State or Territory law.”.

**3. Section 1165 (Example 1):**

Omit, substitute:

“*Example 1:* Jane is not a member of a couple. She is receiving disability support pension at the time when a lump sum compensation award of \$11,000 is made to her. The compensation part of this lump sum is \$5,500 (see subsection 17(3D)).

Jane’s lump sum preclusion period is:

$$\frac{\text{compensation part of lump sum } (\$5,500)}{\text{average weekly earnings } (\$518)}$$

$$\text{i.e. } \frac{5,500}{518} = 10.6 \text{ [rounded down]} = 10$$

Her lump sum preclusion period is therefore 10 weeks. Jane commenced to receive the disability support pension immediately after her accident and the preclusion period begins on the day of the event that gave rise to her entitlement to compensation. The preclusion period ends 10 weeks after that day. Disability support pension is not payable to Jane during that 10 week period.

As Jane has received disability support pension payments during that period, they will be recoverable under section 1166.”.

**4. Section 1165 (Example 2):**

Omit, substitute:

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**SCHEDULE 6—continued**

“*Example 2:* Martha is a member of a couple. She is receiving disability support pension, and her partner Fred is receiving sickness allowance. Fred receives a lump sum compensation payment of \$11,000 relating to an injury having earlier received periodic compensation payments. The compensation part of the lump sum is \$5,500 (see subsection 17(3D)).

The lump sum preclusion period for Martha and Fred is:

$$\frac{\text{compensation part of lump sum (\$5,500)}}{\text{average weekly earnings (\$518)}} \\ \text{i.e. } \frac{5,500}{518} = 10.6 \text{ [rounded down]} = 10$$

The lump sum preclusion period is therefore 10 weeks. The preclusion period begins on the day after Fred's last payment of periodic compensation payments. The preclusion period ends 10 weeks from that day. Disability support pension is not payable to Martha during that 10 week period. Sickness allowance is not payable to Fred in relation to that 10 week period.

If Martha has already received pension payments during that period, or if Fred has already received allowance payments relating to that period, those payments will be recoverable under section 1166.”

**5. Section 1166 (Example 1):**

- (a) Insert “of \$11,000” after “payment” (first occurring).
- (b) Insert “(see subsection 17(3D))” after “\$5,500” (first occurring).
- (c) Omit “550”, substitute “518”.
- (d) Insert “[rounded down]” after “10”.
- (e) Omit “Jane’s loss of earning capacity because of the injury began”, substitute “after Jane’s periodic compensation payments ceased”.
- (f) Insert “compensation” after “lump sum” (fourth occurring).

**6. Section 1166 (Example 2):**

- (a) Insert “of \$11,000” after “payment” (first occurring).
- (b) Insert “(see subsection 17(3D))” after “\$5,500” (first occurring).
- (c) Omit “550”, substitute “518”.
- (d) Insert “[rounded down]” after “10”.
- (e) Omit “Martha’s loss of earning capacity because of the injury began”, substitute “after Martha’s periodic compensation payments ceased”.
- (f) Insert “compensation” after “lump sum” (fourth occurring).

**7. Subsection 1168(3) (Example 1):**

- (a) Omit “\$260” (wherever occurring), substitute “\$282”.



**SCHEDULE 6—continued**

(b) Omit “\$100” (wherever occurring), substitute “\$122”.

**8. Subsection 1168(3) (Example 2):**

(a) Omit “\$235” (wherever occurring), substitute “\$260”.

(b) Omit “\$155” (wherever occurring), substitute “\$180”.

**9. Subsection 1170(4) (Example 1):**

(a) Omit “\$267.20”, substitute “\$312.10”.

(b) Omit “\$534.40” (wherever occurring), substitute “\$624.20”.

(c) Omit “\$300”, substitute “\$400.00”.

(d) Omit “\$600” (wherever occurring), substitute “\$800.00”.

**10. Subsection 1170(4) (Example 2):**

(a) Omit “\$300”, substitute “\$400.00”.

(b) Omit “\$534.40” (wherever occurring), substitute “\$624.20”.

(c) Omit “\$600” (wherever occurring), substitute “\$800.00”.

(d) Omit “\$1,068.80”, substitute “\$1,248.40”.

**11. Paragraph 1172(1)(b):**

Omit the paragraph, substitute:

“(b) the person receives or claims a compensation affected payment for any period to which the compensation relates;”.

**12. Paragraph 1174(1)(b):**

Omit the paragraph, substitute:

“(b) the person receives or claims a compensation affected payment for the periodic payments period or the lump sum preclusion period;”.

**13. Paragraph 1174(5)(b):**

Omit the paragraph, substitute:

“(b) the person’s partner neither receives nor claims a compensation affected payment for the periodic payments period or the lump sum preclusion period;”.

**14. Paragraph 1174(6)(b):**

Omit the paragraph, substitute:

“(b) the person’s partner receives or claims a compensation affected payment for the periodic payments period or the lump sum preclusion period;”.

**15. Paragraph 1177(1)(b):**

Omit the paragraph, substitute:

“(b) the person receives or claims a compensation affected payment for any period to which the compensation relates; and”.

**SCHEDULE 6—continued**

**16. Paragraph 1179(1)(b):**

Omit the paragraph, substitute:

“(b) the person receives or claims a compensation affected payment for the periodic payments period or the lump sum preclusion period;”.

**17. Paragraph 1179(5)(b):**

Omit the paragraph, substitute:

“(b) the person’s partner neither receives nor claims a compensation affected payment for the periodic payments period or the lump sum preclusion period;”.

**18. Paragraph 1179(6)(b):**

Omit the paragraph, substitute:

“(b) the person’s partner receives or claims a compensation affected payment for the periodic payments period or the lump sum preclusion period;”.

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**SCHEDULE 7**

Section 89

**MINOR TECHNICAL AMENDMENTS OF THE SOCIAL SECURITY  
ACT 1991**

**1. Section 1064 (Pension Rate Calculator A—point 1064-D2—  
Table DA and Note 1):**

Omit the Table and Note 1, substitute:

“

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

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

**2. Section 1066A (Pension Rate Calculator D—point 1066A-EA2A—  
Table EAA and Note 1):**

Omit the Table and Note 1, substitute:

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**SCHEDULE 7—continued**

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

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

**3. Section 1066A (Pension Rate Calculator D—point 1066A-EB2A—Table EBA and Note 1):**

Omit the Table and Note 1, substitute:

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**SCHEDULE 7—continued**

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

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

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**SCHEDULE 7—continued**

**4. 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.	Not member of couple and either an independent young person or a homeless person	$3 \times \frac{(\text{annual rent} - \$1,560.00)}{4}$	\$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

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**SCHEDULE 7—continued**

TABLE EA—continued			
9.	Member of respite care couple	$3 \times \frac{\text{annual rent} - \$1,560.00}{4}$	\$1,747.20
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

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

After Note 1A, insert:

“Note 1B: For ‘independent young person’ and ‘homeless person’ see section 5.”.

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

Omit the Table (including the Notes), substitute:

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—person’s rate not increased for partner under Module C	\$2.60
3.	Partnered—person’s rate increased for partner under Module C	\$5.20
4.	Member of illness separated couple	\$5.20
5.	Member of respite care couple	\$5.20
6.	Partnered (partner getting service pension)	\$2.60
7.	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).”.

**7. Section 1067 (Benefit Rate Calculator A—point 1067-F1A—Table FA):**

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

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**SCHEDULE 7—continued**

**TABLE FA  
RENT THRESHOLD RATES**

column 1 item	column 2 person's family situation	column 3 amount per fortnight
1.	Not member of couple and either an independent young person or a homeless person	\$60.00
2.	Partnered—partner does not have rent increased benefit	\$100.00
3.	Partnered—partner has rent increased benefit	\$100.00
4.	Partnered—member of illness separated couple where person's rate is increased for partner under Module C	\$120.00
5.	Partnered—member of illness separated couple where person's rate is not increased for partner under Module C	\$60.00
6.	Partnered—member of respite care couple where person's rate is increased for partner under Module C	\$120.00
7.	Partnered—member of respite care couple where person's rate is not increased for partner under Module C	\$60.00
8.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	\$120.00
9.	Partnered—member of temporarily separated couple where person's rate is not increased for partner under Module C	\$60.00
10.	Partnered (partner in gaol)	\$60.00

**8. Section 1067 (Benefit Rate Calculator A—point 1067-F1A):**

After Note 1, insert:

“Note 1A: For ‘independent young person’ and ‘homeless person’ see section 5.”.

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

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



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**SCHEDULE 7—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 and either independent young person or homeless person	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$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	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20
6.	Partnered—member of respite care couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{4}$	\$134.40
7.	Partnered—member of respite care couple where person's rate is not increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$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	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$63.20
10.	Partnered (partner in gaol)	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20

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**SCHEDULE 7—continued**

**10. 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.

Note 1A: For ‘independent young person’ and ‘homeless person’ see section 5.”.

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

Omit the Table (including the Notes), substitute:

“

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—person's rate not increased for partner under Module C	\$2.60
3.	Partnered—person's rate increased for partner under Module C	\$5.20
4.	Member of illness separated couple	\$5.20
5.	Member of respite care couple	\$5.20
6.	Partnered (partner getting service pension)	\$2.60
7.	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).”.

**12. Section 1068 (Benefit Rate Calculator B—point 1068-F1A—Table FA):**

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

“

TABLE FA RENT THRESHOLD RATES		
column 1 item	column 2 person's family situation	column 3 amount per fortnight
1.	Not member of couple	\$60.00
2.	Partnered—partner does not have rent increased benefit	\$100.00

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**SCHEDULE 7—continued**

TABLE FA—continued		
3.	Partnered—partner has rent increased benefit	\$100.00
4.	Partnered—member of illness separated couple where person's rate is increased for partner under Module C	\$120.00
5.	Partnered—member of illness separated couple where person's rate is not increased for partner under Module C	\$60.00
6.	Partnered—member of respite care couple where person's rate is increased for partner under Module C	\$120.00
7.	Partnered—member of respite care couple where person's rate is not increased for partner under Module C	\$60.00
8.	Partnered—member of temporarily separated couple where person's rate is increased for partner under Module C	\$120.00
9.	Partnered—member of temporarily separated couple where person's rate is not increased for partner under Module C	\$60.00
10.	Partnered (partner in gaol)	\$60.00

**13. Section 1068 (Benefit Rate Calculator B—point 1068-F15—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.	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

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**SCHEDULE 7—continued**

TABLE F—continued			
5.	Partnered—member of illness separated couple where person's rate is not increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20
6.	Partnered—member of respite care couple where person's rate is increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$120.00)}{4}$	\$134.40
7.	Partnered—member of respite care couple where person's rate is not increased for partner under Module C	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$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	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$63.20
10.	Partnered (partner in gaol)	$3 \times \frac{(\text{fortnightly rent} - \$60.00)}{4}$	\$67.20

**14. 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.”

**15. Section 1190 (Indexed and Adjusted Amounts Table—item 47):**

Omit, substitute:

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**SCHEDULE 7—continued**

“

47.	Rate of pharmaceutical allowance for a person: (a) who is receiving a social security benefit; and (b) who has a partner; and (c) whose rate is not increased for the partner	Benefit PA 'partnered' (item 2) rate	[Benefit Rate Calculator A—point 1067-D9—Table—column 3—item 2]  [Benefit Rate Calculator B—point 1068-D10—Table—column 3—item 2]
47A.	Rate of pharmaceutical allowance for a person: (a) who is receiving a social security benefit; and (b) who has a partner; and (c) whose rate is increased for the partner	Benefit PA 'partnered' (item 3) rate	[Benefit Rate Calculator A—point 1067-D9—Table—column 3—item 3]  [Benefit Rate Calculator B—point 1068-D10—Table—column 3—item 3]

”

**16. Section 1190 (Indexed and Adjusted Amounts Table—item 48—column 4):**

Omit “item 3” (wherever occurring), substitute “items 3 and 4”.

**17. Section 1190 (Indexed and Adjusted Amounts Table—item 49—column 4):**

Omit “item 3” (wherever occurring), substitute “items 4 and 5”.

**18. Section 1190 (Indexed and Adjusted Amounts Table—item 49B—column 4):**

Omit “item 4” (wherever occurring), substitute “item 5”.

**19. Section 1190 (Indexed and Adjusted Amounts Table):**

After item 49B, insert:

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**SCHEDULE 7—continued**

“

49C.	Rate of pharmaceutical allowance for a person: (a) who is receiving a social security pension; and (b) is a member of a couple; and (c) whose partner is in gaol	Pension PA ‘partnered’ (item 6) rate	[Pension Rate Calculator A—point 1064-C8—Table—column 3—item 6]  [Pension Rate Calculator B—point 1065-C8—Table—column 3—item 6]  [Pension Rate Calculator D—point 1066A-D8—Table—column 3—item 6]  [Pension Rate Calculator E—point 1066B-D8—Table—column 3—item 6]
49D.	Rate of pharmaceutical allowance for a person: (a) who is receiving a social security benefit; and (b) is a member of a couple; and (c) whose partner is in gaol	Benefit PA ‘partnered’ (item 7) rate	[Benefit Rate Calculator A—point 1067-D9—Table—column 3—item 7]  [Benefit Rate Calculator B—point 1068-D10—Table—column 3—item 7]

”

**20. Subsection 1191(1)(CPI Indexation Table—item 32—column 2):**

Omit “item 4”, substitute “item 5”.

**21. Paragraph 1206A(1)(b):**

Omit “item 4”, substitute “item 5”.

**22. After paragraph 1206A(2)(b):**

Insert:

“and (c) the pension PA ‘partnered’ (item 6) rate;”.

**23. After paragraph 1206A(3)(a):**

Insert:

“(aa) the benefit ‘partnered’ (item 6) rate; and”.

**SCHEDULE 8**

Section 86

**FURTHER AMENDMENTS OF THE SOCIAL SECURITY ACT  
1991—NOTICE PROVISIONS**

**PART 1**

**1. Subsection 132(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**2. After subsection 132(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**3. Subsection 133(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**4. After subsection 133(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**5. Subsection 727(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**6. After subsection 727(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**7. Subsection 728(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**8. After subsection 728(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**PART 2**

**9. Subsection 121(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

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**SCHEDULE 8—continued**

**10. After subsection 121(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**11. Subsection 122(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**12. After subsection 122(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**13. Subsection 172(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**14. After subsection 172(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**15. Subsection 173(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**16. After subsection 173(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**17. Subsection 222(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**18. After subsection 222(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**19. Subsection 223(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.



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**SCHEDULE 8—continued**

**20. After subsection 223(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**21. Subsection 284(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**22. After subsection 284(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**23. Subsection 285(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**24. After subsection 285(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**25. Subsection 341(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**26. After subsection 341(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**27. Subsection 342(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**28. After subsection 342(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

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**SCHEDULE 8—continued**

**29. Subsection 389(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**30. After subsection 389(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**31. Subsection 390(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**32. After subsection 390(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**33. Subsection 574(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**34. After subsection 574(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**35. Subsection 575(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**36. After subsection 575(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**37. Subsection 657(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**38. After subsection 657(3):**

Insert:

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**SCHEDULE 8—continued**

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**39. Subsection 658(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**40. After subsection 658(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**41. Subsection 713(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**42. After subsection 713(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**43. Subsection 714(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**44. After subsection 714(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**45. Subsection 727(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**46. After subsection 727(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**47. Subsection 728(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

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**SCHEDULE 8—continued**

**48. After subsection 728(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**49. Subsection 759(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**50. After subsection 759(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**51. Subsection 760(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**52. After subsection 760(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**53. Subsection 808(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**54. After subsection 808(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**55. Subsection 809(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**56. After subsection 809(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

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**SCHEDULE 8—continued**

**57. Subsection 873(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**58. After subsection 873(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**59. Subsection 874(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**60. After subsection 874(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**61. Subsection 930(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**62. After subsection 930(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**63. Subsection 931(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**64. After subsection 931(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**65. Subsection 978(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**66. After subsection 978(3):**

Insert:

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**SCHEDULE 8—continued**

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**67. Subsection 979(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**68. After subsection 979(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**69. Subsection 1023(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**70. After subsection 1023(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**71. Subsection 1024(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**72. After subsection 1024(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**73. Subsection 1054(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**74. After subsection 1054(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**75. Subsection 1055(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

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**SCHEDULE 8—continued**

**76. After subsection 1055(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**77. Subsection 1061Y(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**78. After subsection 1061Y(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**79. Subsection 1061Z(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**80. After subsection 1061Z(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**PART 3**

**81. Subsection 872(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**82. After subsection 872(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**83. Subsection 873(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**84. After subsection 873(2):**

Insert:

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**SCHEDULE 8—continued**

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

**PART 4**

**85. Subsection 1061ZK(3):**

Omit “A notice”, substitute “Subject to subsection (3A), a notice”.

**86. After subsection 1061ZK(3):**

Insert:

“(3A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (3)(c) or (e).”.

**87. Subsection 1061ZL(2):**

Omit “A notice”, substitute “Subject to subsection (2A), a notice”.

**88. After subsection 1061ZL(2):**

Insert:

“(2A) A notice under subsection (1) is not invalid merely because it fails to comply with paragraph (2)(c) or (e).”.

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**NOTES**

*Social Security Act 1991*

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 Nos. 20, 24, 25, 36 and 61, 1993.

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

2. No. 20, 1991, as amended. For previous amendments, see Nos. 115, 175 and 194, 1991; and Nos. 81, 138, 205 and 229, 1992.

**NOTE ABOUT SECTION HEADING IN THE SOCIAL SECURITY ACT 1991**

1. On 20 March 1994, the heading to section 16 of the Principal Act is omitted and the following heading is substituted:  
“**Industrial action definitions**”.



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[*Minister's second reading speech made in—  
House of Representatives on 29 September 1993  
Senate on 20 October 1993*]