

Social Security and Veterans’ Affairs Legislation Amendment (Male Total Average Weekly Earnings Benchmark) Act 1997

No. 175, 1997

An Act to amend the *Social Security Act 1991* and the *Veterans’ Entitlements Act 1986*, and for related purposes

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**No. 175, 1997**

An Act to amend the *Social Security Act 1991* and the *Veterans’ Entitlements Act 1986,* and for related purposes

[*Assented to 21 November 1997*]

The Parliament of Australia enacts:

##### 1 Short title

 This Act may be cited as the *Social Security and Veterans’ Affairs Legislation Amendment (Male Total Average Weekly Earnings Benchmark) Act 1997*.

##### 2 Commencement

 This Act commences on 20 September 1997.

##### 3 Schedule(s)

 Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

###### Schedule 1—Amendments

Social Security Act 1991

1 Subsection 1192(2)

After “is the indexed amount.”, insert “(The indexed amount may be increased under section 1195 in certain cases.)”.

2 After section 1194A

Insert:

##### 1195 Certain indexed amounts to be increased in line with increases in Male Total Average Weekly Earnings

 (1) For the purposes of this section:

 (a) a ***category A amount*** is an amount specified as set out below:

 (i) point 1064‑B1—Table B—item 1, 3, 4 or 5—column 3;

 (ii) point 1065-B1—Table B—item 1, 3, 4 or 5—column 3;

 (iii) point 1066-B1—the annual rate;

 (iv) point 1066A-B1—Table B—item 1, 2, 3, 4, 7, 8, 9, 10, 11 or 12—column 3A;

 (v) point 1066B-B1—Table B—item 1, 2, 3, 4, 7, 8, 9, 10, 11 or 12—column 3A; and

 (b) a ***category B amount*** is an amount specified as set out below:

 (i) point 1064-B1—Table B—item 2—column 3;

 (ii) point 1065-B1—Table B—item 2—column 3;

 (iii) point 1066A-B1—Table B—item 5 or 6—column 3A;

 (iv) point 1066B-B1—Table B—item 5 or 6—column 3A.

 (2) If:

 (a) a category A amount or a category B amount is to be indexed under this Division on an indexation day that occurs after 19 September 1997; and

 (b) 25% of the annualised MTAWE figure for whichever of the following quarters is applicable:

 (i) if the indexation day is a 20 March—the most recent December quarter;

 (ii) if the indexation day is a 20 September—the most recent June quarter;

 exceeds the indexed amount for the category A amount;

then:

 (c) the indexed amount for the category A amount is to be increased by an amount (the ***category A top-up amount***) equal to the excess; and

 (d) if the indexed amount for the category A amount (as increased under paragraph (c)) is not a multiple of $2.60, the indexed amount (as increased under paragraph (c)) is to be further increased by rounding up to the next highest multiple of $2.60; and

 (e) the indexed amount for the category B amount is to be increased by an amount equal to 83% of the category A top‑up amount; and

 (f) if the indexed amount for the category B amount (as increased under paragraph (e)) is not a multiple of $2.60, the indexed amount (as increased under paragraph (e)) is to be further increased by rounding up to the next highest multiple of $2.60.

 (3) For the purposes of this section, the ***annualised MTAWE figure*** for a quarter is 52 times the amount set out for the reference period in the quarter under the headings “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL” in a document published by the Australian Statistician entitled “Average Weekly Earnings, States and Australia”.

 (4) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes the amount referred to in subsection (3):

 (a) under differently described headings (the ***new headings***); or

 (b) in a document entitled otherwise than as described in subsection (3) (the ***new document***);

then the ***annualised MTAWE figure*** is to be calculated in accordance with subsection (3) as if the references to:

 (c) “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL”; or

 (d) “Average Weekly Earnings, States and Australia”;

were references to the new headings and/or the new document, as the case requires.

 (5) For the purposes of this section, the ***reference period*** in a particular quarter is the period described by the Australian Statistician as the pay period ending on or before a specified day that is the third Friday of the middle month of that quarter.

 (6) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes an amount in substitution for a particular amount previously published by the Australian Statistician, the publication of the later amount is to be disregarded for the purposes of this section.

 (7) In this section:

***December quarter*** means a quarter ending on 31 December.

***June quarter*** means a quarter ending on 30 June.

Veterans’ Entitlements Act 1986

3 Subsection 59C(2)

After “is the indexed amount.”, insert “(The indexed amount may be increased under section 59EA in certain cases.)”.

4 After section 59E

Insert:

##### 59EA Certain indexed amounts to be increased in line with increases in Male Total Average Weekly Earnings

 (1) For the purposes of this section:

 (a) a ***category A amount*** is an amount specified as set out below:

 (i) point 41‑B1—Table B—item 1 or 4—column 3;

 (ii) point 42-B1—Table B—item 1 or 4—column 3;

 (iii) point 43-B1—Table B—item 1 or 4—column 3;

 (iv) point 45X-C1—Table C—item 1, 2 or 4—column 3;

 (v) point 45Y-C1—Table C—item 1, 2 or 4—column 3; and

 (b) a ***category B amount*** is an amount specified as set out below:

 (i) point 41‑B1—Table B—item 3—column 3;

 (ii) point 42-B1—Table B—item 3—column 3;

 (iii) point 43-B1—Table B—item 3—column 3;

 (iv) point 45X-C1—Table C—item 3—column 3;

 (v) point 45Y-C1—Table C—item 3—column 3.

 (2) If:

 (a) a category A amount or a category B amount is to be indexed under this Subdivision on an indexation day that occurs after 19 September 1997; and

 (b) 25% of the annualised MTAWE figure for whichever of the following quarters is applicable:

 (i) if the indexation day is a 20 March—the most recent December quarter;

 (ii) if the indexation day is a 20 September—the most recent June quarter;

 exceeds the indexed amount for the category A amount;

then:

 (c) the indexed amount for the category A amount is to be increased by an amount (the ***category A top-up amount***) equal to the excess; and

 (d) if the indexed amount for the category A amount (as increased under paragraph (c)) is not a multiple of $2.60, the indexed amount (as increased under paragraph (c)) is to be further increased by rounding up to the next highest multiple of $2.60; and

 (e) the indexed amount for the category B amount is to be increased by an amount equal to 83% of the category A top‑up amount; and

 (f) if the indexed amount for the category B amount (as increased under paragraph (e)) is not a multiple of $2.60, the indexed amount (as increased under paragraph (e)) is to be further increased by rounding up to the next highest multiple of $2.60.

 (3) For the purposes of this section, the ***annualised MTAWE figure*** for a quarter is 52 times the amount set out for the reference period in the quarter under the headings “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL” in a document published by the Australian Statistician entitled “Average Weekly Earnings, States and Australia”.

 (4) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes the amount referred to in subsection (3):

 (a) under differently described headings (the ***new headings***); or

 (b) in a document entitled otherwise than as described in subsection (3) (the ***new document***);

then the ***annualised MTAWE figure*** is to be calculated in accordance with subsection (3) as if the references to:

 (c) “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL”; or

 (d) “Average Weekly Earnings, States and Australia”;

were references to the new headings and/or the new document, as the case requires.

 (5) For the purposes of this section, the ***reference period*** in a particular quarter is the period described by the Australian Statistician as the pay period ending on or before a specified day that is the third Friday of the middle month of that quarter.

 (6) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes an amount in substitution for a particular amount previously published by the Australian Statistician, the publication of the later amount is to be disregarded for the purposes of this section.

 (7) In this section:

***December quarter*** means a quarter ending on 31 December.

***June quarter*** means a quarter ending on 30 June.

[*Minister's second reading speech made in*

*House of Representatives on 19 March 1997*

*Senate on 26 March 1997*]

(27/97)