



# **Social Security and Other Legislation Amendment (Miscellaneous Measures) Act 2011**

**No. 91, 2011**

**An Act to amend the law relating to social security  
and family assistance, and for other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**No. 91, 2011**

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**An Act to amend the law relating to social security  
and family assistance, and for other purposes**

*[Assented to 4 August 2011]*

The Parliament of Australia enacts:

**1 Short title**

This Act may be cited as the *Social Security and Other Legislation  
Amendment (Miscellaneous Measures) Act 2011*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	4 August 2011
2. Schedule 1	20 March 2000.	20 March 2000
3. Schedule 2, item 1	Immediately after the commencement of item 8 of Schedule 1 to the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> .	26 July 2011
4. Schedule 2, item 2	Immediately after the commencement of section 2 of the <i>Family Assistance Legislation Amendment (Child Care Rebate) Act 2011</i> .	21 April 2011
5. Schedule 3	The day this Act receives the Royal Assent.	4 August 2011

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Notification of change of circumstances etc.**

### *Social Security (Administration) Act 1999*

#### **1 Before section 67**

Insert:

#### **66A General requirement to inform of a change of circumstances etc.**

*Person who has made a claim*

(1) If:

- (a) a person has made a claim for:
  - (i) a social security payment; or
  - (ii) a concession card; and
- (b) the claim has been granted or has not been determined; and
- (c) an event or change of circumstances occurs that might affect the payment of that social security payment or the person's qualification for the concession card;

the person must, within 14 days after the day on which the event or change occurs, inform the Department of the occurrence of the event or change.

*Person receiving a social security payment or holding a concession card*

(2) If:

- (a) either:
  - (i) a social security payment (other than utilities allowance or seniors supplement) is being paid to a person; or
  - (ii) a person holds a concession card; and
- (b) an event or change of circumstances occurs that might affect the payment of that social security payment or the person's qualification for the concession card;

the person must, within 14 days after the day on which the event or change occurs, inform the Department of the occurrence of the event or change.

*Person who has received a social security payment or held a concession card*

- (3) If:
- (a) either:
    - (i) a person is not receiving a social security payment but a social security payment (other than utilities allowance or seniors supplement) has at any time been paid to the person; or
    - (ii) a person does not hold a concession card but has at any time held such a card; and
  - (b) an event or change of circumstances occurs that might have affected the payment of that social security payment or the person's qualification for the concession card;

the person must, within 14 days after the day on which the event or change occurs, inform the Department of the occurrence of the event or change.

*Interaction with notices under this Subdivision*

- (4) If:
- (a) a person is subject to a requirement under subsection (1), (2) or (3) in relation to an event or change of circumstances; and
  - (b) the person is given, or purportedly given, a notice under this Subdivision in relation to the same event or change of circumstances; and
  - (c) the person complies with the notice to the extent that it relates to that event or change;
- the person is taken to have also complied with that requirement within the period referred to in that subsection.
- (5) Subsection (4) does not apply if the notice is given after the end of the period referred to in subsection (1), (2) or (3).
- (6) This section does not limit the power of the Secretary to give a person a notice under this Subdivision.



## **2 Section 73**

Omit “67”, substitute “66A”.

Note: The heading to section 73 is altered by omitting “**notice**”.

## **3 Application provision**

Section 66A of the *Social Security (Administration) Act 1999*, as inserted by this Schedule, applies in relation to an event or change of circumstances that occurs on or after 20 March 2000.

## Schedule 2—Technical amendments

### *Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011*

#### **1 Item 8 of Schedule 1 (heading)**

Omit “and”, substitute “to”.

### *Family Assistance Legislation Amendment (Child Care Rebate) Act 2011*

#### **2 Subsection 2(1) (table item 28)**

Repeal the item, substitute:

- |                        |   |
|------------------------|---|
| 28. Schedule 3, item 1 | The day after this Act receives the Royal Assent.<br><br>However, if Part 1 of Schedule 1 to the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences after that day, the provision(s) do not commence at all. |
| 29. Schedule 3, item 2 | The day after this Act receives the Royal Assent.<br><br>However, if Schedule 5 to the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences after that day, the provision(s) do not commence at all.           |
| 30. Schedule 3, item 3 | The day after this Act receives the Royal Assent.<br><br>However, if Part 1 of Schedule 1 to the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences after that day, the provision(s) do not commence at all. |
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|----------------------------------|---|
| 31. Schedule 3,<br>items 4 and 5 | The day after this Act receives the Royal Assent.<br><br>However, if Schedule 5 to the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences after that day, the provision(s) do not commence at all.           |
| 32. Schedule 3,<br>items 6 to 10 | The day after this Act receives the Royal Assent.<br><br>However, if Part 1 of Schedule 1 to the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences after that day, the provision(s) do not commence at all. |
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## Schedule 3—Decisions made by computer programs

### 1 Decisions made by computer programs

- (1) This item applies to a decision made under the social security law if:
  - (a) the decision was made on or after 12 June 2001 but before the commencement of this item; and
  - (b) the decision was made by the operation of a computer program.
- (2) The Secretary is taken to have arranged for the use of the computer program under subsection 6A(1) of the Administration Act for any purpose in relation to the decision.
- (3) The use of the computer program is taken to have been under the Secretary's control for the purposes of subsection 6A(1) of the Administration Act.
- (4) In this item:

**Administration Act** means the *Social Security (Administration) Act 1999*.

**Secretary** means the Secretary who is taken to have made the decision under subsection 6A(2) of the Administration Act.

**social security law** has the same meaning as in the Administration Act.

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[Minister's second reading speech made in—  
Senate on 23 June 2011  
House of Representatives on 6 July 2011]

(122/11)

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