Social Services Legislation Amendment (Seasonal Worker Incentives for Jobseekers) Act 2017

No. 54, 2017

An Act to amend the law relating to social security, and for related purposes

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An Act to amend the law relating to social security, and for related purposes

[*Assented to 22 June 2017*]

The Parliament of Australia enacts:

1 Short title

 This Act is the *Social Services Legislation Amendment (Seasonal Worker Incentives for Jobseekers) Act 2017*.

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.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 22 June 2017 |
| 2. Schedule 1, Parts 1 and 2 | 1 July 2017. | 1 July 2017 |
| 3. Schedule 1, Part 3 | 1 July 2020. | 1 July 2020 |

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedules

 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Main amendments

Social Security Act 1991

1 Subsection 8(1) (note 3 at the end of the definition of *ordinary income*)

After “1072 and 1073 (ordinary income concept),”, insert “section 1073K (seasonal horticultural work income exemption),”.

2 After paragraph 8(8)(s)

Insert:

 (sa) a payment made by, or on behalf of, the Commonwealth and known as the seasonal work living away and travel allowance;

3 After subsection 541(3)

Insert:

 (3A) Paragraph (3)(b) does not apply to a person:

 (a) if the full‑time paid work is qualifying seasonal horticultural work (within the meaning of subsection 1073K(6)); and

 (b) while ordinary income earned, derived or received by the person from that work is being disregarded under subsection 1073K(2).

4 Point 1067G‑H1 (after paragraph (a) of note 2)

Insert:

(aa) the seasonal horticultural work income exemption (section 1073K);

5 Point 1068‑G1 (note 3)

After:

• the general concept of ordinary income (sections 1072 and 1073);

insert:

• the seasonal horticultural work income exemption (section 1073K);

6 Section 1072 (note 2)

After “section 1073AA (work bonus),”, insert “section 1073K (seasonal horticultural work income exemption),”.

7 After Division 1AB of Part 3.10

Insert:

Division 1AC—Seasonal horticultural work income exemption

1073K Seasonal horticultural work income exemption

 (1) This section applies to a person if the Secretary is satisfied that on a day (the ***placement day***) in the 2017‑18 or 2018‑19 financial year the person is placed in qualifying seasonal horticultural work under the program established by the Commonwealth and known as the “Seasonal Horticultural Work program”.

Note: For ***qualifying seasonal horticultural work***, see subsection (6).

 (2) For the purposes of working out the rate of a qualifying payment for the person, disregard the first $5,000 of any ordinary income earned, derived or received by the person from undertaking that work under that program during the period:

 (a) beginning on the first day (the ***reference day***) of the person’s instalment period that includes the placement day; and

 (b) if this section applies to the person in the 2017‑18 financial year—ending at the end of the earlier of the following days:

 (i) the last day of the 12‑month period beginning on the reference day;

 (ii) if this section applies to the person in the 2018‑19 financial year—the day before this section so applies; and

 (c) if this section applies to the person in the 2018‑19 financial year—ending at the end of the last day of the 12‑month period beginning on the reference day.

Note: For ***qualifying payment***, see subsection (5).

 (3) If an amount of ordinary income is disregarded in relation to the person under subsection (2), that amount is also disregarded in relation to the person’s partner (if any) for the purposes of this Act.

 (4) This section applies to a person only once in relation to the 2017‑18 or 2018‑19 financial year, being the first occasion for which subsection (1) is satisfied in relation to that financial year.

Qualifying payments

 (5) For the purposes of this section, a ***qualifying payment*** is:

 (a) newstart allowance; or

 (b) youth allowance, where neither section 540AA (about new apprentices) nor paragraph 541(1)(a) (about full‑time study) applies.

Qualifying seasonal horticultural work

 (6) For the purposes of this section, ***qualifying seasonal horticultural work*** is seasonal work of a kind determined in an instrument under subsection (7).

Note: For ***seasonal work***, see section 16A.

 (7) The Employment Secretary may, by legislative instrument, determine kinds of seasonal work for the purposes of subsection (6).

Part 2—Other amendments

Farm Household Support Act 2014

8 After paragraph 94(m)

Insert:

 (ma) section 1073K (seasonal horticultural work income exemption);

Veterans’ Entitlements Act 1986

9 After paragraph 5H(8)(he)

Insert:

 (hf) an amount of ordinary income (within the meaning of the *Social Security Act 1991*) that is disregarded under subsection 1073K(2) of that Act;

 (hg) a payment made by, or on behalf of, the Commonwealth and known as the seasonal work living away and travel allowance;

Part 3—Repeals

Farm Household Support Act 2014

10 Paragraph 94(ma)

Repeal the paragraph.

Social Security Act 1991

11 Subsection 8(1) (note 3 at the end of the definition of *ordinary income*)

Omit “section 1073K (seasonal horticultural work income exemption),”.

12 Paragraph 8(8)(sa)

Repeal the paragraph.

13 Subsection 541(3A)

Repeal the subsection.

14 Point 1067G‑H1 (paragraph (aa) of note 2)

Repeal the paragraph.

15 Point 1068‑G1 (note 3)

Omit:

• the seasonal horticultural work income exemption (section 1073K);

16 Section 1072 (note 2)

Omit “section 1073K (seasonal horticultural work income exemption),”.

17 Division 1AC of Part 3.10

Repeal the Division.

Veterans’ Entitlements Act 1986

18 Paragraphs 5H(8)(hf) and (hg)

Repeal the paragraphs.

[*Minister’s second reading speech made in—*

*House of Representatives on 23 March 2017*

*Senate on 30 March 2017*]

(52/17)