



# **Social Security and Other Legislation Amendment (Self-Employment Programs and Other Measures) Act 2022**

**No. 42, 2022**

**An Act to amend legislation relating to family law,  
social security and veterans' entitlements, and for  
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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## Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	2

### **Schedule 1—Amendments relating to self-employment programs**

<i>Family Law Regulations 1984</i>	3
<i>Social Security Act 1991</i>	3
<i>Veterans' Entitlements Act 1986</i>	5

### **Schedule 2—Technical amendments**

<i>Social Security Act 1991</i>	8
<i>Social Security (Administration) Act 1999</i>	8





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**An Act to amend legislation relating to family law,  
social security and veterans' entitlements, and for  
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*[Assented to 7 October 2022]*

The Parliament of Australia enacts:

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*No. 42, 2022      Social Security and Other Legislation Amendment (Self-Employment  
Programs and Other Measures) Act 2022      1*

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## 1 Short title

This Act is the *Social Security and Other Legislation Amendment (Self-Employment Programs and Other Measures) Act 2022*.

## 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.

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day this Act receives the Royal Assent.	7 October 2022

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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Note: The provisions of the *Family Law Regulations 1984* amended by this Act, and any other provisions of those Regulations, may be amended or repealed by regulations made under section 125 of the *Family Law Act 1975* (see subsection 13(5) of the *Legislation Act 2003*).

## **Schedule 1—Amendments relating to self-employment programs**

### ***Family Law Regulations 1984***

#### **1 After paragraph 12A(e)**

Insert:

- (ea) a payment under the program known as:
  - (i) the Self-Employment Assistance program; or
  - (ii) if the Self-Employment Assistance program is known by another name—that other name;

#### **2 At the end of regulation 12A**

Add:

Note: For the purposes of subparagraph (ea)(ii), if the name of the Self-Employment Assistance program changes, notice must be given of that change (see subsection 23(25) of the *Social Security Act 1991*).

### ***Social Security Act 1991***

#### **3 Paragraph 8(8)(t)**

Omit “the scheme known as the New Enterprise Incentive Scheme”, substitute “a self-employment program”.

#### **4 Subsection 23(1) (definition of *NEIS payment*)**

Repeal the definition.

#### **5 Subsection 23(1)**

Insert:

***self-employment program*** means:

- (a) the scheme known as the New Enterprise Incentive Scheme;  
or
- (b) the program known as:
  - (i) the Self-Employment Assistance program; or

- (ii) if the Self-Employment Assistance program is known by another name—that other name.

Note: For the purposes of subparagraph (b)(ii), if the name of the Self-Employment Assistance program changes, the Employment Secretary must give notice of that change (see subsection (25)).

## **6 At the end of section 23**

Add:

*Self-Employment Assistance program*

- (25) If the program known as the Self-Employment Assistance program becomes known by another name, the Employment Secretary must, by notifiable instrument, give notice of the change in name.

## **7 Subsection 1064(1) (note 2)**

Omit “the New Enterprise Incentive Scheme”, substitute “a self-employment program”.

## **8 Point 1071A-4 (paragraph (d) of the definition of *income*)**

Omit “the scheme known as the New Enterprise Incentive Scheme”, substitute “a self-employment program”.

## **9 Part 3.15 of Chapter 3 (heading)**

Repeal the heading, substitute:

## **Part 3.15—Self-employment programs**

### **10 Section 1186**

Omit “the scheme known as the New Enterprise Incentive Scheme (NEIS)”, substitute “a self-employment program”.

### **11 Section 1187 (heading)**

Omit “New Enterprise Incentive Scheme (NEIS)”, substitute “a self-employment program”.



**12 Paragraphs 1187(1)(b) and (1A)(b)**

Omit “NEIS”, substitute “a payment under a self-employment program”.

**13 Paragraph 1187(1A)(b)**

Omit “, or in respect of the person,”.

**14 Paragraph 1187(2)(b)**

Omit “NEIS”, substitute “a payment under a self-employment program”.

**15 Subsection 1188(1)**

Omit “a NEIS payment”, substitute “a payment under a self-employment program (a *self-employment program payment*)”.

**16 Subsection 1188(1)**

Omit “the NEIS payment”, substitute “the self-employment program payment”.

**17 Subsection 1188(2)**

Omit “NEIS payment” (wherever occurring), substitute “self-employment program payment”.

***Veterans’ Entitlements Act 1986***

**18 Paragraph 5H(8)(x)**

Omit “the scheme known as the New Enterprise Incentive Scheme”, substitute “a self-employment program”.

**19 Subsection 5Q(1)**

Insert:

*self-employment program* means:

- (a) the scheme known as the New Enterprise Incentive Scheme;  
or
- (b) the program known as:
  - (i) the Self-Employment Assistance program; or

- (ii) if the Self-Employment Assistance program is known by another name—that other name.

Note: For the purposes of subparagraph (b)(ii), if the name of the Self-Employment Assistance program changes, notice must be given of that change (see subsection 23(25) of the Social Security Act).

**20 Sections 36N, 37N and 38N (note 2)**

Omit “the New Enterprise Incentive Scheme”, substitute “a self-employment program”.

**21 Division 9 of Part IIIB (heading)**

Repeal the heading, substitute:

**Division 9—Self-employment programs**

**22 Section 50**

Omit “the scheme known as the New Enterprise Incentive Scheme (NEIS)”, substitute “a self-employment program”.

**23 Section 50 (note)**

Omit “the NEIS”, substitute “a self-employment program”.

**24 Section 50A (heading)**

Omit “NEIS”, substitute “a self-employment program”.

**25 Paragraphs 50A(1)(b), (2)(b) and (3)(b)**

Omit “NEIS”, substitute “a payment under a self-employment program”.

**26 Subsection 50B(1)**

Omit “a NEIS payment”, substitute “a payment under a self-employment program (a *self-employment program payment*)”.

**27 Subsection 50B(1)**

Omit “the NEIS payment”, substitute “the self-employment program payment”.

**28 Subsection 50B(2)**

Omit “NEIS payment” (wherever occurring), substitute “self-employment program payment”.

**29 Application of amendments**

The amendments made by this Schedule (other than items 1 and 2) apply in relation to payments under a self-employment program that are made on or after 1 July 2022.

## Schedule 2—Technical amendments

### *Social Security Act 1991*

#### **1 Paragraph 540(1)(a)**

Repeal the paragraph, substitute:

(a) throughout the period:

- (i) the person is undertaking full-time study (see section 541B); or
- (ii) the person is exempt from undertaking full-time study (see Subdivision C) but the person satisfies the Secretary that the person would otherwise be undertaking full-time study (see section 541B); or
- (iii) the person satisfies subsection (2); and

#### **2 Subsection 593(1) (notes 2 and 3)**

Repeal the notes.

#### **3 Paragraphs 593(1F)(a) and (b)**

Omit “a Jobseeker Employment Pathway Plan”, substitute “an employment pathway plan”.

#### **4 Subsection 661B(1) (table item 3, column 3, paragraph (a))**

Omit “subparagraph 540(1)(a)(ia)”, substitute “subparagraph 540(1)(a)(ii)”.

#### **5 Subsection 661B(1) (table item 3, column 3, paragraph (b))**

Omit “subparagraph 540(1)(a)(ib)”, substitute “subparagraph 540(1)(a)(iii)”.

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

#### **6 Paragraph 40S(1)(a)**

Omit “subparagraph 593(1)(a)(iii)”, substitute “subparagraph 593(1)(a)(ii)”.

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*[Minister's second reading speech made in—  
Senate on 27 July 2022  
House of Representatives on 26 September 2022]*

*(59/22)*

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*No. 42, 2022      Social Security and Other Legislation Amendment (Self-Employment  
Programs and Other Measures) Act 2022      9*