

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

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No. 42, 2022

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

[*Assented to 7 October 2022*]

The Parliament of Australia enacts:

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.

| 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 |

Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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the *Family Law Regulations 1984* amended by this Act, and any other provisions of those Regulations, may be amended or repealed by regulations made under section 125 of the *Family Law Act 1975* (see subsection 13(5) of the *Legislation Act 2003*).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)”.

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

*Senate on 27 July 2022*

*House of Representatives on 26 September 2022*]

(59/22)