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The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Social Security and Other Legislation  
Amendment (Further 2012 Budget and  
Other Measures) Bill 2012**

**No.      , 2012**

*(Families, Housing, Community Services and Indigenous Affairs)*

**A Bill for an Act to amend the law relating to  
family assistance, social security, child support,  
paid parental leave and Indigenous education, and  
for related purposes**



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1     **A Bill for an Act to amend the law relating to**  
2     **family assistance, social security, child support,**  
3     **paid parental leave and Indigenous education, and**  
4     **for related purposes**

5     The Parliament of Australia enacts:

6     **1 Short title**

7                     This Act may be cited as the *Social Security and Other Legislation*  
8                     *Amendment (Further 2012 Budget and Other Measures) Act 2012*.

9     **2 Commencement**

10                    (1) Each provision of this Act specified in column 1 of the table  
11                    commences, or is taken to have commenced, in accordance with

1 column 2 of the table. Any other statement in column 2 has effect  
2 according to its terms.

3

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<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.	
2. Schedules 1 and 2	The day this Act receives the Royal Assent.	
3. Schedule 3	The 28th day after this Act receives the Royal Assent.	
4. Schedule 4	The day this Act receives the Royal Assent.	
5. Schedule 5, items 1 to 60	The day this Act receives the Royal Assent.	
6. Schedule 5, item 61	27 May 2012.	27 May 2012
7. Schedule 6, item 1	1 July 2012.	1 July 2012
8. Schedule 6, items 2 to 9	The day this Act receives the Royal Assent.	

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

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

### 10 **3 Schedule(s)**

11 Each Act that is specified in a Schedule to this Act is amended or  
12 repealed as set out in the applicable items in the Schedule  
13 concerned, and any other item in a Schedule to this Act has effect  
14 according to its terms.  
15

1 **Schedule 1—Extending Cape York welfare**  
2 **reform trial**  
3

4 *Social Security (Administration) Act 1999*

5 **1 Paragraphs 123UF(1)(g) and (2)(h)**

6 Omit “1 January 2013”, substitute “1 January 2014”.  
7

1  
2

## Schedule 2—Indigenous education payments

3

### *Indigenous Education (Targeted Assistance) Act 2000*

4

#### **1 Subsection 14B(1) (table item 4)**

5

Omit “\$120,701,000”, substitute “\$132,607,000”.

6

#### **2 Subsection 14C(1) (table item 1)**

7

Omit “\$133,527,000”, substitute “\$137,699,000”.

8



1 **Schedule 3—Social Security Appeals Tribunal**

2 **Part 1—Amendments**

3 *A New Tax System (Family Assistance) (Administration) Act*  
4 *1999*

5 **1 Subsection 3(1) (at the end of the definition of *Principal***  
6 ***Member*)**

7 Add:

8 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
9 the constitution and membership of the Social Security Appeals  
10 Tribunal.

11 **2 Subsection 3(1) (at the end of the definition of *SSAT*)**

12 Add:

13 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
14 the constitution and membership of the SSAT.

15 **3 Subsection 3(1)**

16 Insert:

17 *SSAT member* means a member of the SSAT (and includes the  
18 Principal Member).

19 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
20 the constitution and membership of the SSAT.

21 **4 Section 110**

22 Before “In”, insert “(1)”.

23 **5 At the end of section 110**

24 Add:

25 (2) That objective must also be pursued by the Principal Member in  
26 performing or exercising his or her functions and powers under this  
27 Act.

28 **6 Subparagraph 112(3)(b)(i)**

29 Omit “withdrawn”, substitute “dismissed”.

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1 **7 Subsection 117(3)**

2 Repeal the subsection, substitute:

3 (3) If:

- 4 (a) a person applies to the SSAT for review of a decision; and  
5 (b) before determination of the review, an officer varies the  
6 decision or sets it aside and substitutes a new decision;

7 the person may:

- 8 (c) proceed with the application for review of the decision as  
9 varied or the new decision; or  
10 (d) request the Principal Member to dismiss the application  
11 under section 135; or  
12 (e) notify, under section 136, the SSAT that the application is  
13 discontinued or withdrawn.

14 **8 After paragraph 118(1)(b)**

15 Insert:

- 16 (c) for a review of a care percentage decision—each person who  
17 is a responsible person (within the meaning of the *Child*  
18 *Support (Assessment) Act 1989*) for the child to whom the  
19 decision relates; and

20 **9 Subsection 120(1)**

21 Omit “(1)”.

22 **10 Subsections 120(2), (3) and (4)**

23 Repeal the subsections.

24 **11 Subsection 123(3)**

25 Repeal the subsection, substitute:

- 26 (3) The party may, with the permission of the Principal Member, have  
27 another person make submissions to the SSAT on the party’s  
28 behalf.

- 29 (3A) In deciding whether to grant permission under subsection (3), the  
30 Principal Member must have regard to the wishes of the parties and  
31 the need to protect their privacy.

32 **12 Subsection 126A(3)**

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1 Omit “having regard to the objective laid down by section 110”.

2 **13 After paragraph 126A(4)(a)**

3 Insert:

4 (aa) written submissions to the SSAT; or

5 **14 Subsection 126A(4)**

6 Omit “having regard to the objective laid down by section 110”.

7 **15 Subdivision BC of Division 3 of Part 5 (heading)**

8 Repeal the heading, substitute:

9 **Subdivision BC—Directions hearings**

10 **16 Section 129A (heading)**

11 Repeal the heading, substitute:

12 **129A Directions hearings**

13 **17 Subsection 129A(1)**

14 Omit “conferences”, substitute “directions hearings”.

15 **18 Subsection 129A(2)**

16 Omit “conference”, substitute “directions hearing”.

17 **19 Paragraph 129A(2)(d)**

18 Omit “evidence is to be brought before”, substitute “information is to be  
19 given to”.

20 **20 Subsections 129A(3), (4) and (5)**

21 Repeal the subsections.

22 **21 Paragraph 129B(1)(a)**

23 Omit “pre-hearing conference”, substitute “directions hearing”.

24 **22 Paragraph 130(1)(b)**

25 Omit “allows; and”, substitute “allows.”.

1 **23 Paragraph 130(1)(c)**

2 Repeal the paragraph.

3 **24 Section 133**

4 Repeal the section.

5 **25 Paragraph 134(2)(b)**

6 Repeal the paragraph.

7 **26 Sections 135 and 136**

8 Repeal the sections, substitute:

9 **135 Dismissal of application for review by SSAT**

10 (1) The Principal Member may, on the request of a party or on his or  
11 her own initiative, dismiss an application for review of a decision  
12 if:

- 13 (a) the decision is not reviewable under this Part; or  
14 (b) the application is frivolous or vexatious; or  
15 (c) all of the parties consent; or  
16 (d) the Principal Member is satisfied:  
17 (i) after having communicated with each party; or  
18 (ii) after having made reasonable attempts to communicate  
19 with each party and having failed to do so;  
20 or a combination of both, that none of the parties intend to  
21 proceed with the application; or  
22 (e) all of the parties fail to attend the hearing.

23 (2) The Principal Member may dismiss an application under  
24 paragraph (1)(b) only if:

- 25 (a) one of the following applies:  
26 (i) the Principal Member has received and considered  
27 submissions from the applicant for review;  
28 (ii) the Principal Member has otherwise communicated with  
29 the applicant in relation to the grounds of the  
30 application;  
31 (iii) the Principal Member has made reasonable attempts to  
32 communicate with the applicant in relation to the  
33 grounds of the application and has failed to do so; and
-

- 1 (b) all of the parties (other than the applicant) consent to the  
2 dismissal.
- 3 (3) If the Principal Member dismisses an application under  
4 subsection (1) (other than under paragraph (1)(b)), a party to the  
5 review may:
- 6 (a) within 28 days after receiving notification that the application  
7 has been dismissed; or  
8 (b) within such longer period as the Principal Member, in special  
9 circumstances, allows;
- 10 request that the Principal Member reinstate the application.
- 11 (4) If the Principal Member considers it appropriate to do so, he or she  
12 may reinstate the application and give such directions as he or she  
13 considers appropriate in the circumstances.
- 14 (5) If it appears to the Principal Member that an application has been  
15 dismissed under subsection (1) in error, he or she may, on the  
16 request of a party to the review or on his or her own initiative,  
17 reinstate the application and give such directions as he or she  
18 considers appropriate in the circumstances.
- 19 (6) This section does not apply in relation to a party if the party is the  
20 Secretary.

### 21 **136 Dismissal of application for review on request of party**

- 22 (1) An applicant for review may notify the SSAT at any time that the  
23 application for review is discontinued or withdrawn.
- 24 (2) If the applicant orally notifies the SSAT, the person who receives  
25 the notification must make a written record of the day on which the  
26 notification was given.
- 27 (3) If notification is given under subsection (1), the Principal Member  
28 is taken to have dismissed the application.
- 29 (4) If the Principal Member dismisses an application under  
30 subsection (3), a party to the review may:
- 31 (a) within 28 days after receiving notification that the application  
32 has been dismissed; or  
33 (b) within such longer period as the Principal Member, in special  
34 circumstances, allows;

1 request that the Principal Member reinstate the application.

2 (5) If the Principal Member considers it appropriate to do so, he or she  
3 may reinstate the application and give such directions as he or she  
4 considers appropriate in the circumstances.

5 (6) This section does not apply in relation to a party if the party is the  
6 Secretary.

7 **27 Subsection 139(7)**

8 Repeal the subsection.

9 **28 At the end of Division 3 of Part 5**

10 Add:

11 **Subdivision G—Restrictions on disclosure of information**

12 **141C Orders restricting disclosure of information**

13 (1) The Principal Member may make an order directing a person:

14 (a) not to disclose information specified in the order; or

15 (b) not to disclose information specified in the order except in  
16 the circumstances, or for the purposes, specified in the order;  
17 or

18 (c) not to disclose information specified in the order, except to a  
19 specified person or class of persons.

20 (2) An order may only specify information that has been disclosed to  
21 the person for purposes relating to a review under this Part.

22 (3) A person commits an offence if:

23 (a) the Principal Member makes an order under subsection (1) in  
24 relation to the person; and

25 (b) the person contravenes the order.

26 Penalty: Imprisonment for 2 years.

27 (4) An order made under subsection (1) in relation to a person does not  
28 apply to information which the person knew before the disclosure  
29 referred to in subsection (2) was made.

30 Note: A defendant bears an evidential burden in relation to the matter in  
31 subsection (4): see subsection 13.3(3) of the *Criminal Code*.

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1 **141D Varying an order to permit certain disclosures**

- 2 (1) A person in relation to whom an order has been made under  
3 subsection 141C(1) may request the Principal Member to vary the  
4 order to allow the person to disclose particular information  
5 specified in the order:  
6 (a) in particular circumstances or for particular purposes; or  
7 (b) to a particular person or class of persons.
- 8 (2) The Principal Member may vary the order in accordance with the  
9 request.
- 10 (3) This section does not limit the Principal Member's power to vary  
11 or revoke an order.

12 Note: For variation and revocation apart from under this section, see  
13 subsection 33(3) of the *Acts Interpretation Act 1901*.

14 **141E Orders restricting secondary disclosures of information**

- 15 (1) If an order (the *primary order*) under subsection 141C(1) directs a  
16 person not to disclose information specified in the order, except to  
17 any of the following (an *authorised recipient*):  
18 (a) a specified person;  
19 (b) a member of a specified class of persons;  
20 the Principal Member may make another order, directing an  
21 authorised recipient not to disclose the information specified in the  
22 primary order.
- 23 (2) A person commits an offence if:  
24 (a) the Principal Member makes an order under subsection (1) in  
25 relation to the person; and  
26 (b) the person contravenes the order.

27 Penalty: Imprisonment for 2 years.

- 28 (3) An order made under subsection (1) in relation to a person does not  
29 apply to information which the person knew before the disclosure  
30 of the information in accordance with the primary order was made.

31 Note: A defendant bears an evidential burden in relation to the matter in  
32 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

1 ***Child Support (Registration and Collection) Act 1988***

2 **29 Subsection 4(1)**

3 Insert:

4 *Human Services Department* means the Department administered  
5 by the Minister administering the *Human Services (Centrelink) Act*  
6 *1997*.

7 **30 Subsection 4(1) (at the end of the definition of SSAT)**

8 Add:

9 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
10 the constitution and membership of the SSAT.

11 **31 Subsection 4(1)**

12 Insert:

13 *SSAT member* means a member of the SSAT (and includes the  
14 SSAT Principal Member).

15 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
16 the constitution and membership of the SSAT.

17 **32 Subsection 4(1) (at the end of the definition of SSAT  
18 *Principal Member*)**

19 Add:

20 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
21 the constitution and membership of the SSAT.

22 **33 Paragraph 16(2AB)(a)**

23 Omit “proceedings”, substitute “review”.

24 **34 Paragraph 16(2AB)(b)**

25 Omit “proceedings concerned or is, or is alleged to be, in any other way  
26 concerned in the matter to which the proceedings concerned relate”,  
27 substitute “review concerned or is, or is alleged to be, in any other way  
28 concerned in the matter to which the review concerned relates”.

29 **35 Paragraph 16(2AB)(c)**

30 Omit “proceedings”, substitute “review”.



1 **36 After subsection 16(3)**

2 Insert:

3 (3A) Subsection (2) does not prevent an SSAT member from  
4 communicating any protected information to a person, if the  
5 information concerns a threat to the life, health or welfare of a  
6 person and either of the following applies:

7 (a) the member believes on reasonable grounds that the  
8 communication is necessary to prevent or lessen the threat;

9 (b) there is reason to suspect that the threat may afford evidence  
10 that an offence may be, or has been, committed against a  
11 person and the member communicates the information for the  
12 purpose of preventing, investigating or prosecuting such an  
13 offence.

14 **37 Section 88**

15 Before “In”, insert “(1)”.

16 **38 At the end of section 88**

17 Add:

18 (2) That objective must also be pursued by the SSAT Principal  
19 Member in performing or exercising his or her functions and  
20 powers under this Act.

21 **39 Subparagraph 94(1)(a)(ii)**

22 Omit “Department”, substitute “Human Services Department”.

23 **40 Subsection 95(1)**

24 Omit “Department” (wherever occurring), substitute “Human Services  
25 Department”.

26 **41 Subsection 96(1)**

27 Omit “(1)”.

28 **42 Subsections 96(2) and (3)**

29 Repeal the subsections.

30 **43 Subsection 97(1A)**

1 Omit “subsection 96(1)”, substitute “section 96”.

2 **44 Subsection 97(2)**

3 Omit “or subsection 95(5) or 96(1)”, substitute “, subsection 95(5) or  
4 section 96”.

5 **45 Subsection 98(1)**

6 Omit “subsection 96(1)”, substitute “section 96”.

7 **46 After paragraph 100(1)(c)**

8 Insert:

9 (ca) the applicant has been removed from the review under  
10 subsection 101(5) and all of the remaining parties consent to  
11 the dismissal; or

12 **47 Paragraph 100(1)(f)**

13 Omit “proceeding”, substitute “review”.

14 **48 At the end of section 100**

15 Add:

- 16 (3) If the SSAT Principal Member dismisses an application under  
17 subsection (1) (other than under paragraph (1)(b) or (f)), a party to  
18 the review may:
- 19 (a) within 28 days after receiving notification that the application  
20 has been dismissed; or
- 21 (b) within such longer period as the SSAT Principal Member, in  
22 special circumstances, allows;
- 23 request that the SSAT Principal Member reinstate the application.
- 24 (4) If the SSAT Principal Member considers it appropriate to do so, he  
25 or she may reinstate the application and give such directions as he  
26 or she considers appropriate in the circumstances.
- 27 (5) If it appears to the SSAT Principal Member that an application has  
28 been dismissed under subsection (1) in error, he or she may, on the  
29 request of a party to the review or on his or her own initiative,  
30 reinstate the application and give such directions as he or she  
31 considers appropriate in the circumstances.

1 **49 Subsection 100A(2)**

2 Omit “SSAT is taken to have dismissed the application without  
3 proceeding to review the decision”, substitute “SSAT Principal Member  
4 is taken to have dismissed the application”.

5 **50 Subsections 100A(3), (4) and (5)**

6 Repeal the subsections, substitute:

7 (3) If the SSAT Principal Member dismisses an application under  
8 subsection (2), a party to the review may:

9 (a) within 28 days after receiving notification that the application  
10 has been dismissed; or

11 (b) within such longer period as the SSAT Principal Member, in  
12 special circumstances, allows;

13 request that the SSAT Principal Member reinstate the application.

14 (4) If the SSAT Principal Member considers it appropriate to do so, he  
15 or she may reinstate the application and give such directions as he  
16 or she considers appropriate in the circumstances.

17 **51 Division 3A of Part VIIA (heading)**

18 Repeal the heading, substitute:

19 **Division 3A—Directions hearings**

20 **52 Section 103 (heading)**

21 Repeal the heading, substitute:

22 **103 Directions hearings**

23 **53 Subsection 103(1)**

24 Omit “conferences”, substitute “directions hearings”.

25 **54 Subsection 103(2)**

26 Omit “conference”, substitute “directions hearing”.

27 **55 At the end of subsection 103(2) (before the note)**

28 Add:

1                   ; and (d) give directions about what information is to be given to the  
2                   SSAT.

3           **56 Subsection 103(2) (note)**

4                   Omit “pre-hearing conference”, substitute “directions hearing”.

5           **57 Paragraph 103A(1)(c)**

6                   Omit “pre-hearing conference”, substitute “directions hearing”.

7           **58 Subsection 103C(2)**

8                   Repeal the subsection, substitute:

9                   (2) A party to a review may, with the permission of the SSAT  
10                   Principal Member, have another person make submissions to the  
11                   SSAT on the party’s behalf.

12                   (2A) In deciding whether to grant permission under subsection (2), the  
13                   SSAT Principal Member must have regard to:

- 14                   (a) the wishes of the parties; and  
15                   (b) the need to protect their privacy.

16           **59 Subsection 103F(3)**

17                   Omit “having regard to the objective laid down by section 88”.

18           **60 Subsection 103F(4) (heading)**

19                   Repeal the heading, substitute:

20                   *SSAT may order Registrar to make oral submissions etc.*

21           **61 After paragraph 103F(4)(a)**

22                   Insert:

23                   (aa) written submissions to the SSAT; or

24           **62 Subsection 103F(4)**

25                   Omit “having regard to the objective laid down by section 88”.

26           **63 Paragraph 103N(1)(b)**

27                   Omit “allows; and”, substitute “allows.”.

28           **64 Paragraph 103N(1)(c)**

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1 Repeal the paragraph.

2 **65 Section 103Q**

3 Repeal the section.

4 **66 Subsection 103R(2)**

5 Repeal the subsection, substitute:

6 (2) Without limiting subsection (1), the SSAT may refuse to adjourn  
7 the hearing of a review if the hearing has already been adjourned  
8 on 2 or more occasions.

9 **67 Subsection 103W(1)**

10 Omit “a proceeding for a review (including at a pre-hearing  
11 conference”, substitute “a review (including at a directions hearing”.

12 **68 Subparagraphs 103W(1)(a)(i) and (ii)**

13 Omit “proceeding” (wherever occurring), substitute “review”.

14 **69 Subsection 103W(2)**

15 Omit “in the proceeding”, substitute “on the review”.

16 **70 Paragraph 103W(2)(a)**

17 Omit “proceeding”, substitute “review”.

18 **71 Subsection 103W(3)**

19 Omit “part of the proceeding, or a matter arising out of the proceeding,  
20 the SSAT may in its decision in the proceeding give effect to the terms  
21 of the agreement without dealing at the hearing of the proceeding”,  
22 substitute “part of the review, or a matter arising out of the review, the  
23 SSAT may in its decision on the review give effect to the terms of the  
24 agreement without dealing at the hearing of the review”.

25 **72 At the end of section 103X**

26 Add:

27 *Copies to removed party*

28 (6) The SSAT must, in relation to any person who was removed as a  
29 party to the review under subsection 101(5):

- 1 (a) give the person a copy of the notice under paragraph (1)(a),  
2 within 14 days after making the decision; and  
3 (b) if a notice under paragraph (3)(b) was not part of the notice  
4 under paragraph (1)(a)—do at least one of the following:  
5 (i) give reasons for the decision orally to the person, within  
6 14 days after making the decision;  
7 (ii) give the person a copy of any notice under  
8 paragraph (3)(b), at the same time as giving it to the  
9 parties to the review.

10 **73 Subsection 103ZA(7)**

11 Repeal the subsection.

12 **74 At the end of Division 6 of Part VIIA**

13 Add:

14 **103ZAA Orders restricting disclosure of information**

- 15 (1) The SSAT Principal Member may make an order directing a  
16 person:  
17 (a) not to disclose information specified in the order; or  
18 (b) not to disclose information specified in the order except in  
19 the circumstances, or for the purposes, specified in the order;  
20 or  
21 (c) not to disclose information specified in the order, except to a  
22 specified person or class of persons.
- 23 (2) An order may only specify information that has been disclosed to  
24 the person for purposes relating to a review under this Part.
- 25 (3) A person commits an offence if:  
26 (a) the SSAT Principal Member makes an order under  
27 subsection (1) in relation to the person; and  
28 (b) the person contravenes the order.
- 29 Penalty: Imprisonment for 2 years.
- 30 (4) An order made under subsection (1) in relation to a person does not  
31 apply to information which the person knew before the disclosure  
32 referred to in subsection (2) was made.

1 Note: A defendant bears an evidential burden in relation to the matter in  
2 subsection (4); see subsection 13.3(3) of the *Criminal Code*.

3 **103ZAB Varying an order to permit certain disclosures**

4 (1) A person in relation to whom an order has been made under  
5 subsection 103ZAA(1) may request the SSAT Principal Member to  
6 vary the order to allow the person to disclose particular information  
7 specified in the order:

- 8 (a) in particular circumstances or for particular purposes; or  
9 (b) to a particular person or class of persons.

10 (2) The SSAT Principal Member may vary the order in accordance  
11 with the request.

12 (3) This section does not limit the SSAT Principal Member's power to  
13 vary or revoke an order.

14 Note: For variation and revocation apart from under this section, see  
15 subsection 33(3) of the *Acts Interpretation Act 1901*.

16 **103ZAC Orders restricting secondary disclosures of information**

17 (1) If an order (the *primary order*) under subsection 103ZAA(1)  
18 directs a person not to disclose information specified in the order,  
19 except to any of the following (an *authorised recipient*):

- 20 (a) a specified person;  
21 (b) a member of a specified class of persons;

22 the SSAT Principal Member may make another order, directing an  
23 authorised recipient not to disclose the information specified in the  
24 primary order.

25 (2) A person commits an offence if:

- 26 (a) the SSAT Principal Member makes an order under  
27 subsection (1) in relation to the person; and  
28 (b) the person contravenes the order.

29 Penalty: Imprisonment for 2 years.

30 (3) An order made under subsection (1) in relation to a person does not  
31 apply to information which the person knew before the disclosure  
32 of the information in accordance with the primary order was made.

**Schedule 3 Social Security Appeals Tribunal**  
**Part 1 Amendments**

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1 Note: A defendant bears an evidential burden in relation to the matter in  
2 subsection (3); see subsection 13.3(3) of the *Criminal Code*.

3 **75 Section 103ZB**

4 Omit “proceeding”, substitute “review”.

5 **76 Section 110A**

6 Omit “proceeding”, substitute “review”.

7 **77 Section 110B**

8 Repeal the section, substitute:

9 **110B Appeals from decisions of SSAT**

10 A party to a review by the SSAT under Part VIIA may appeal to a  
11 court having jurisdiction under this Act, on a question of law, from  
12 a decision of the SSAT on that review under section 103S.

13 **78 Section 110D**

14 Omit “the people who were”.

15 **79 Section 110D**

16 Omit “proceeding” (second occurring), substitute “review”.

17 **80 At the end of section 110D**

18 Add:

19 Note: A person may be added or removed as a party to a review under  
20 subsection 101(4) or (5).

21 **81 Paragraph 110F(3)(b)**

22 Omit “proceeding” (wherever occurring), substitute “review”.

23 **82 Subsections 110G(1) and (2)**

24 Omit “proceeding before” (wherever occurring), substitute “review by”.

25 **83 Subsection 110H(1)**

26 Omit “proceeding before”, substitute “review by”.

27 **84 Subsection 110H(3)**



1 Omit “any proceeding”, substitute “any review”.

2 **85 Subsection 110H(3)**

3 Omit “in that proceeding”, substitute “on that review”.

4 **86 Paragraph 110K(a)**

5 Omit “proceeding”, substitute “review”.

6 ***Paid Parental Leave Act 2010***

7 **87 Section 6 (at the end of the definition of *Principal Member*)**

8 Add:

9 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
10 the constitution and membership of the Social Security Appeals  
11 Tribunal.

12 **88 Section 6 (at the end of the definition of *SSAT*)**

13 Add:

14 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
15 the constitution and membership of the SSAT.

16 **89 Section 6**

17 Insert:

18 ***SSAT member*** means a member of the SSAT.

19 Note: Schedule 3 to the *Social Security (Administration) Act 1999* deals with  
20 the constitution and membership of the SSAT.

21 **90 After section 130**

22 Insert:

23 **130A Disclosure of information by SSAT members—threat to life,  
24 health or welfare**

25 Despite section 130, an SSAT member may disclose information if  
26 the information concerns a threat to the life, health or welfare of a  
27 person and either of the following applies:

28 (a) the member believes on reasonable grounds that the  
29 disclosure is necessary to prevent or lessen the threat;

- 1 (b) there is reason to suspect that the threat may afford evidence  
2 that an offence may be, or has been, committed against a  
3 person and the member discloses the information for the  
4 purpose of preventing, investigating or prosecuting such an  
5 offence.

6 **91 Section 214**

7 Before “In”, insert “(1)”.

8 **92 At the end of section 214**

9 Add:

- 10 (2) That objective must also be pursued by the Principal Member in  
11 performing or exercising his or her functions and powers under this  
12 Act.

13 **93 Subsection 221(4)**

14 Repeal the subsection, substitute:

- 15 (4) The person may:  
16 (a) proceed with the application for review of the decision as  
17 varied or the new decision; or  
18 (b) request the Principal Member to dismiss the application  
19 under section 251; or  
20 (c) notify, under section 252, the SSAT that the application is  
21 discontinued or withdrawn.

22 **94 Subsection 229(4)**

23 Repeal the subsection, substitute:

- 24 (4) The employer may:  
25 (a) proceed with the application for review of the decision as  
26 varied or the new decision; or  
27 (b) request the Principal Member to dismiss the application  
28 under section 251; or  
29 (c) notify, under section 252, the SSAT that the application is  
30 discontinued or withdrawn.

31 **95 Section 231**

32 Omit “pre-hearing conferences”, substitute “directions hearings”.

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1 **96 Section 231**

2 Omit “pre-hearing conference”, substitute “directions hearing”.

3 **97 Subsections 233(3) and (4)**

4 Repeal the subsections.

5 **98 Subsection 237(2)**

6 Repeal the subsection, substitute:

7 (2) The party may, with the permission of the Principal Member, have  
8 another person make submissions to the SSAT on the party’s  
9 behalf.

10 (2A) In deciding whether to grant permission under subsection (2), the  
11 Principal Member must have regard to the wishes of the parties and  
12 the need to protect their privacy.

13 **99 Subsection 240(3)**

14 Omit “taking into account the objective laid down by section 214”.

15 **100 After paragraph 240(4)(a)**

16 Insert:

17 (aa) written submissions to the SSAT; or

18 **101 Subsection 240(4)**

19 Omit “taking into account the objective laid down by section 214”.

20 **102 Division 6 of Part 5-3 (heading)**

21 Repeal the heading, substitute:

22 **Division 6—Directions hearings**

23 **103 Section 245 (heading)**

24 Repeal the heading, substitute:

25 **245 Directions hearings**

26 **104 Subsection 245(1)**

27 Omit “conferences”, substitute “directions hearings”.

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1 **105 Subsection 245(2)**

2 Omit “conference”, substitute “directions hearing”.

3 **106 Paragraph 245(2)(d)**

4 Omit “evidence is to be brought before”, substitute “information is to be  
5 given to”.

6 **107 Subsections 245(3), (4) and (5)**

7 Repeal the subsections.

8 **108 Paragraph 246(1)(a)**

9 Omit “pre-hearing conference”, substitute “directions hearing”.

10 **109 Paragraph 247(1)(b)**

11 Omit “allows; and”, substitute “allows.”.

12 **110 Paragraph 247(1)(c)**

13 Repeal the paragraph.

14 **111 Section 249**

15 Repeal the section.

16 **112 Subsection 250(2)**

17 Repeal the subsection, substitute:

18 (2) Without limiting subsection (1), the SSAT may refuse to adjourn  
19 the hearing of a review if the hearing has already been adjourned  
20 on 2 or more occasions.

21 **113 Sections 251 and 252**

22 Repeal the sections, substitute:

23 **251 Dismissal of application for review by SSAT**

24 (1) The Principal Member may, on the request of a party or on his or  
25 her own initiative, dismiss an application for review of a decision  
26 if:

27 (a) the decision is not reviewable under Part 5-2; or

28 (b) the application is frivolous or vexatious; or

- 1 (c) all of the parties consent; or  
2 (d) the applicant has been removed from the review under  
3 subsection 222(4) and all of the remaining parties consent to  
4 the dismissal; or  
5 (e) the Principal Member is satisfied:  
6 (i) after having communicated with each party; or  
7 (ii) after having made reasonable attempts to communicate  
8 with each party and having failed to do so;  
9 or a combination of both, that none of the parties intend to  
10 proceed with the application; or  
11 (f) all of the parties fail to attend the hearing; or  
12 (g) all of the parties have been removed from the review under  
13 subsection 222(4).
- 14 (2) The Principal Member may dismiss an application under  
15 paragraph (1)(b) only if:  
16 (a) one of the following applies:  
17 (i) the Principal Member has received and considered  
18 submissions from the applicant for review;  
19 (ii) the Principal Member has otherwise communicated with  
20 the applicant in relation to the grounds of the  
21 application;  
22 (iii) the Principal Member has made reasonable attempts to  
23 communicate with the applicant in relation to the  
24 grounds of the application and has failed to do so; and  
25 (b) all of the parties (other than the applicant) consent to the  
26 dismissal.
- 27 (3) If the Principal Member dismisses an application under  
28 subsection (1) (other than under paragraph (1)(b) or (g)), a party to  
29 the review may:  
30 (a) within 28 days after receiving notification that the application  
31 has been dismissed; or  
32 (b) within such longer period as the Principal Member, in special  
33 circumstances, allows;  
34 request that the Principal Member reinstate the application.
- 35 (4) If the Principal Member considers it appropriate to do so, he or she  
36 may reinstate the application and give such directions as he or she  
37 considers appropriate in the circumstances.
-

1 (5) If it appears to the Principal Member that an application has been  
2 dismissed under subsection (1) in error, he or she may, on the  
3 request of a party to the review or on his or her own initiative,  
4 reinstate the application and give such directions as he or she  
5 considers appropriate in the circumstances.

6 (6) This section does not apply in relation to a party if the party is the  
7 Secretary, the Chief Executive Centrelink or the Chief Executive  
8 Medicare.

9 **252 Dismissal of application for review on request of party**

10 (1) An applicant for review may notify the SSAT at any time that the  
11 application for review is discontinued or withdrawn.

12 (2) If the applicant orally notifies the SSAT, the person who receives  
13 the notification must make a written record of the day on which the  
14 notification was given.

15 (3) If notification is given under subsection (1), the Principal Member  
16 is taken to have dismissed the application.

17 (4) If the Principal Member dismisses an application under  
18 subsection (3), a party to the review may:

19 (a) within 28 days after receiving notification that the application  
20 has been dismissed; or

21 (b) within such longer period as the Principal Member, in special  
22 circumstances, allows;

23 request that the Principal Member reinstate the application.

24 (5) If the Principal Member considers it appropriate to do so, he or she  
25 may reinstate the application and give such directions as he or she  
26 considers appropriate in the circumstances.

27 (6) This section does not apply in relation to a party if the party is the  
28 Secretary, the Chief Executive Centrelink or the Chief Executive  
29 Medicare.

30 **114 Subsection 255(7)**

31 Repeal the subsection.

32 **115 At the end of Division 9 of Part 5-3**

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1 Add:

2 **257A Notice to persons removed as parties**

3 *If SSAT affirms decision*

- 4 (1) If subsection 257(1) applies in relation to a review, the SSAT must,  
5 in relation to any person who was removed as a party to the review  
6 under subsection 222(4):
- 7 (a) give the person a copy of the initial statement referred to in  
8 paragraph 257(1)(a), within 14 days after making the  
9 decision; and
- 10 (b) if a written statement referred to in subparagraph  
11 257(1)(c)(ii) was not part of the initial statement—do at least  
12 one of the following:
- 13 (i) give reasons for the decision orally to the person, within  
14 14 days after making the decision;
- 15 (ii) give the person a copy of any written statement referred  
16 to in subparagraph 257(1)(c)(ii), at the same time as  
17 giving it to the parties to the review.

18 *If SSAT varies or sets aside decision*

- 19 (2) If subsection 257(5) applies in relation to a review, the SSAT must  
20 give any person who was removed as a party to the review under  
21 subsection 222(4) a copy of the statement referred to in paragraph  
22 257(5)(a), within 14 days after making the decision.

23 **116 At the end of Division 2 of Part 5-5**

24 Add:

25 **273A Orders restricting disclosure of information**

- 26 (1) The Principal Member may make an order directing a person:
- 27 (a) not to disclose information specified in the order; or
- 28 (b) not to disclose information specified in the order except in  
29 the circumstances, or for the purposes, specified in the order;  
30 or
- 31 (c) not to disclose information specified in the order, except to a  
32 specified person or class of persons.

- 1 (2) An order may only specify information that has been disclosed to  
2 the person for purposes relating to a review under this Part.
- 3 (3) A person commits an offence if:  
4 (a) the Principal Member makes an order under subsection (1) in  
5 relation to the person; and  
6 (b) the person contravenes the order.
- 7 Penalty: Imprisonment for 2 years.
- 8 (4) An order made under subsection (1) in relation to a person does not  
9 apply to information which the person knew before the disclosure  
10 referred to in subsection (2) was made.
- 11 Note: A defendant bears an evidential burden in relation to the matter in  
12 subsection (4): see subsection 13.3(3) of the *Criminal Code*.

### 13 **273B Varying an order to permit certain disclosures**

- 14 (1) A person in relation to whom an order has been made under  
15 subsection 273A(1) may request the Principal Member to vary the  
16 order to allow the person to disclose particular information  
17 specified in the order:  
18 (a) in particular circumstances or for particular purposes; or  
19 (b) to a particular person or class of persons.
- 20 (2) The Principal Member may vary the order in accordance with the  
21 request.
- 22 (3) This section does not limit the Principal Member's power to vary  
23 or revoke an order.
- 24 Note: For variation and revocation apart from under this section, see  
25 subsection 33(3) of the *Acts Interpretation Act 1901*.

### 26 **273C Orders restricting secondary disclosures of information**

- 27 (1) If an order (the *primary order*) under subsection 273A(1) directs a  
28 person not to disclose information specified in the order, except to  
29 any of the following (an *authorised recipient*):  
30 (a) a specified person;  
31 (b) a member of a specified class of persons;



1 the Principal Member may make another order, directing an  
2 authorised recipient not to disclose the information specified in the  
3 primary order.

4 (2) A person commits an offence if:

5 (a) the Principal Member makes an order under subsection (1) in  
6 relation to the person; and

7 (b) the person contravenes the order.

8 Penalty: Imprisonment for 2 years.

9 (3) An order made under subsection (1) in relation to a person does not  
10 apply to information which the person knew before the disclosure  
11 of the information in accordance with the primary order was made.

12 Note: A defendant bears an evidential burden in relation to the matter in  
13 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

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

### 15 **117 Section 141**

16 Before “In”, insert “(1)”.

### 17 **118 At the end of section 141**

18 Add:

19 (2) That objective must also be pursued by the Principal Member in  
20 performing or exercising his or her functions and powers under this  
21 Act.

### 22 **119 Subparagraph 145(4)(b)(i)**

23 Omit “withdrawn” (wherever occurring), substitute “dismissed”.

### 24 **120 Subsection 155(3)**

25 Repeal the subsection, substitute:

26 (3) If:

27 (a) a person applies to the SSAT for review of a decision; and

28 (b) before determination of the review, an officer varies the  
29 decision or sets it aside and substitutes a new decision;

30 the person may:

- 1 (c) proceed with the application for review of the decision as  
2 varied or the new decision; or  
3 (d) request the Principal Member to dismiss the application  
4 under section 171; or  
5 (e) notify, under section 172, the SSAT that the application is  
6 discontinued or withdrawn.

7 **121 Subsection 158(1)**

8 Omit “(1)”.

9 **122 Subsections 158(2), (3) and (4)**

10 Repeal the subsections.

11 **123 Subsection 161(3)**

12 Repeal the subsection, substitute:

- 13 (2) A party to a review of a decision may, with the permission of the  
14 Principal Member, have another person make submissions to the  
15 SSAT on the party’s behalf.
- 16 (3) In deciding whether to grant permission under subsection (2), the  
17 Principal Member must have regard to the wishes of the parties and  
18 the need to protect their privacy.

19 **124 Subsection 163A(3)**

20 Omit “having regard to the objective laid down by section 141”.

21 **125 After paragraph 163A(4)(a)**

22 Insert:

- 23 (aa) written submissions to the SSAT; or

24 **126 Subsection 163A(4)**

25 Omit “having regard to the objective laid down by section 141”.

26 **127 Subdivision BC of Division 4 of Part 4 (heading)**

27 Repeal the heading, substitute:

28 **Subdivision BC—Directions hearings**

29 **128 Section 166A (heading)**

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1 Repeal the heading, substitute:

2 **166A Directions hearings**

3 **129 Subsection 166A(1)**

4 Omit “conferences”, substitute “directions hearings”.

5 **130 Subsection 166A(2)**

6 Omit “conference”, substitute “directions hearing”.

7 **131 Paragraph 166A(2)(d)**

8 Omit “evidence is to be brought before”, substitute “information is to be  
9 given to”.

10 **132 Subsections 166A(3), (4) and (5)**

11 Repeal the subsections.

12 **133 Paragraph 166B(1)(a)**

13 Omit “pre-hearing conference”, substitute “directions hearing”.

14 **134 Paragraph 167(1)(b)**

15 Omit “allows; and”, substitute “allows.”.

16 **135 Paragraph 167(1)(c)**

17 Repeal the paragraph.

18 **136 Section 169**

19 Repeal the section.

20 **137 Paragraph 170(2)(b)**

21 Repeal the paragraph.

22 **138 Sections 171 and 172**

23 Repeal the sections, substitute:

1 **171 Dismissal of application for review by SSAT**

2 (1) The Principal Member may, on the request of a party or on his or  
3 her own initiative, dismiss an application for review of a decision  
4 if:

5 (a) the decision is not reviewable under this Division; or

6 (b) the application is frivolous or vexatious; or

7 (c) all of the parties consent; or

8 (d) the Principal Member is satisfied:

9 (i) after having communicated with each party; or

10 (ii) after having made reasonable attempts to communicate  
11 with each party and having failed to do so;

12 or a combination of both, that none of the parties intend to  
13 proceed with the application; or

14 (e) all of the parties fail to attend the hearing.

15 (2) The Principal Member may dismiss an application under  
16 paragraph (1)(b) only if:

17 (a) one of the following applies:

18 (i) the Principal Member has received and considered  
19 submissions from the applicant for review;

20 (ii) the Principal Member has otherwise communicated with  
21 the applicant in relation to the grounds of the  
22 application;

23 (iii) the Principal Member has made reasonable attempts to  
24 communicate with the applicant in relation to the  
25 grounds of the application and has failed to do so; and

26 (b) all of the parties (other than the applicant) consent to the  
27 dismissal.

28 (3) If the Principal Member dismisses an application under  
29 subsection (1) (other than under paragraph (1)(b)), a party to the  
30 review may:

31 (a) within 28 days after receiving notification that the application  
32 has been dismissed; or

33 (b) within such longer period as the Principal Member, in special  
34 circumstances, allows;

35 request that the Principal Member reinstate the application.

- 1 (4) If the Principal Member considers it appropriate to do so, he or she  
2 may reinstate the application and give such directions as he or she  
3 considers appropriate in the circumstances.
- 4 (5) If it appears to the Principal Member that an application has been  
5 dismissed under subsection (1) in error, he or she may, on the  
6 request of a party to the review or on his or her own initiative,  
7 reinstate the application and give such directions as he or she  
8 considers appropriate in the circumstances.
- 9 (6) This section does not apply in relation to a party if the party is the  
10 Secretary or the Chief Executive Centrelink.

11 **172 Dismissal of application for review on request of party**

- 12 (1) An applicant for review may notify the SSAT at any time that the  
13 application for review is discontinued or withdrawn.
- 14 (2) If the applicant orally notifies the SSAT, the person who receives  
15 the notification must make a written record of the day on which the  
16 notification was given.
- 17 (3) If notification is given under subsection (1), the Principal Member  
18 is taken to have dismissed the application.
- 19 (4) If the Principal Member dismisses an application under  
20 subsection (2), a party to the review may:  
21 (a) within 28 days after receiving notification that the application  
22 has been dismissed; or  
23 (b) within such longer period as the Principal Member, in special  
24 circumstances, allows;  
25 request that the Principal Member reinstate the application.
- 26 (5) If the Principal Member considers it appropriate to do so, he or she  
27 may reinstate the application and give such directions as he or she  
28 considers appropriate in the circumstances.
- 29 (6) This section does not apply in relation to a party if the party is the  
30 Secretary or the Chief Executive Centrelink.

31 **139 Subsection 175(7)**

32 Repeal the subsection.

1 **140 At the end of Division 4 of Part 4**

2 Add:

3 **Subdivision G—Restrictions on disclosure of information**

4 **177B Orders restricting disclosure of information**

- 5 (1) The Principal Member may make an order directing a person:  
6 (a) not to disclose information specified in the order; or  
7 (b) not to disclose information specified in the order except in  
8 the circumstances, or for the purposes, specified in the order;  
9 or  
10 (c) not to disclose information specified in the order, except to a  
11 specified person or class of persons.

12 (2) An order may only specify information that has been disclosed to  
13 the person for purposes relating to a review under this Part.

- 14 (3) A person commits an offence if:  
15 (a) the Principal Member makes an order under subsection (1) in  
16 relation to the person; and  
17 (b) the person contravenes the order.

18 Penalty: Imprisonment for 2 years.

- 19 (4) An order made under subsection (1) in relation to a person does not  
20 apply to information which the person knew before the disclosure  
21 referred to in subsection (2) was made.

22 Note: A defendant bears an evidential burden in relation to the matter in  
23 subsection (4): see subsection 13.3(3) of the *Criminal Code*.

24 **177C Varying an order to permit certain disclosures**

- 25 (1) A person in relation to whom an order has been made under  
26 subsection 177B(1) may request the Principal Member to vary the  
27 order to allow the person to disclose particular information  
28 specified in the order:

- 29 (a) in particular circumstances or for particular purposes; or  
30 (b) to a particular person or class of persons.

- 31 (2) The Principal Member may vary the order in accordance with the  
32 request.

1 (3) This section does not limit the Principal Member's power to vary  
2 or revoke an order.

3 Note: For variation and revocation apart from under this section, see  
4 subsection 33(3) of the *Acts Interpretation Act 1901*.

### 5 **177D Orders restricting secondary disclosures of information**

6 (1) If an order (the *primary order*) under subsection 177B(1) directs a  
7 person not to disclose information specified in the order, except to  
8 any of the following (an *authorised recipient*):

9 (a) a specified person;

10 (b) a member of a specified class of persons;

11 the Principal Member may make another order, directing an  
12 authorised recipient not to disclose the information specified in the  
13 primary order.

14 (2) A person commits an offence if:

15 (a) the Principal Member makes an order under subsection (1) in  
16 relation to the person; and

17 (b) the person contravenes the order.

18 Penalty: Imprisonment for 2 years.

19 (3) An order made under subsection (1) in relation to a person does not  
20 apply to information which the person knew before the disclosure  
21 of the information in accordance with the primary order was made.

22 Note: A defendant bears an evidential burden in relation to the matter in  
23 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

### 24 **141 Subclause 1(1) of Schedule 1**

25 Insert:

26 *Principal Member* means the Principal Member of the SSAT.

27 Note: Schedule 3 deals with the constitution and membership of the SSAT.

### 28 **142 Subclause 1(1) of Schedule 1 (at the end of the definition** 29 **of SSAT)**

30 Add:

31 Note: Schedule 3 deals with the constitution and membership of the SSAT.

### 32 **143 After paragraph 1(a) of Schedule 3**

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1           Insert:

2                   (aa) such number of Deputy Principal Members as are appointed  
3                   in accordance with this Act; and

4           **144 Subclauses 7(1) and (2) of Schedule 3**

5                   Omit “1(b)”, substitute “1(aa), (b)”.

6           **145 Subclause 10(1) of Schedule 3**

7                   Omit “written”.

8           **146 After subclause 10(2) of Schedule 3**

9                   Insert:

10                   (2A) If the Principal Member gives a direction under subclause (1) in  
11                   relation to a particular review, he or she may at any time before the  
12                   commencement of the hearing of the review:

13                           (a) revoke the direction; and

14                           (b) give a further direction under subclause (1) as to the member  
15                           who is, or the members who are, to constitute the SSAT for  
16                           the purposes of the review.

17                   (2B) If the Principal Member gives a direction under subclause (1) in  
18                   relation to reviews of a particular kind, he or she may:

19                           (a) revoke the direction; and

20                           (b) give a further direction under subclause (1) as to the member  
21                           who is, or the members who are, to constitute the SSAT for  
22                           the purposes of reviews of that kind that commence after the  
23                           further direction is given.

24           **147 Clause 12 of Schedule 3 (heading)**

25                   Repeal the heading, substitute:

26           **12 Reconstitution of SSAT if member unavailable to complete**  
27                   **review**

28           **148 Paragraph 12(1)(b) of Schedule 3**

29                   Omit “before the matter to which the proceeding relates has been  
30                   determined”, substitute “before a decision on the review has been made  
31                   by the SSAT”.



1 **149 Subparagraph 12(1)(b)(ii) of Schedule 3**

2 Repeal the subparagraph, substitute:

- 3 (ii) for any reason, ceased to be available for the purposes  
4 of the review; or  
5 (iii) been directed by the Principal Member not to continue  
6 to take part in the review.

7 **150 After subclause 12(1) of Schedule 3**

8 Insert:

- 9 (1AA) The Principal Member must not give a direction under  
10 subparagraph (1)(b)(iii) unless the Principal Member:  
11 (a) is satisfied, having regard to the objective of conducting  
12 reviews in a manner that is fair, just, economical, informal  
13 and quick, that the direction is in the interests of justice; and  
14 (b) has consulted the member concerned.

15 **151 Paragraphs 12(1A)(a) and (1B)(a) and (b) of Schedule 3**

16 Omit “under clause 10”.

17 **152 Subclauses 12(2) and (3) of Schedule 3**

18 Repeal the subclauses, substitute:

19 *SSAT may have regard to record of previous review*

- 20 (2) If the SSAT is reconstituted in accordance with this clause, the  
21 SSAT may, for the purposes of the review, have regard to any  
22 record of:  
23 (a) the hearing of the review before the SSAT as previously  
24 constituted (including a record of any evidence taken); and  
25 (b) any directions hearings convened by the Principal Member  
26 with the parties to the review.

27 *Reconstituted Tribunal must continue review*

- 28 (3) The SSAT as reconstituted in accordance with a direction under  
29 this clause must continue the review.

30 **153 At the end of Part 2 of Schedule 3**

31 Add:

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1 **12A Reconstitution of SSAT to achieve expeditious and efficient**  
2 **conduct of review**

3 *Scope*

- 4 (1) This clause applies if:  
5 (a) the hearing of a review of a decision has commenced or is  
6 completed; and  
7 (b) the SSAT has not made a decision on the review.

8 *Reconstitution to achieve expeditious and efficient conduct of*  
9 *review*

- 10 (2) The Principal Member may direct that the SSAT as constituted for  
11 the purposes of the review be reconstituted by one or more of the  
12 following:  
13 (a) adding one or more members;  
14 (b) removing one or more members;  
15 (c) substituting one or more other members;  
16 if the Principal Member thinks that the reconstitution is in the  
17 interests of achieving the expeditious and efficient conduct of the  
18 review.
- 19 (3) The SSAT as reconstituted in accordance with a direction under  
20 this clause must continue the review.

21 *SSAT may have regard to record of previous review*

- 22 (4) If the SSAT is reconstituted in accordance with this clause, the  
23 SSAT may, for the purposes of the review, have regard to any  
24 record of:  
25 (a) the hearing of the review before the SSAT as previously  
26 constituted (including a record of any evidence taken); and  
27 (b) any directions hearings convened by the Principal Member  
28 with the parties to the review.

29 **12B Reconstituted SSAT—who is to preside**

30 If a direction is given under clause 10, 12 or 12A reconstituting the  
31 SSAT for the purposes of a particular review, any necessary

1 direction may be given under this clause as to the member who is  
2 to preside for the purposes of the review.

3 **154 Paragraph 19(1)(c) of Schedule 3**

4 Omit “interpreting”.

5 **155 Subclause 19(7) of Schedule 3**

6 Omit “interpreting”.

7 **156 After clause 19 of Schedule 3**

8 Insert:

9 **19A Disclosure of confidential information—threat to life, health or**  
10 **welfare**

11 (1) A member of the SSAT may divulge or communicate information  
12 if the information concerns a threat to the life, health or welfare of  
13 a person and either of the following applies:

14 (a) the member believes on reasonable grounds that the  
15 divulging or the communication is necessary to prevent or  
16 lessen the threat;

17 (b) there is reason to suspect that the threat may afford evidence  
18 that an offence may be, or has been, committed against a  
19 person and the member divulges or communicates the  
20 information for the purpose of preventing, investigating or  
21 prosecuting such an offence.

22 (2) Subclause (1) applies despite subclause 19(3) and any other  
23 provision of the social security law or the family assistance law.

24 **157 Clause 20 of Schedule 3**

25 After “assistance law,”, insert “the *Paid Parental Leave Act 2010*”.

26 **158 Schedule 4**

27 Before “or Senior Member” (wherever occurring), insert “or Deputy  
28 Principal Member”.

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1 **Part 2—Application and transitional provisions for**  
2 **amendments of the A New Tax System**  
3 **(Family Assistance) (Administration) Act**  
4 **1999**

5 **159 Application of amendments relating to non-disclosure**  
6 **orders under the A New Tax System (Family**  
7 **Assistance) (Administration) Act 1999**

- 8 (1) An order given to a person under subsection 120(2) of the *A New Tax*  
9 *System (Family Assistance) (Administration) Act 1999* before the day on  
10 which this item commences continues to have effect on and after that  
11 day:
- 12 (a) as if subsections 120(2), (3) and (4) of that Act had not been  
13 repealed by this Act; and
- 14 (b) as if, on and after that day, the defence in subitem (4) existed  
15 in relation to an offence under subsection 120(4) of that Act.
- 16 (2) An order given to a person under subsection 129A(4) of the *A New Tax*  
17 *System (Family Assistance) (Administration) Act 1999* before the day on  
18 which this item commences continues to have effect on and after that  
19 day:
- 20 (a) as if subsections 129A(4) and (5) of that Act had not been  
21 repealed by this Act; and
- 22 (b) as if, on and after that day, the defence in subitem (4) existed  
23 in relation to an offence under subsection 129A(5) of that  
24 Act.
- 25 (3) An order given to a person under subsection 133(1) of the *A New Tax*  
26 *System (Family Assistance) (Administration) Act 1999* before the day on  
27 which this item commences continues to have effect on and after that  
28 day:
- 29 (a) as if section 133 of that Act had not been repealed by this  
30 Act; and
- 31 (b) as if, on and after that day, the defence in subitem (4) existed  
32 in relation to an offence under subsection 133(2) of that Act.
- 33 (4) An order referred to in this item does not apply to information which  
34 the person to whom the order was given knew before the disclosure of  
35 the information was made to the person.

1 Note: A defendant bears an evidential burden in relation to the matter in subitem (4): see  
2 subsection 13.3(3) of the *Criminal Code*.

3 **160 Application of amendment of section 123 of the *A New***  
4 ***Tax System (Family Assistance) (Administration) Act***  
5 ***1999***

6 The amendment of section 123 of the *A New Tax System (Family*  
7 *Assistance) (Administration) Act 1999* made by this Act applies in  
8 relation to applications for review made after the commencement of this  
9 item.

10 **161 Application of paragraph 126A(4)(aa) of the *A New Tax***  
11 ***System (Family Assistance) (Administration) Act 1999***

12 Paragraph 126A(4)(aa) of the *A New Tax System (Family Assistance)*  
13 *(Administration) Act 1999*, as inserted by this Act, applies in relation to:

- 14 (a) hearings pending immediately before the commencement of  
15 this item; and  
16 (b) hearings commencing after the commencement of this item.

17 **162 Application of amendments relating to the dismissal of**  
18 **applications for SSAT review under the *A New Tax***  
19 ***System (Family Assistance) (Administration) Act 1999***

20 (1) Section 135 of the *A New Tax System (Family Assistance)*  
21 *(Administration) Act 1999*, as amended by this Act, applies in relation  
22 to applications dismissed on or after the commencement of this item  
23 (whether the application for review was made before or after that  
24 commencement).

25 (2) Section 136 of the *A New Tax System (Family Assistance)*  
26 *(Administration) Act 1999*, as amended by this Act, applies in relation  
27 to notifications given on or after the commencement of this item  
28 (whether the application for review was made before or after that  
29 commencement).  
30

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1 **Part 3—Application and transitional provisions for**  
2 **amendments of the Child Support**  
3 **(Registration and Collection) Act 1988**

4 **163 Application of amendments relating to non-disclosure**  
5 **directions and orders under the *Child Support***  
6 **(*Registration and Collection*) Act 1988**

- 7 (1) A direction given to a person under subsection 96(2) of the *Child*  
8 *Support (Registration and Collection) Act 1988* before the day on which  
9 this item commences continues to have effect on and after that day:
- 10 (a) as if subsections 96(2) and (3) of that Act had not been  
11 repealed by this Act; and
- 12 (b) as if, on and after that day, the defence in subitem (3) existed  
13 in relation to an offence under subsection 96(3) of that Act.
- 14 (2) An order made under subsection 103Q(1) of the *Child Support*  
15 (*Registration and Collection*) Act 1988 before the day on which this  
16 item commences continues to have effect on and after that day:
- 17 (a) as if section 103Q of that Act had not been repealed by this  
18 Act; and
- 19 (b) as if, on and after that day, the defence in subitem (3) existed  
20 in relation to an offence under subsection 103Q(2) of that  
21 Act.
- 22 (3) A direction or order referred to in this item does not apply to  
23 information which the person to whom the direction was given, or in  
24 relation to whom the order was made, knew before the disclosure of the  
25 information was made to the person.

26 Note: A defendant bears an evidential burden in relation to the matter in subitem (3): see  
27 subsection 13.3(3) of the *Criminal Code*.

28 **164 Application of subsection 16(3A) of the *Child Support***  
29 **(*Registration and Collection*) Act 1988**

30 Subsection 16(3A) of the *Child Support (Registration and Collection)*  
31 *Act 1988*, as inserted by this Act, applies in relation to the  
32 communication of protected information after the commencement of  
33 this item (whether the information was obtained before or after that  
34 commencement).

1 **165 Application of subsections 100(3), (4) and (5) of the *Child***  
2 ***Support (Registration and Collection) Act 1988***

3 Subsections 100(3), (4) and (5) of the *Child Support (Registration and*  
4 *Collection) Act 1988*, as inserted by this Act, apply in relation to  
5 applications dismissed on or after the commencement of this item  
6 (whether the application was made before or after that commencement).

7 **166 Application of amendments of subsections 100A(3) and**  
8 **(4) of the *Child Support (Registration and Collection)***  
9 ***Act 1988***

10 Subsections 100A(3) and (4) of the *Child Support (Registration and*  
11 *Collection) Act 1988*, as amended by this Act, apply in relation to  
12 notifications given under subsection 100A(1) of that Act after the  
13 commencement of this item.

14 **167 Application of amendment of section 103C of the *Child***  
15 ***Support (Registration and Collection) Act 1988***

16 The amendment of section 103C of the *Child Support (Registration and*  
17 *Collection) Act 1988* made by this Act applies in relation to applications  
18 for review made after the commencement of this item.

19 **168 Application of paragraph 103F(4)(aa) of the *Child Support***  
20 ***(Registration and Collection) Act 1988***

21 Paragraph 103F(4)(aa) of the *Child Support (Registration and*  
22 *Collection) Act 1988*, as inserted by this Act, applies in relation to:

- 23 (a) hearings pending immediately before the commencement of  
24 this item; and  
25 (b) hearings commencing after the commencement of this item.

26 **169 Application of subsection 103X(6) of the *Child Support***  
27 ***(Registration and Collection) Act 1988***

28 Subsection 103X(6) of the *Child Support (Registration and Collection)*  
29 *Act 1988*, as inserted by this Act, applies in relation to a decision made  
30 after the commencement of this item (whether the application to which  
31 the decision relates was made before or after that commencement).  
32

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1 **Part 4—Application and transitional provisions for**  
2 **amendments of the Paid Parental Leave Act**  
3 **2010**

4 **170 Application of amendments relating to non-disclosure**  
5 **directions under the *Paid Parental Leave Act 2010***

6 (1) A direction given to a person under subsection 233(3) of the *Paid*  
7 *Parental Leave Act 2010* before the day on which this item commences  
8 continues to have effect on and after that day:

9 (a) as if subsections 233(3) and (4) of that Act had not been  
10 repealed by this Act; and

11 (b) as if, on and after that day, the defence in subitem (4) existed  
12 in relation to an offence under subsection 233(4) of that Act.

13 (2) A direction given to a person under subsection 245(4) of the *Paid*  
14 *Parental Leave Act 2010* before the day on which this item commences  
15 continues to have effect on and after that day:

16 (a) as if subsections 245(4) and (5) of that Act had not been  
17 repealed by this Act; and

18 (b) as if, on and after that day, the defence in subitem (4) existed  
19 in relation to an offence under subsection 245(5) of that Act.

20 (3) A direction given to a person under section 249 of the *Paid Parental*  
21 *Leave Act 2010* before the day on which this item commences continues  
22 to have effect on and after that day:

23 (a) as if section 249 had not been repealed by this Act; and

24 (b) as if, on and after that day, the defence in subitem (4) existed  
25 in relation to an offence under subsection 249(2) of that Act.

26 (4) A direction referred to in this item does not apply to information which  
27 the person to whom the direction was given knew before the disclosure  
28 of the information was made to the person.

29 Note: A defendant bears an evidential burden in relation to the matter in subitem (4): see  
30 subsection 13.3(3) of the *Criminal Code*.

31 **171 Application of section 130A of the *Paid Parental Leave***  
32 ***Act 2010***



1           Section 130A of the *Paid Parental Leave Act 2010*, as inserted by this  
2           Act, applies in relation to the disclosure of information after the  
3           commencement of this item (whether the information was obtained  
4           before or after that commencement).

5           **172 Application of amendment of section 237 of the *Paid***  
6           ***Parental Leave Act 2010***

7           The amendment of section 237 of the *Paid Parental Leave Act 2010*  
8           made by this Act applies in relation to applications for review made  
9           after the commencement of this item.

10          **173 Application of paragraph 240(4)(aa) of the *Paid Parental***  
11          ***Leave Act 2010***

12          Paragraph 240(4)(aa) of the *Paid Parental Leave Act 2010*, as inserted  
13          by this Act, applies in relation to:

- 14                  (a) hearings pending immediately before the commencement of  
15                  this item; and  
16                  (b) hearings commencing after the commencement of this item.

17          **174 Application of amendments relating to the dismissal of**  
18          **applications for SSAT review under the *Paid Parental***  
19          ***Leave Act 2010***

20          (1)       The amendment of section 251 of the *Paid Parental Leave Act 2010*  
21          made by this Act applies in relation to applications dismissed on or after  
22          the commencement of this item (whether the application for review was  
23          made before or after that commencement).

24          (2)       The amendment of section 252 of the *Paid Parental Leave Act 2010*  
25          made by this Act applies in relation to notifications given on or after the  
26          commencement of this item (whether the application for review was  
27          made before or after that commencement).

28          **175 Application of section 257A of the *Paid Parental Leave***  
29          ***Act 2010***

30          Section 257A of the *Paid Parental Leave Act 2010*, as inserted by this  
31          Act, applies in relation to a decision made after the commencement of  
32          this item (whether the application to which the decision relates was  
33          made before or after that commencement).  
34

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1 **Part 5—Application and transitional provisions for**  
2 **amendments of the Social Security**  
3 **(Administration) Act 1999**

4 **176 Application of amendments relating to non-disclosure**  
5 **orders under the *Social Security (Administration) Act***  
6 **1999**

- 7 (1) An order given to a person under subsection 158(2) of the *Social*  
8 *Security (Administration) Act 1999* before the day on which this item  
9 commences continues to have effect on and after that day:
- 10 (a) as if subsections 158(2), (3) and (4) of that Act had not been  
11 repealed by this Act; and
- 12 (b) as if, on and after that day, subitem (4) had effect in relation  
13 to subsection 158(4) of that Act.
- 14 (2) An order given to a person under subsection 166A(4) of the *Social*  
15 *Security (Administration) Act 1999* before the day on which this item  
16 commences continues to have effect on and after that day:
- 17 (a) as if subsections 166A(4) and (5) of that Act had not been  
18 repealed by this Act; and
- 19 (b) as if, on and after that day, the defence in subitem (4) existed  
20 in relation to an offence under subsection 166A(5) of that  
21 Act.
- 22 (3) An order given to a person under subsection 169(1) of the *Social*  
23 *Security (Administration) Act 1999* before the day on which this item  
24 commences continues to have effect on and after that day:
- 25 (a) as if section 169 of that Act had not been repealed by this  
26 Act; and
- 27 (b) as if, on and after that day, the defence in subitem (4) existed  
28 in relation to an offence under subsection 169(2) of that Act.
- 29 (4) An order referred to in this item does not apply to information which  
30 the person to whom the order was given knew before the disclosure of  
31 the information was made to the person.

32 Note: A defendant bears an evidential burden in relation to the matter in subitem (4): see  
33 subsection 13.3(3) of the *Criminal Code*.

34 **177 Application of amendments of section 161 of the *Social***  
35 ***Security (Administration) Act 1999***

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1           The amendments of section 161 of the *Social Security (Administration)*  
2           *Act 1999* made by this Act apply in relation to applications for review  
3           made on or after the commencement of this item.

4           **178 Application of paragraph 163A(4)(aa) of the *Social***  
5           ***Security (Administration) Act 1999***

6           Paragraph 163A(4)(aa) of the *Social Security (Administration) Act*  
7           *1999*, as inserted by this Act, applies in relation to:

- 8                     (a) hearings pending immediately before the commencement of  
9                     this item; and  
10                    (b) hearings commencing after the commencement of this item.

11           **179 Application of amendments relating to reconstituting the**  
12           **Social Security Appeals Tribunal**

- 13           (1)       The amendment made by item 146 of this Schedule applies in relation  
14           to directions given before or after the commencement of that item.
- 15           (2)       The amendments made by items 147 to 153 of this Schedule apply in  
16           relation to hearings:
- 17                     (a) that commence after the commencement of those items; and  
18                     (b) that had commenced, but had not yet been decided, before  
19                     that commencement.

20           **180 Application of amendments relating to the dismissal of**  
21           **applications for SSAT review under the *Social Security***  
22           ***(Administration) Act 1999***

- 23           (1)       The amendment of section 171 of the *Social Security (Administration)*  
24           *Act 1999* made by this Act applies in relation to applications dismissed  
25           on or after the commencement of this item (whether the application for  
26           review was made before or after that commencement).
- 27           (2)       The amendment of section 172 of the *Social Security (Administration)*  
28           *Act 1999* made by this Act applies in relation to notifications given on  
29           or after the commencement of this item (whether the application for  
30           review was made before or after that commencement).

31           **181 Application of amendments of clause 19 of Schedule 3 to**  
32           **the *Social Security (Administration) Act 1999***

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**Schedule 3** Social Security Appeals Tribunal

**Part 5** Application and transitional provisions for amendments of the Social Security (Administration) Act 1999

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1           The amendment of clause 19 of Schedule 3 to the *Social Security*  
2           *(Administration) Act 1999* made by this Act applies in relation to  
3           records made, or information divulged or communicated, after the  
4           commencement of this item (whether the information recorded,  
5           divulged or communicated was obtained before or after that  
6           commencement).

7           **182 Application of clause 19A of Schedule 3 to the Social**  
8           **Security (Administration) Act 1999**

9           Clause 19A of Schedule 3 to the *Social Security (Administration) Act*  
10          *1999*, as inserted by this Act, applies in relation to the divulging or  
11          communication of information after the commencement of this item  
12          (whether the information was obtained before or after that  
13          commencement).

14          **183 SSAT membership—transitioning existing members**

15          (1)    If:

16               (a) before the day Part 1 of this Schedule commences (the  
17               *commencement day*), a person was appointed under clause 3  
18               of Schedule 3 to the *Social Security (Administration) Act*  
19               *1999* as a member of the SSAT referred to in paragraph 1(b)  
20               of that Schedule; and

21               (b) the person was described in the instrument of appointment as  
22               a Senior Member of the SSAT; and

23               (c) the appointment was in force immediately before the  
24               commencement day;

25          the person is taken, at the start of the commencement day, to have been  
26          duly appointed as a Deputy Principal Member by the Governor-General  
27          under clause 3 of Schedule 3 to that Act:

28               (d) for the balance of the person's term of appointment that  
29               remained immediately before the commencement day; and

30               (e) on the same terms and conditions as applied to the person  
31               immediately before the commencement day.

32          (2)    If:

33               (a) before the commencement day, a person was appointed under  
34               clause 3 of Schedule 3 to the *Social Security (Administration)*  
35               *Act 1999* as a member of the SSAT referred to in paragraph  
36               1(ba) of that Schedule; and

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- 1 (b) the person was described in the instrument of appointment as  
2 an Assistant Senior Member of the SSAT; and  
3 (c) the appointment was in force immediately before the  
4 commencement day;  
5 the person is taken, at the start of the commencement day, to have been  
6 duly appointed as a Senior Member by the Governor-General under  
7 clause 3 of Schedule 3 to that Act:  
8 (d) for the balance of the person's term of appointment that  
9 remained immediately before the commencement day; and  
10 (e) on the same terms and conditions as applied to the person  
11 immediately before the commencement day.
- 12 (3) Subitems (1) and (2) do not prevent the terms and conditions being  
13 varied on or after the commencement day.

#### 14 **184 SSAT membership—transitioning acting appointments**

- 15 (1) If:  
16 (a) before the day Part 1 of this Schedule commences (the  
17 *commencement day*), a person was appointed under clause 7  
18 of Schedule 3 to the *Social Security (Administration) Act*  
19 *1999* to act as a member of the SSAT referred to in paragraph  
20 1(b) of that Schedule; and  
21 (b) the person was described in the instrument of appointment as  
22 a Senior Member of the SSAT; and  
23 (c) the appointment was in force immediately before the  
24 commencement day;  
25 the person is taken, at the start of the commencement day, to have been  
26 duly appointed to act as a Deputy Principal Member under clause 7 of  
27 Schedule 3 to that Act in the circumstances, and on the same terms and  
28 conditions, as applied to the person immediately before the  
29 commencement day.
- 30 (2) If:  
31 (a) before the commencement day, a person was appointed under  
32 clause 7 of Schedule 3 to the *Social Security (Administration)*  
33 *Act 1999* to act as a member of the SSAT referred to in  
34 paragraph 1(ba) of that Schedule; and  
35 (b) the person was described in the instrument of appointment as  
36 an Assistant Senior Member of the SSAT; and

**Schedule 3** Social Security Appeals Tribunal

**Part 5** Application and transitional provisions for amendments of the Social Security (Administration) Act 1999

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- 1 (c) the appointment was in force immediately before the  
2 commencement day;  
3 the person is taken, at the start of the commencement day, to have been  
4 duly appointed to act as a Senior Member under clause 7 of Schedule 3  
5 to that Act in the circumstances, and on the same terms and conditions,  
6 as applied to the person immediately before the commencement day.
- 7 (3) Subitems (1) and (2) do not prevent the terms and conditions being  
8 varied on or after the commencement day.

9 **185 SSAT membership—operation of laws**

- 10 (1) If, before the day Part 1 of this Schedule commences (the  
11 *commencement day*), a thing was done by, or in relation to, a person in  
12 the capacity as a Senior Member, then, for the purposes of the operation  
13 of any law of the Commonwealth on and after the commencement day,  
14 the thing is taken to have been done by, or in relation to, the person in  
15 the capacity as a Deputy Principal Member.
- 16 (2) If, before the commencement day, a thing was done by, or in relation to,  
17 a person in the capacity as an Assistant Senior Member, then, for the  
18 purposes of the operation of any law of the Commonwealth on and after  
19 the commencement day, the thing is taken to have been done by, or in  
20 relation to, the person in the capacity as a Senior Member.
- 21 (3) The Minister may, by writing, determine that subitem (1) or (2) does not  
22 apply in relation to a specified thing.
- 23 (4) To avoid doubt, for the purposes of this item, *doing* a thing includes  
24 making an instrument.
- 25 (5) A determination made under subitem (3) is not a legislative instrument.

26 **186 SSAT membership—references in instruments**

- 27 (1) If:  
28 (a) an instrument is in force immediately before the day Part 1 of  
29 this Schedule commences (the *commencement day*); and  
30 (b) the instrument contains a reference to a Senior Member;  
31 the instrument has effect from the commencement day as if the  
32 reference were a reference to a Deputy Principal Member.
- 33 (2) If:
-

- 1 (a) an instrument is in force immediately before the  
2 commencement day; and  
3 (b) the instrument contains a reference to an Assistant Senior  
4 Member;  
5 the instrument has effect from the commencement day as if the  
6 reference were a reference to a Senior Member.
- 7 (3) The Minister may, by writing, determine that subitem (1) or (2) does not  
8 apply in relation to a specified reference.
- 9 (4) A determination under subitem (3) is not a legislative instrument.

### 10 **187 SSAT membership—party to pending proceedings**

- 11 (1) If any proceedings to which a person, in the capacity as a Senior  
12 Member, was a party were pending in any court or tribunal immediately  
13 before the day Part 1 of this Schedule commences (the *commencement*  
14 *day*), the person, in the capacity as a Deputy Principal Member, is  
15 substituted for the Senior Member, from the commencement day, as a  
16 party to the proceedings.
- 17 (2) If any proceedings to which a person, in the capacity as an Assistant  
18 Senior Member, was a party were pending in any court or tribunal  
19 immediately before the commencement day, the person, in the capacity  
20 as a Senior Member, is substituted for the Assistant Senior Member,  
21 from the commencement day, as a party to the proceedings.

### 22 **188 SSAT membership—reviews by SSAT**

- 23 (1) If:  
24 (a) before the day Part 1 of this Schedule commences (the  
25 *commencement day*), a person who was a Senior Member  
26 was one of the members who constituted the SSAT for the  
27 purposes of the review of a decision; and  
28 (b) the SSAT had not made its decision on the review before that  
29 day;  
30 then, from the commencement day, that person is taken to be one of the  
31 members who constitute the SSAT for the purposes of the review in the  
32 capacity as a Deputy Principal Member.
- 33 (2) If:

**Schedule 3** Social Security Appeals Tribunal

**Part 5** Application and transitional provisions for amendments of the Social Security  
(Administration) Act 1999

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- 1 (a) before the commencement day, a person who was an  
2 Assistant Senior Member was one of the members who  
3 constituted the SSAT for the purposes of the review of a  
4 decision; and  
5 (b) the SSAT had not made its decision on the review before that  
6 day;  
7 then, from the commencement day, that person is taken to be one of the  
8 members who constitute the SSAT for the purposes of the review in the  
9 capacity as a Senior Member.  
10



1 **Part 6—Regulations**

2 **189 Regulations**

- 3 (1) The Governor-General may make regulations prescribing matters:  
4 (a) required or permitted by this Schedule to be prescribed; or  
5 (b) necessary or convenient to be prescribed for carrying out or  
6 giving effect to this Schedule.
- 7 (2) The regulations may prescribe matters of a transitional nature (including  
8 prescribing any saving or application provisions) relating to the  
9 amendments made by this Schedule.  
10

1 **Schedule 4—Amendments relating to certain**  
2 **child support declarations**  
3

4 ***Child Support (Assessment) Act 1989***

5 **1 After section 107**

6 Insert:

7 **107A Implementation of declaration under section 107 if assessment**  
8 **relates to 2 or more children**

9 (1) This section applies if:

- 10 (a) the Registrar accepts an application for administrative  
11 assessment for child support for a child; and  
12 (b) a declaration is granted under section 107 that a person  
13 should not be assessed in respect of the costs of the child  
14 because the person is not a parent of the child; and  
15 (c) the administrative assessment of the child support payable for  
16 one or more days (the *affected days*) in a child support period  
17 relates to:  
18 (i) that child; and  
19 (ii) at least one other child in relation to whom a declaration  
20 under section 107 that the person is not the parent of the  
21 child has not been granted.

22 Note: As to whether an administrative assessment relates to one or more  
23 children, see section 67.

24 (2) The Registrar must amend the administrative assessment on the  
25 basis that the assessment of child support payable for the affected  
26 days relates, and has always related, to the other child or children,  
27 as the case may be.

28 (3) Subject to subsection (4), the total amount of child support (if any)  
29 paid by the person, and received by the carer entitled to receive it,  
30 under the administrative assessment for the affected days is to be  
31 applied against the total amount of child support payable for those  
32 days under the assessment as amended.

- 1 (4) If the total amount of child support received by the carer for the  
2 affected days exceeds the total amount payable for those days  
3 under the assessment as amended, the excess is to be disregarded.

4 Note: The excess may be recovered under section 143.

- 5 (5) This section does not limit section 108.

## 6 **2 Application of amendment**

7 (1) The amendment made by item 1 applies in relation to declarations  
8 granted before or after the commencement of the amendment.

9 (2) However, the amendment made by item 1 does not affect the rights or  
10 liabilities arising between parties to a proceeding heard and finally  
11 determined by a court before the commencement of this item, to the  
12 extent that those rights or liabilities arose from, or were affected by, a  
13 declaration referred to in subitem (1).

## 14 ***Child Support (Registration and Collection) Act 1988***

### 15 **3 After subsection 26(1)**

16 Insert:

17 (1A) To avoid doubt, the reference to 2 or more persons in  
18 paragraph (1)(g) does not include a reference to 2 or more children  
19 in relation to whom a single administrative assessment applies (see  
20 section 67 of the Assessment Act).  
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## Schedule 5—Schoolkids bonus

### *A New Tax System (Family Assistance) Act 1999*

#### **1 Subsection 3(1)**

Insert:

##### ***current education period:***

- (a) for a bonus test day that is a 1 January—means the period beginning on the bonus test day and ending on the next 30 June; and
- (b) for a bonus test day that is a 30 June—means the period beginning on the day after the bonus test day and ending on the next 31 December.

#### **2 Subparagraph 35UA(2)(c)(i)**

Omit “has turned 16 but”.

#### **3 Paragraph 35UA(2)(d)**

Repeal the paragraph, substitute:

- (d) on the bonus test day:
  - (i) the other individual is undertaking full-time study in respect of a secondary course (within the meaning of subsection 543A(2AB) of the *Social Security Act 1991*); or
  - (ii) the other individual is undertaking an eligible activity (see subsection (6)); and

#### **4 Paragraph 35UA(3)(d)**

Repeal the paragraph, substitute:

- (d) on the bonus test day:
  - (i) the student is participating in a course of primary education; or
  - (ii) the student is undertaking full-time study in respect of a course of education determined, under section 5D of the *Student Assistance Act 1973*, to be a secondary course for the purposes of that Act; or

1 (iii) the student is undertaking an eligible activity (see  
2 subsection (6)); and

3 **5 Subsection 35UA(4) (heading)**

4 Repeal the heading, substitute:

5 *Disability support pension, carer payment or parenting payment*

6 **6 Paragraph 35UA(4)(a)**

7 After “1991”, insert “, of carer payment under Part 2.5 of that Act or of  
8 parenting payment under Part 2.10 of that Act”.

9 **7 Paragraph 35UA(4)(b)**

10 Repeal the paragraph.

11 **8 Paragraph 35UA(4)(c)**

12 Repeal the paragraph, substitute:

13 (c) the instalment referred to in paragraph (a) was in respect of a  
14 period that included the bonus test day; and

15 **9 Paragraph 35UA(4)(d)**

16 Omit “instalments referred to in paragraphs (a) and (b) were”, substitute  
17 “instalment referred to in paragraph (a) was”.

18 **10 Subparagraph 35UA(4)(d)(i)**

19 Omit “has turned 16 but”.

20 **11 Paragraph 35UA(4)(e)**

21 Repeal the paragraph, substitute:

22 (e) on the bonus test day:

23 (i) the other individual is participating in a course of  
24 primary education; or

25 (ii) the other individual satisfies the secondary study test  
26 within the meaning of section 35UI; or

27 (iii) the other individual is undertaking an eligible activity  
28 (see subsection (6)); and

29 **12 Paragraph 35UA(4)(f)**

1 Omit “disability support pension and the pensioner education  
2 supplement are both”, substitute “the pension or payment referred to in  
3 paragraph (a) is”.

4 **13 After subsection 35UA(4)**

5 Insert:

6 *Special benefit*

- 7 (4A) An individual (the *eligible individual*) is eligible for schoolkids  
8 bonus on a bonus test day if:
- 9 (a) an instalment of special benefit under Part 2.15 of the *Social*  
10 *Security Act 1991* has been paid to the eligible individual;  
11 and
  - 12 (b) the instalment referred to in paragraph (a) was in respect of a  
13 period that included the bonus test day; and
  - 14 (c) the instalment referred to in paragraph (a) was of another  
15 individual who:
    - 16 (i) on the bonus test day, is aged under 20; and
    - 17 (ii) if the other individual is aged 19 on the bonus test  
18 day—turned 19 during the calendar year in which the  
19 bonus test day occurs; and
  - 20 (d) at any time before the end of the period of 13 weeks  
21 beginning on the bonus test day, the Secretary is notified, or  
22 otherwise becomes aware, that on at least one day in the  
23 current education period for the bonus test day:
    - 24 (i) the other individual participated, or will participate, in a  
25 course of primary education; or
    - 26 (ii) the other individual satisfied, or will satisfy, the  
27 secondary study test within the meaning of  
28 section 35UI; or
    - 29 (iii) the other individual undertook, or will undertake, an  
30 eligible activity (see subsection (6)); and
  - 31 (e) the benefit referred to in paragraph (a) is payable to the other  
32 individual in respect of the bonus test day; and
  - 33 (f) the instalment referred to in paragraph (a) was paid to the  
34 eligible individual as payment nominee in accordance with  
35 Part 3A of the *Social Security (Administration) Act 1999*.

36 **14 Paragraph 35UA(5)(d)**

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1 Repeal the paragraph, substitute:  
 2 (d) on the bonus test day, the student is undertaking primary or  
 3 secondary education; and

4 **15 At the end of section 35UA**

5 Add:

6 *Eligible activity*

7 (6) For the purposes of this section, *eligible activity* means study,  
 8 education or an activity of a kind prescribed in a legislative  
 9 instrument made by the Minister for the purposes of this  
 10 subsection.

11 **16 Subparagraphs 35UB(2)(b)(i), (ii) and (iii)**

12 Omit “6-month period beginning on”, substitute “current education  
 13 period for”.

14 **17 Paragraph 35UD(1)(b)**

15 Repeal the paragraph, substitute:

16 (b) on a day in the current education period for the bonus test  
 17 day:  
 18 (i) participated, or will participate, for the first time in a  
 19 course of primary education; or  
 20 (ii) undertook, or will undertake, for the first time any  
 21 eligible activity within the meaning of subsection  
 22 35UB(4);

23 **18 Paragraph 35UD(2)(a)**

24 Omit “individual”, substitute “eligible individual”.

25 **19 Paragraph 35UD(2)(b)**

26 Repeal the paragraph, substitute:

27 (b) on at least one day in the previous education period for the  
 28 bonus test day:  
 29 (i) undertook full-time study in respect of a secondary  
 30 course (within the meaning of subsection 543A(2AB) of  
 31 the *Social Security Act 1991*); or

- 1 (ii) undertook an eligible activity within the meaning of  
2 subsection 35UA(6);

3 **20 Paragraph 35UD(3)(b)**

4 Repeal the paragraph, substitute:

- 5 (b) on at least one day in the previous education period for the  
6 bonus test day:  
7 (i) participated in a course of primary education; or  
8 (ii) undertook full-time study in respect of a course of  
9 education determined, under section 5D of the *Student*  
10 *Assistance Act 1973*, to be a secondary course for the  
11 purposes of that Act; or  
12 (iii) undertook an eligible activity within the meaning of  
13 subsection 35UA(6);

14 **21 Subsection 35UD(4) (heading)**

15 Repeal the heading, substitute:

16 *Disability support pension, carer payment or parenting payment*

17 **22 Paragraph 35UD(4)(a)**

18 Omit “individual”, substitute “eligible individual”.

19 **23 Paragraph 35UD(4)(b)**

20 Repeal the paragraph, substitute:

- 21 (b) on at least one day in the previous education period for the  
22 bonus test day:  
23 (i) participated in a course of primary education; or  
24 (ii) satisfied the secondary study test within the meaning of  
25 section 35UI; or  
26 (iii) undertook an eligible activity within the meaning of  
27 subsection 35UA(6);

28 **24 After subsection 35UD(4)**

29 Insert:



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*Special benefit*

1  
2 (4A) If an individual (the *eligible individual*) is eligible under  
3 subsection 35UA(4A) for schoolkids bonus on a bonus test day,  
4 each other individual who is covered by paragraphs 35UA(4A)(c),  
5 (d) and (e) in relation to the eligible individual for the bonus test  
6 day and who:

7 (a) on at least one day in the previous education period for the  
8 bonus test day:

9 (i) participated in a course of primary education; or

10 (ii) satisfied the secondary study test within the meaning of  
11 section 35UI; or

12 (iii) undertook an eligible activity within the meaning of  
13 subsection 35UA(6); or

14 (b) on a day in the current education period for the bonus test  
15 day:

16 (i) participated, or will participate, for the first time in a  
17 course of primary education; or

18 (ii) undertook, or will undertake, for the first time any  
19 eligible activity within the meaning of subsection  
20 35UA(6);

21 is an *eligible child* in relation to the eligible individual for the  
22 bonus test day.

23 **25 Paragraphs 35UD(5)(a) and (b)**

24 Repeal the paragraphs, substitute:

25 (a) on at least one day in the previous education period for the  
26 bonus test day, undertook primary or secondary education; or

27 (b) on at least one day during the current education period for the  
28 bonus test day, undertook, or will undertake, for the first time  
29 primary education;

30 **26 Subparagraph 35UE(1)(d)(i)**

31 Omit “has turned 16 but”.

32 **27 Paragraphs 35UE(1)(e) and (f)**

33 Repeal the paragraphs, substitute:

34 (e) on the bonus test day:

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- 1 (i) the individual is undertaking full-time study in respect  
2 of a secondary course (within the meaning of subsection  
3 543A(2AB) of the *Social Security Act 1991*); or  
4 (ii) the individual is undertaking an eligible activity (see  
5 subsection (6)); and  
6 (f) on at least one day in the previous education period for the  
7 bonus test day:  
8 (i) the individual undertook full-time study in respect of a  
9 secondary course (within the meaning of subsection  
10 543A(2AB) of the *Social Security Act 1991*); or  
11 (ii) the individual undertook an eligible activity (see  
12 subsection (6)); and

13 **28 Subparagraph 35UE(2)(c)(i)**

14 Omit “has turned 16 but”.

15 **29 After subparagraph 35UE(2)(c)(i)**

16 Insert:

- 17 (ia) if the individual is aged under 16 on the bonus test  
18 day—has, under the ABSTUDY scheme, independent  
19 status; and

20 **30 Paragraphs 35UE(2)(d) and (e)**

21 Repeal the paragraphs, substitute:

- 22 (d) on the bonus test day:  
23 (i) the individual is participating in a course of primary  
24 education; or  
25 (ii) the individual is undertaking full-time study in respect  
26 of a course of education determined, under section 5D  
27 of the *Student Assistance Act 1973*, to be a secondary  
28 course for the purposes of that Act; or  
29 (iii) the individual is undertaking an eligible activity (see  
30 subsection (6)); and  
31 (e) on at least one day in the previous education period for the  
32 bonus test day:  
33 (i) the individual participated in a course of primary  
34 education; or  
35 (ii) the individual undertook full-time study in respect of a  
36 course of education determined, under section 5D of the
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- 1                                 *Student Assistance Act 1973*, to be a secondary course  
 2                                 for the purposes of that Act; or  
 3                                 (iii) the individual undertook an eligible activity (see  
 4                                 subsection (6)); and

5    **31 Subsection 35UE(3) (heading)**

6                     Repeal the heading, substitute:

7                                 *Disability support pension, carer payment, parenting payment or*  
 8                                 *special benefit*

9    **32 Paragraph 35UE(3)(a)**

10                    After “1991”, insert “, of carer payment under Part 2.5 of that Act, of  
 11                    parenting payment under Part 2.10 of that Act or of special benefit  
 12                    under Part 2.15 of that Act”.

13    **33 Paragraph 35UE(3)(b)**

14                    Repeal the paragraph.

15    **34 Paragraph 35UE(3)(c)**

16                    Repeal the paragraph, substitute:

- 17                                 (c) the instalment referred to in paragraph (a) was in respect of a  
 18                                 period that included the bonus test day; and

19    **35 Paragraph 35UE(3)(d)**

20                    Omit “instalments referred to in paragraphs (a) and (b) were”, substitute  
 21                    “instalment referred to in paragraph (a) was”.

22    **36 Subparagraph 35UE(3)(e)(i)**

23                    Omit “has turned 16 but”.

24    **37 Paragraphs 35UE(3)(f) and (g)**

25                    Repeal the paragraphs, substitute:

- 26                                 (f) on the bonus test day:  
 27                                 (i) the individual is participating in a course of primary  
 28                                 education; or  
 29                                 (ii) the individual satisfies the secondary study test within  
 30                                 the meaning of section 35UI; or

- 1 (iii) the individual is undertaking an eligible activity (see  
2 subsection (6)); and  
3 (g) on at least one day in the previous education period for the  
4 bonus test day:  
5 (i) the individual participated in a course of primary  
6 education; or  
7 (ii) the individual satisfied the secondary study test within  
8 the meaning of section 35UI; or  
9 (iii) the individual undertook an eligible activity (see  
10 subsection (6)); and

11 **38 Paragraph 35UE(3)(h)**

12 Omit “disability support pension and the pensioner education  
13 supplement are both”, substitute “the pension, payment or benefit  
14 referred to in paragraph (a) is”.

15 **39 Subparagraph 35UE(4)(a)(i)**

16 Omit “, 3.6”.

17 **40 Subparagraph 35UE(4)(a)(ii)**

18 Omit “, 3.4 or 3.6”, substitute “or 3.4”.

19 **41 Paragraphs 35UE(4)(d) and (e)**

20 Repeal the paragraphs, substitute:

- 21 (d) on the bonus test day, the individual is undertaking secondary  
22 education; and  
23 (e) on at least one day in the previous education period for the  
24 bonus test day, the individual undertook secondary  
25 education; and

26 **42 Subsection 35UE(5) (heading)**

27 Repeal the heading.

28 **43 Subparagraph 35UE(5)(c)(i)**

29 Omit “has turned 16 but”.

30 **44 Paragraphs 35UE(5)(d) and (e)**

31 Repeal the paragraphs, substitute:

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- 1 (d) on the bonus test day, the eligible individual is undertaking  
 2 secondary education; and  
 3 (e) on at least one day in the previous education period for the  
 4 bonus test day, the eligible individual undertook secondary  
 5 education; and

6 **45 Paragraph 35UE(5)(g)**

7 Repeal the paragraph, substitute:

- 8 (g) the allowance was paid:  
 9 (i) to the eligible individual as a student; or  
 10 (ii) to another individual as an appropriate person (within  
 11 the meaning of the scheme referred to in  
 12 subparagraph (a)(i) or (ii)) for the eligible individual.

13 **46 At the end of section 35UE**

14 Add:

15 *Eligible activity*

- 16 (6) For the purposes of this section, *eligible activity* means study,  
 17 education or an activity of a kind prescribed in a legislative  
 18 instrument made by the Minister for the purposes of this  
 19 subsection.

20 **47 Subsection 35UF(3)**

21 Repeal the subsection, substitute:

- 22 (3) The Minister must not determine that an individual is eligible  
 23 under this section for schoolkids bonus on a bonus test day unless  
 24 the individual was undertaking primary or secondary education  
 25 (within the meaning of the instrument) on at least one day in 2012.

26 **48 Subsection 35UH(2)**

27 Omit “relation that”, substitute “relation to that”.

28 **49 At the end of Subdivision C of Division 1A of Part 3**

29 Add:

1 **35UI Secondary study test**

- 2 (1) This section sets out when an individual satisfies the secondary  
3 study test on a day (the *relevant day*) that:  
4 (a) is a bonus test day; or  
5 (b) is in the current education period for a bonus test day; or  
6 (c) is in the previous education period for a bonus test day.
- 7 (2) The individual *satisfies the secondary study test* on the relevant  
8 day if, on that day, the individual is undertaking full-time study in  
9 respect of a secondary course (within the meaning of subsection  
10 543A(2AB) of the *Social Security Act 1991*).
- 11 (3) If the following apply:  
12 (a) an instalment of pensioner education supplement under  
13 Part 2.24A of the *Social Security Act 1991*, or under the  
14 scheme known as the ABSTUDY scheme, has been paid in  
15 respect of the individual in respect of a period that included  
16 the bonus test day;  
17 (b) the supplement is payable to the individual in respect of the  
18 bonus test day;  
19 the individual *satisfies the secondary study test* on the relevant day  
20 if, on that day, the individual is undertaking study in respect of a  
21 course of education determined, under section 5D of the *Student*  
22 *Assistance Act 1973*, to be a secondary course for the purposes of  
23 that Act.

24 **50 Subsection 65B(1)**

25 Omit “or (4)” (wherever occurring), substitute “, (4) or (4A)”.

26 **51 Subsection 65B(2)**

27 Omit “(the *current bonus test day*)”.

28 **52 Paragraph 65B(2)(a)**

29 Omit “most recent”.

30 **53 Subparagraph 65B(2)(a)(ii)**

31 Omit “or (4)”, substitute “, (4), (4A) or (4B)”.

32 **54 Subparagraph 65B(2)(a)(ii)**

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1 Omit “current”.

2 **55 Paragraph 65B(2)(b)**

3 Omit “most recent”.

4 **56 Subsection 65B(4)**

5 Repeal the subsection, substitute:

6 (4) For an eligible child under subsection 35UD(1), this subsection  
7 applies to the eligible child for the bonus test day if, at any time  
8 before the end of the second income year after the income year in  
9 which the bonus test day occurs, the Secretary is notified, or  
10 otherwise becomes aware, that:

11 (a) the eligible child:

12 (i) undertook full-time study in respect of a secondary  
13 course (within the meaning of subsection 543A(2AB) of  
14 the *Social Security Act 1991*) on at least one day during  
15 the previous education period for the bonus test day; or

16 (ii) undertook, or will undertake, full-time study in respect  
17 of a secondary course (within the meaning of subsection  
18 543A(2AB) of the *Social Security Act 1991*) on at least  
19 one day during the current education period for the  
20 bonus test day; or

21 (b) the eligible child:

22 (i) undertook an eligible activity on at least one day during  
23 the previous education period for the bonus test day; or

24 (ii) undertook, or will undertake, an eligible activity on at  
25 least one day during the current education period for the  
26 bonus test day.

27 Note: For *eligible activity*, see subsection (7).

28 (4A) For an eligible child under subsection 35UD(2), this subsection  
29 applies to the eligible child for the bonus test day if, at any time  
30 before the end of the period of 13 weeks beginning on the bonus  
31 test day, the Secretary is notified, or otherwise becomes aware,  
32 that:

33 (a) the eligible child:

34 (i) undertook full-time study in respect of a secondary  
35 course (within the meaning of subsection 543A(2AB) of

1 the *Social Security Act 1991*) on at least one day during  
2 the previous education period for the bonus test day; or  
3 (ii) undertook, or will undertake, full-time study in respect  
4 of a secondary course (within the meaning of subsection  
5 543A(2AB) of the *Social Security Act 1991*) on at least  
6 one day during the current education period for the  
7 bonus test day; or

8 (b) the eligible child:  
9 (i) undertook an eligible activity on at least one day during  
10 the previous education period for the bonus test day; or  
11 (ii) undertook, or will undertake, an eligible activity on at  
12 least one day during the current education period for the  
13 bonus test day.

14 Note: For *eligible activity*, see subsection (7).

15 (4B) For an eligible child under subsection 35UD(4) or (4A), this  
16 subsection applies to the eligible child for the bonus test day if, at  
17 any time before the end of the period of 13 weeks beginning on the  
18 bonus test day, the Secretary is notified, or otherwise becomes  
19 aware, that:

20 (a) the eligible child:  
21 (i) satisfied the secondary study test within the meaning of  
22 section 35UI on at least one day during the previous  
23 education period for the bonus test day; or  
24 (ii) satisfied, or will satisfy, the secondary study test within  
25 the meaning of section 35UI on at least one day during  
26 the current education period for the bonus test day; or  
27 (b) the eligible child:  
28 (i) undertook an eligible activity on at least one day during  
29 the previous education period for the bonus test day; or  
30 (ii) undertook, or will undertake, an eligible activity on at  
31 least one day during the current education period for the  
32 bonus test day.

33 Note: For *eligible activity*, see subsection (7).

## 34 **57 Paragraph 65C(2)(a)**

35 Omit “most recent”.

## 36 **58 Subparagraph 65C(2)(a)(ii)**

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Omit “scheme”, substitute “Scheme”.

**59 Section 65E**

Repeal the section, substitute:

**65E Amount of schoolkids bonus—individuals eligible under subsection 35UE(1), (2) or (3)**

- (1) If an individual is eligible under subsection 35UE(1), (2) or (3) for schoolkids bonus on a bonus test day, the amount of schoolkids bonus for the individual for the bonus test day is:
- (a) if the individual was aged under 16 on the bonus test day:
    - (i) the primary school amount; or
    - (ii) if subsection (2) or (3) applies to the individual for the bonus test day—the secondary school amount; and
  - (b) if the individual was aged 16 or over on the bonus test day—the secondary school amount.
- (2) This subsection applies to an individual for the bonus test day if:
- (a) an amount was applicable under this section in relation to the most recent bonus test day for the individual; and
  - (b) the amount was the secondary school amount.
- (3) This subsection applies to an individual for the bonus test day if, at any time before the end of the period of 13 weeks beginning on the bonus test day, the Secretary is notified, or otherwise becomes aware, that:
- (a) if the individual is eligible under subsection 35UE(1) for schoolkids bonus on the bonus test day—the individual:
    - (i) undertook full-time study in respect of a secondary course (within the meaning of subsection 543A(2AB) of the *Social Security Act 1991*) on at least one day during the previous education period for the bonus test day; or
    - (ii) undertook, or will undertake, full-time study in respect of a secondary course (within the meaning of subsection 543A(2AB) of the *Social Security Act 1991*) on at least one day during the current education period for the bonus test day; or
  - (b) if the individual is eligible under subsection 35UE(2) for schoolkids bonus on the bonus test day—the individual:

- 1 (i) undertook full-time study in respect of a course of  
2 education determined, under section 5D of the *Student*  
3 *Assistance Act 1973*, to be a secondary course for the  
4 purposes of that Act on at least one day during the  
5 previous education period for the bonus test day; or  
6 (ii) undertook, or will undertake, full-time study in respect  
7 of a course of education determined, under section 5D  
8 of the *Student Assistance Act 1973*, to be a secondary  
9 course for the purposes of that Act on at least one day  
10 during the current education period for the bonus test  
11 day; or  
12 (c) if the individual is eligible under subsection 35UE(3) for  
13 schoolkids bonus on the bonus test day—the individual:  
14 (i) satisfied the secondary study test within the meaning of  
15 section 35UI on at least one day during the previous  
16 education period for the bonus test day; or  
17 (ii) satisfied, or will satisfy, the secondary study test within  
18 the meaning of section 35UI on at least one day during  
19 the current education period for the bonus test day; or  
20 (d) in any case—the individual:  
21 (i) undertook an eligible activity on at least one day during  
22 the previous education period for the bonus test day; or  
23 (ii) undertook, or will undertake, an eligible activity on at  
24 least one day during the current education period for the  
25 bonus test day.

26 *Eligible activity*

- 27 (4) For the purposes of this section, *eligible activity* means study,  
28 education or an activity of a kind prescribed in a legislative  
29 instrument made by the Minister for the purposes of this  
30 subsection.

31 **65EA Amount of schoolkids bonus—individuals eligible under**  
32 **subsection 35UE(4) or (5)**

33 The amount of schoolkids bonus for an individual who is eligible  
34 under subsection 35UE(4) or (5) for schoolkids bonus on a bonus  
35 test day is the secondary school amount.

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**65EB Amount of schoolkids bonus—individuals eligible under section 35UF**

- (1) Subject to this section, the amount of schoolkids bonus for an individual who is eligible under section 35UF for schoolkids bonus on a bonus test day is the secondary school amount.
- (2) The instrument made under section 35UF may make provision for the amount worked out under subsection (1) of this section for that day to be varied in the circumstances specified in the instrument.
- (3) If the instrument made under section 35UF provides for the amount worked out under subsection (1) of this section for a bonus test day to be varied, the amount applicable for that day is the amount as varied.

***A New Tax System (Family Assistance) (Administration) Act 1999***

**60 At the end of section 221**

Add:

- (5) The Secretary may delegate to an APS employee in the Department administered by the Minister administering the *Veterans' Entitlements Act 1986* all or any of the powers of the Secretary under the family assistance law that relate to the schoolkids bonus, to the extent that eligibility for that bonus is because of a payment of an education allowance under:
- (a) the Veterans' Children Education Scheme; or
  - (b) the Military Rehabilitation and Compensation Act Education and Training Scheme.

Note: The expression *APS employee* is defined in section 2B of the *Acts Interpretation Act 1901*.

***Social Security Act 1991***

**61 After paragraph 8(8)(jab)**

Insert:

1 (jaba) a payment under the scheme determined under Part 2 of  
2 Schedule 1 to the *Family Assistance and Other Legislation*  
3 *Amendment (Schoolkids Bonus Budget Measures) Act 2012*;  
4

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1 **Schedule 6—Other amendments**  
2

3 *A New Tax System (Family Assistance) Act 1999*

4 **1 Subsection 84G(5)**

5 Repeal the subsection, substitute:

6 *Daily rate*

7 (5) The daily rate of single income family supplement is the annual  
8 rate divided by 365 and rounded up to the nearest cent.

9 **2 Subsection 108(1A) (heading)**

10 Repeal the heading, substitute:

11 *Other cases*

12 **3 Paragraph 108(1A)(c)**

13 Repeal the paragraph.

14 **4 Application provision—item 3**

15 The amendment made by item 3 applies in relation to working out  
16 whether individuals are entitled to further payments of clean energy  
17 advance on or after the day that item commences.

18 **5 At the end of clause 4 of Schedule 4**

19 Add:

20 (3) This clause does not apply to the following amounts:

- 21 (a) FTB clean energy child amount;
- 22 (b) Clean energy supplement (Part B);
- 23 (c) ACO clean energy supplement.

24 Note: See clause 7 for how to index those amounts.

25 **6 At the end of Part 2 of Schedule 4**

26 Add:

1       **7 Indexation of certain clean energy amounts**

- 2               (1) This clause applies to the following amounts:
- 3                     (a) FTB clean energy child amount;
- 4                     (b) Clean energy supplement (Part B);
- 5                     (c) ACO clean energy supplement.
- 6               (2) If an amount to which this clause applies is to be indexed under
- 7                     this Part on an indexation day, this Act has effect as if the indexed
- 8                     amount were substituted for that amount on that day.
- 9               (3) This is how to work out the indexed amount for an amount to
- 10                    which this clause applies that is to be indexed under this Part on an
- 11                    indexation day (the *current indexation day*):

12                    *Method statement*

13                    Step 1. Work out the current figure for the amount immediately

14                    before 1 July 2014.

15                    Step 2. Multiply that current figure, in turn, by the indexation

16                    factor (worked out under clause 5) for the amount on

17                    each indexation day, for the amount, starting on 1 July

18                    2014 and up to and including the current indexation day:

19                    the result is the *provisional indexed amount*.

20                    Step 3. Use clause 6 to round off the provisional indexed

21                    amount: the result is the indexed amount.

22       ***A New Tax System (Family Assistance) (Administration) Act***

23       ***1999***

24       **7 Paragraph 224(1)(f)**

25                Omit “know”, substitute “known”.

26       ***Social Security Act 1991***

27       **8 Subparagraph 96(1)(b)(i)**

28                Omit “and”, substitute “but”.

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- 1 **9 Subparagraph 96(1)(b)(ii)**  
2 Omit “not more”, substitute “less”.