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The Parliament of the

Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Family Assistance and Other Legislation Amendment Bill 2013

No. , 2013

(Families, Housing, Community Services and Indigenous Affairs)

A Bill for an Act to amend the law relating to family assistance, social security, veterans’ entitlements and paid parental leave, and for related purposes

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A Bill for an Act to amend the law relating to family assistance, social security, veterans’ entitlements and paid parental leave, and for related purposes

The Parliament of Australia enacts:

1 Short title

 This Act may be cited as the *Family Assistance and Other Legislation Amendment Act 2013*.

2 Commencement

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

| **Commencement information** |
| --- |
| **Column 1** | **Column 2** | **Column 3** |
| **Provision(s)** | **Commencement** | **Date/Details** |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. |  |
| 2. Schedule 1, items 1 to 3 | 1 July 2013. | 1 July 2013 |
| 3. Schedule 1, items 4 to 6 | The day after this Act receives the Royal Assent. |  |
| 4. Schedule 1, items 7 and 8 | 1 July 2013. | 1 July 2013 |
| 5. Schedule 1, item 9 | The day after this Act receives the Royal Assent. |  |
| 6. Schedule 1, items 10 and 11 | 1 July 2013. | 1 July 2013 |
| 7. Schedule 2, items 1 to 3 | Immediately after the commencement of item 3 of Schedule 2 to the *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Election Commitments and Other Measures) Act 2011*. | 1 January 2012 |
| 8. Schedule 2, items 4 and 5 | 1 January 2012. | 1 January 2012 |
| 9. Schedule 2, items 6 and 7 | 1 January 2013. | 1 January 2013 |
| 10. Schedule 3, Parts 1 and 2 | The day after this Act receives the Royal Assent. |  |
| 11. Schedule 3, items 58 and 59 | 1 July 2013. | 1 July 2013 |
| 12. Schedule 3, items 60 to 62 | The day after this Act receives the Royal Assent. |  |
| 13. Schedule 3, items 63 to 67 | 1 July 2013. | 1 July 2013 |
| 14. Schedule 3, Part 4, Division 1 | The later of:(a) the start of the day after this Act receives the Royal Assent; and(b) immediately after the commencement of Part 3 of Schedule 1 to the *Clean Energy (Household Assistance Amendments) Act 2011*. |  |
| 15. Schedule 3, Part 4, Division 2 | Immediately after the commencement of Part 5 of Schedule 1 to the *Clean Energy (Household Assistance Amendments) Act 2011*. | 20 March 2013 |
| 16. Schedule 3, Part 4, Division 3 | The day after this Act receives the Royal Assent. |  |
| 17. Schedule 3, Part 5 | The day after this Act receives the Royal Assent. |  |

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

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

3 Schedule(s)

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

Schedule 1—Baby bonus

A New Tax System (Family Assistance) Act 1999

1 Section 66

Repeal the section, substitute:

66 Amount of baby bonus

General rule

 (1) Subject to this section, the amount of baby bonus for an individual in respect of a child is as follows:

 (a) if the individual is eligible for baby bonus under subsection 36(2) and the child is the first child born alive to the woman who gave birth to the child—$5,000;

 (b) if the individual is eligible for baby bonus under subsection 36(3) and the child is the first child that becomes entrusted to the care of the individual, or the individual’s partner, in the circumstances mentioned in paragraph 36(3)(b)—$5,000;

 (c) if the individual is eligible for baby bonus under subsection 36(4), the child is the first stillborn child of the woman who gave birth to the child and the woman has not given birth to any other children—$5,000;

 (d) if the individual is eligible for baby bonus under subsection 36(5) and the child is the first child that becomes entrusted to the care of the individual, or the individual’s partner, in the circumstances mentioned in paragraphs 36(5)(a) to (b)—$5,000;

 (e) otherwise—$3,000.

Multiple children cases

 (2) The amount of baby bonus for an individual in respect of each child born during the same multiple birth (including any stillborn child) is $5,000.

 (3) If an individual is eligible for baby bonus under subsection 36(3) in respect of 2 or more children who become entrusted to the care of the individual, or the individual’s partner, as part of the same entrustment to care process, the amount of baby bonus in respect of each child is $5,000.

 (4) If an individual is eligible for baby bonus under subsection 36(5) in respect of 2 or more children who become entrusted to the care of the individual as part of the same adoption process, the amount of baby bonus in respect of each child is $5,000.

Shared baby bonus

 (5) If, under paragraph 37(3)(b), the Secretary has determined the percentage that is to be an individual’s percentage of baby bonus in respect of a child, the amount of baby bonus for the individual in respect of that child is that percentage of the amount worked out under subsections (1) to (3) of this section.

2 Clause 2 of Schedule 4 (table item 17AD)

Omit “subsection 66(1)”, substitute “paragraphs 66(1)(a), (b), (c), (d) and (e) and subsections 66(2), (3) and (4)”.

3 Subclause 3(9) of Schedule 4 (note)

Repeal the note, substitute:

Note: Indexation of baby bonus resumes on 1 July 2015.

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

4 Subsection 39(2)

Omit “if it is made later than 52 weeks after”, substitute “unless it is made before the end of the period of 52 weeks beginning on”.

5 Paragraph 39(2)(a)

Omit “the birth”, substitute “the day of the birth”.

6 Paragraph 39(2)(b)

Omit “the time”, substitute “the day”.

7 Paragraphs 47(2A)(b) and (c)

Repeal the paragraphs, substitute:

 (b) if the claimant becomes eligible for baby bonus between 1 September 2012 and 30 June 2013—$846.20;

 (c) if the claimant becomes eligible for baby bonus between 1 July 2013 and 30 June 2015 and the amount of baby bonus is the amount applicable under paragraph 66(1)(a), (b), (c) or (d) or subsection 66(2), (3) or (4) of the Family Assistance Act—$846.20;

 (d) if the claimant becomes eligible for baby bonus between 1 July 2013 and 30 June 2015 and the amount of baby bonus is the amount applicable under paragraph 66(1)(e) of the Family Assistance Act—$692.40;

 (e) if the claimant becomes eligible for baby bonus on or after 1 July 2015 and the amount of baby bonus is the amount applicable under paragraph 66(1)(a), (b), (c) or (d) or subsection 66(2), (3) or (4) of the Family Assistance Act—the amount worked out as follows:



 (f) if the claimant becomes eligible for baby bonus on or after 1 July 2015 and the amount of baby bonus is the amount applicable under paragraph 66(1)(e) of the Family Assistance Act—the amount worked out as follows:



8 Application provision—amount of baby bonus

The amendment made by item 1 applies in relation to individuals who become eligible for baby bonus on or after 1 July 2013.

9 Application provision—claims for baby bonus

The amendments made by items 4 to 6 apply in relation to claims for payment of baby bonus that are made on or after the commencement of those items.

10 Transitional provision

In working out the indexed amount for baby bonus on 1 July 2015 under Schedule 4 to the *A New Tax System (Family Assistance) Act 1999*:

 (a) the current figure for baby bonus, in relation to the amount specified in paragraph 66(1)(a), (b), (c) or (d) or subsection 66(2), (3) or (4) of that Act, immediately before that day is taken to be $5,000; and

 (b) the current figure for baby bonus, in relation to the amount specified in paragraph 66(1)(e) of that Act, immediately before that day is taken to be $3,000.

Family Assistance and Other Legislation Amendment Act 2012

11 Item 6 of Schedule 2

Repeal the item.

Schedule 2—Family tax benefit and double orphan pension

A New Tax System (Family Assistance) Act 1999

1 Paragraph 22B(3)(a)

After “is in”, insert “November or”.

2 Paragraph 22B(3)(b)

Omit “December”, substitute “November”.

3 Application provision—items 1 and 2

The amendments made by items 1 and 2 apply in relation to working out whether an individual is a senior secondary school child for days on or after 1 January 2012.

Social Security Act 1991

4 Subsection 5(1) (definition of *young person*)

Repeal the definition, substitute:

***young person***:

 (a) except in Part 2.20—has the meaning given by subsection (1B) of this section; and

 (b) in Part 2.20—means a person who:

 (i) is under 16 years of age; or

 (ii) has reached 16, but is under 22, years of age and is receiving full‑time education at a school, college or university; or

 (iii) has reached 16 years of age and is a senior secondary school child (within the meaning of section 22B of the Family Assistance Act (disregarding subparagraph 22B(1)(a)(i) of that Act)).

5 Application provision—item 4

In respect of the amendment made by item 4, Part 2.20 of the *Social Security Act 1991* applies in relation to working out qualification for a double orphan pension for days on or after 1 January 2012.

6 Subsection 5(1) (paragraph (b) of the definition of *young person*)

Repeal the paragraph, substitute:

 (b) in Part 2.20—means a person who is under 20 years of age.

7 Application provision—item 6

In respect of the amendment made by item 6, Part 2.20 of the *Social Security Act 1991* applies in relation to working out qualification for a double orphan pension for days on or after 1 January 2013.

Schedule 3—Other amendments

Part 1—Schoolkids bonus

A New Tax System (Family Assistance) Act 1999

1 Paragraph 35UA(2)(d)

Repeal the paragraph, substitute:

 (d) at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that on the bonus test day:

 (i) the other individual was 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 was undertaking an eligible activity (see subsection (6)); and

2 Paragraph 35UA(4)(e)

Repeal the paragraph, substitute:

 (e) at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that on the bonus test day:

 (i) the other individual was participating in a course of primary education; or

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

 (iii) the other individual was undertaking an eligible activity (see subsection (6)); and

3 Paragraph 35UA(4A)(d)

Omit “at any time before the end of the period of 13 weeks beginning on the bonus test day”, substitute “at any time before the end of the calendar year in which the bonus test day occurs”.

4 Paragraph 35UB(2)(b)

Omit “—the Secretary is notified, or otherwise becomes aware, that”.

5 Subparagraphs 35UB(2)(b)(i), (ii) and (iii)

Before “the FTB child”, insert “the Secretary is notified, or otherwise becomes aware, that”.

6 At the end of paragraph 35UB(2)(b)

Add:

 ; or (iv) if the FTB child has at any time participated in a course of primary education or undertaken full‑time study in respect of a secondary course (within the meaning of subsection 543A(2AB) of the *Social Security Act 1991*)—the Secretary is satisfied that there are special circumstances that justify the child not participating in that course, or undertaking that study, during the current education period for the bonus test day.

7 Subsection 35UD(1)

Omit “, and who”, substitute “and in respect of whom one of the following applies at any time before the end of the second income year after the income year in which the bonus test day occurs”.

8 Paragraph 35UD(1)(a)

Omit “on at least one day in the previous education period for the bonus test day”, substitute “the Secretary is notified, or otherwise becomes aware, that on at least one day in the previous education period for the bonus test day the child”.

9 Subparagraph 35UD(1)(a)(iii)

Omit “or”.

10 After paragraph 35UD(1)(a)

Insert:

 (aa) if the child has at any time participated in a course of primary education or undertaken full‑time study in respect of a secondary course (within the meaning of subsection 543A(2AB) of the *Social Security Act 1991*)—the Secretary is satisfied that there were special circumstances that justified the child not participating in that course, or undertaking that study, during the previous education period for the bonus test day;

11 Paragraph 35UD(1)(b)

Omit “on a day in the current education period for the bonus test day”, substitute “the Secretary is notified, or otherwise becomes aware, that on a day in the current education period for the bonus test day the child”.

12 Subsection 35UD(2)

Omit “who”, substitute “in respect of whom the following apply”.

13 Paragraph 35UD(2)(a)

Before “is covered”, insert “the other individual”.

14 Paragraph 35UD(2)(a)

Omit “and” (last occurring).

15 Paragraph 35UD(2)(b)

Omit “on at least one day in the previous education period for the bonus test day”, substitute “at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that on at least one day in the previous education period for the bonus test day the other individual”.

16 Subsection 35UD(4)

Omit “who”, substitute “in respect of whom the following apply”.

17 Paragraph 35UD(4)(a)

Before “is covered”, insert “the other individual”.

18 Paragraph 35UD(4)(a)

Omit “and” (last occurring).

19 Paragraph 35UD(4)(b)

Omit “on at least one day in the previous education period for the bonus test day”, substitute “at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that on at least one day in the previous education period for the bonus test day the other individual”.

20 Subsection 35UD(4A)

Omit “and who”, substitute “and in respect of whom one of the following applies at any time before the end of the calendar year in which the bonus test day occurs”.

21 Paragraph 35UD(4A)(a)

Omit “on at least one day in the previous education period for the bonus test day”, substitute “the Secretary is notified, or otherwise becomes aware, that on at least one day in the previous education period for the bonus test day the other individual”.

22 Subparagraph 35UD(4A)(a)(iii)

Omit “or”.

23 Paragraph 35UD(4A)(b)

Omit “on a day in the current education period for the bonus test day”, substitute “the Secretary is notified, or otherwise becomes aware, that on a day in the current education period for the bonus test day the other individual”.

24 Paragraph 35UE(1)(e)

Repeal the paragraph, substitute:

 (e) at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that on the bonus test day:

 (i) the individual was 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 individual was undertaking an eligible activity (see subsection (6)); and

25 Paragraph 35UE(1)(f)

Before “on at least”, insert “at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that”.

26 Paragraph 35UE(3)(f)

Repeal the paragraph, substitute:

 (f) at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that on the bonus test day:

 (i) the individual was participating in a course of primary education; or

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

 (iii) the individual was undertaking an eligible activity (see subsection (6)); and

27 Paragraph 35UE(3)(g)

Before “on at least”, insert “at any time before the end of the calendar year in which the bonus test day occurs, the Secretary is notified, or otherwise becomes aware, that”.

28 Subsection 65B(4)

Omit “, the Secretary is notified, or otherwise becomes aware, that”.

29 Paragraphs 65B(4)(a) and (b)

Before “the eligible child”, insert “the Secretary is notified, or otherwise becomes aware, that”.

30 At the end of subsection 65B(4) (before the note)

Add:

 ; or (c) if the eligible child has at any time undertaken full‑time study in respect of a secondary course (within the meaning of subsection 543A(2AB) of the *Social Security Act 1991*)—the Secretary is satisfied that there were special circumstances that justified the child not undertaking that study during the previous education period for the bonus test day.

31 Subsections 65B(4A) and (4B)

Omit “at any time before the end of the period of 13 weeks beginning on the bonus test day”, substitute “at any time before the end of the calendar year in which the bonus test day occurs”.

32 Subparagraph 65E(1)(a)(ii)

Omit “subsection (2) or (3)”, substitute “subsection (2), (3) or (3A)”.

33 Subsection 65E(3)

Repeal the subsection, substitute:

 (3) This subsection applies to an individual for the bonus test day if, at any time before the end of the calendar year in which the bonus test day occurs, 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(3) for schoolkids bonus on the bonus test day—the individual:

 (i) satisfied the secondary study test within the meaning of section 35UI on at least one day during the previous education period for the bonus test day; or

 (ii) satisfied, or will satisfy, the secondary study test within the meaning of section 35UI on at least one day during the current education period for the bonus test day; or

 (c) in any case—the individual:

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

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

 (3A) This subsection applies to an individual for the bonus test day if:

 (a) the individual is eligible under subsection 35UE(2) for schoolkids bonus on the bonus test day; and

 (b) the individual:

 (i) undertook 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 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 course of education determined, under section 5D of the *Student Assistance Act 1973*, to be a secondary course for the purposes of that Act on at least one day during the current education period for the bonus test day; or

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

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

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

34 At the end of Division 2A of Part 3

Add:

35H Obligation to notify change of circumstances

 (1) If:

 (a) an individual is eligible for schoolkids bonus on a bonus test day; and

 (b) there is a change in circumstances that may affect the individual’s eligibility for schoolkids bonus on a later bonus test day or the amount of schoolkids bonus for the individual for a later bonus test day;

the individual must, in the manner set out in a written notice given to the individual under subsection (3) and as soon as practicable after the change in circumstances, notify the Secretary of that change.

 (2) The Secretary must approve a manner of notification that an individual is to use when notifying the Secretary of a thing under subsection (1).

 (3) The Secretary must, by written notice, notify the individual of the approved manner of notification.

35 Application provisions

(1) The amendments made by items 1 to 33 apply in relation to working out eligibility for schoolkids bonus on bonus test days occurring on or after the commencement of those items.

(2) Paragraph 35H(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*, as inserted by this Part, applies in relation to bonus test days occurring on or after the commencement of this item.

Part 2—Entrusted to care

A New Tax System (Family Assistance) Act 1999

36 Subsection 3(1)

Insert:

***becomes entrusted***: a child ***becomes entrusted*** to the care of an individual at a time if:

 (a) any person entrusts the child to the individual’s care; and

 (b) as a result, the child is in the individual’s care at that time; and

 (c) the child was not in the individual’s care at any earlier time.

37 Subparagraphs 36(3)(b)(i) and (ii)

Omit “is entrusted”, substitute “becomes entrusted”.

38 Paragraphs 36(5)(a) and (b)

Repeal the paragraphs, substitute:

 (a) the child becomes entrusted to the care of the individual on a day; and

 (aa) it is an authorised party that entrusts the child to the care of the individual; and

 (ab) the authorised party does so as part of the process for the adoption of the child by the individual; and

 (b) the child is aged under 16 on that day; and

39 Subparagraphs 36(5)(bc)(i) and (ii) and (c)(i)

Omit “the day the child is entrusted to the care of the individual”, substitute “that day”.

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

40 Paragraph 39(2)(b)

Omit “is entrusted”, substitute “becomes entrusted”.

41 Subparagraph 47B(1)(b)(ii)

Omit “is entrusted”, substitute “becomes entrusted”.

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Act 2008

42 Paragraph 22(1)(b) of Schedule 2

Omit “that Act—children entrusted to care”, substitute “the *A New Tax System (Family Assistance) Act 1999*—children who become entrusted to care (within the meaning of that Act, as amended by Part 2 of Schedule 3 to the *Family Assistance and Other Legislation Amendment Act 2013*)”.

43 Paragraph 22(1)(c) of Schedule 2

Omit “that Act”, substitute “the *A New Tax System (Family Assistance) Act 1999*”.

44 Paragraph 22(1)(d) of Schedule 2

Omit “that Act—children entrusted to care”, substitute “the *A New Tax System (Family Assistance) Act 1999*—children who become entrusted to care (within the meaning of that Act, as amended by Part 2 of Schedule 3 to the *Family Assistance and Other Legislation Amendment Act 2013*)”.

45 Paragraph 34(1)(d) of Schedule 2

Omit “entrusted to care”, substitute “who become entrusted to care (within the meaning of that Act, as amended by Part 2 of Schedule 3 to the *Family Assistance and Other Legislation Amendment Act 2013*)”.

46 Item 44 of Schedule 2

Omit “entrusted to care”, substitute “who become entrusted to care (within the meaning of the *A New Tax System (Family Assistance) Act 1999*, as amended by Part 2 of Schedule 3 to the *Family Assistance and Other Legislation Amendment Act 2013*)”.

Paid Parental Leave Act 2010

47 Section 6 (definition of *day of placement*)

Repeal the definition.

48 Section 274

Before “under 16”, insert “aged”.

49 Section 274

Omit “of placement of the adopted child”, substitute “the adopted child becomes entrusted to care”.

50 Paragraph 275(1)(b)

Omit “of placement of the child”, substitute “the child becomes entrusted to the care of a person as mentioned in subsection (2)”.

51 Paragraph 275(1)(c)

Omit “expected day of placement of the child”, substitute “day expected to be the day the child will become entrusted to the care of a person as mentioned in subsection (2)”.

52 Paragraph 275(1)(d)

Omit “of placement of the child”, substitute “the child became entrusted to the care of a person as mentioned in subsection (2)”.

53 Subsections 275(2) and (3)

Repeal the subsections, substitute:

When a child satisfies this subsection

 (2) A child satisfies the requirements of this subsection if:

 (a) the child becomes, or is to become, entrusted (within the meaning of the Family Assistance Act) to the care of the person; and

 (b) it is an authorised party that entrusts, or is to entrust, the child to the care of the person; and

 (c) the authorised party does so, or is to do so, as part of the process for the adoption of the child by the person; and

 (d) the child is, or will be, aged under 16 on the day the child becomes entrusted to the care of the person.

Paid Parental Leave (Consequential Amendments) Act 2010

54 Paragraph 3(b) of Schedule 2

Omit “was entrusted”, substitute “became entrusted (within the meaning of that Act, as amended by Part 2 of Schedule 3 to the *Family Assistance and Other Legislation Amendment Act 2013*)”.

55 Paragraph 3(c) of Schedule 2

Omit “that Act”, substitute “the *A New Tax System (Family Assistance) Act 1999*”.

56 Paragraph 3(d) of Schedule 2

Omit “that Act for baby bonus in respect of a child who was entrusted”, substitute “the *A New Tax System (Family Assistance) Act 1999* for baby bonus in respect of a child who became entrusted (within the meaning of that Act, as amended by Part 2 of Schedule 3 to the *Family Assistance and Other Legislation Amendment Act 2013*)”.

57 Application provision

(1) The amendments made by this Part apply in relation to a child becoming entrusted to the care of a person before, on or after the commencement of this item.

(2) However, the amendments do not affect the rights or liabilities arising between parties to a proceeding heard and finally determined by a court before the commencement of this item, to the extent that those rights or liabilities arose from, or were affected by, a child being entrusted to the care of a person.

Part 3—Family assistance clean energy payments

A New Tax System (Family Assistance) Act 1999

58 Subsection 58A(1) (note 2)

Omit “after the end of a quarter”.

59 After subsection 58A(3)

Insert:

 (3A) An election ceases to be in force if subsection 32(1) applies in relation to the individual. The election ceases to be in force on the request day (see subsection 32(1)).

 (3B) If an election ceases to be in force under subsection (3A), the individual cannot make another election under subsection (1) until after the end of the lump sum period referred to in step 1 of the method statement in subsection 65(1).

60 At the end of paragraph 109(b)

Add “and”.

61 After paragraph 109(b)

Insert:

 (c) the amount of the advance was not worked out under subsection 108(1A);

62 Application provision

The amendments made by items 60 and 61 apply in relation to working out whether individuals are entitled to payments of clean energy advance on or after the day those items commence (whether the entitlement referred to in paragraph 109(a) of the *A New Tax System (Family Assistance) Act 1999* arose before, on or after that commencement).

63 Subclause 31B(3) of Schedule 1 (note)

Omit “after the end of the quarter”.

64 Subclause 38AA(3) of Schedule 1 (note)

Omit “after the end of the quarter”.

65 Subclause 38AF(3) of Schedule 1 (note)

Omit “after the end of the quarter”.

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

66 Paragraph 105B(1)(b)

Omit “subsection (2)”, substitute “subsections (2) and (2A)”.

67 Subsection 105B(2)

Repeal the subsection, substitute:

 (2) The consequences in subsection (2A) apply:

 (a) once one of the following applies in that quarter:

 (i) the individual ceases to be entitled to be paid family tax benefit under the determination;

 (ii) a revocation of the election takes effect;

 (iii) the election ceases to be in force under subsection 58A(3A) of the Family Assistance Act; or

 (b) otherwise—after the end of that quarter.

 (2A) The consequences are:

 (a) for the purposes of subsection 105(1), the Secretary is taken to be satisfied that there is sufficient reason to review the determination; and

 (b) the Secretary must exercise the power conferred by subsection 105(1) to review the determination; and

 (c) the review must be done by assuming that:

 (i) Division 2B of Part 4 of Schedule 1 to the Family Assistance Act and Division 2AA of Part 5 of that Schedule applied in relation to those days; and

 (ii) the election was not in force on those days.

Note: Those Divisions deal with clean energy supplement (Part A) and clean energy supplement (Part B).

Part 4—Social security and veterans’ entitlements supplements

Division 1—Instalments of quarterly supplements

Social Security (Administration) Act 1999

68 Subsection 48B(2)

Omit “on or after the first seniors supplement test day (the ***current test day***) that follows a day on which the person is qualified for seniors supplement”, substitute “after the end of an instalment period”.

69 Paragraph 48B(3)(a)

Omit “during the test period on which the person was qualified for seniors supplement”, substitute “in the instalment period”.

70 Subsection 48B(4)

Repeal the subsection, substitute:

 (4) In this section:

***instalment period*** means a period:

 (a) in relation to each day of which seniors supplement is payable to the person; and

Note: For when seniors supplement is payable to the person, see section 1061UA of the 1991 Act.

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

71 Subsection 48C(2)

Omit “on or after the first supplement test day (the ***current test day***) that follows a day on which an election by the person under subsection 1061VA(1) is in force”, substitute “after the end of an instalment period”.

72 Subsection 48C(3)

Omit “during the test period for which an election by the person under subsection 1061VA(1) is in force”, substitute “in the instalment period”.

73 Subsection 48C(4)

Repeal the subsection, substitute:

 (4) In this section:

***instalment period*** means a period:

 (a) in relation to each day of which quarterly pension supplement is payable to the person; and

Note: For when quarterly pension supplement is payable to the person, see section 1061VA of the 1991 Act.

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

74 Subsection 48D(2)

Omit “on or after the first supplement test day (the ***current test day***) that follows a day for which quarterly clean energy supplement is payable to the person”, substitute “after the end of an instalment period”.

75 Paragraph 48D(3)(a)

Omit “during the test period for which quarterly clean energy supplement is payable to the person”, substitute “in the instalment period”.

76 Subsection 48D(4)

Repeal the subsection, substitute:

 (4) In this section:

***instalment period*** means a period:

 (a) for each day of which quarterly clean energy supplement is payable to the person; and

Note: For when quarterly clean energy supplement is payable to the person, see section 915 of the 1991 Act.

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

Veterans’ Entitlements Act 1986

77 Subsection 60C(2)

Omit “on or after the first supplement test day (the ***current test day***) that follows a day on which an election by the person under subsection 60A(1) is in force”, substitute “after the end of an instalment period”.

78 Subsection 60C(3)

Omit “during the test period for which an election by the person under subsection 60A(1) is in force”, substitute “in the instalment period”.

79 Subsection 60C(5)

Repeal the subsection, substitute:

 (5) In this section:

***instalment period*** means a period:

 (a) in relation to each day of which quarterly pension supplement is payable to the person; and

Note: For when quarterly pension supplement is payable to the person, see section 60A.

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

80 Subsection 62D(3)

Repeal the subsection, substitute:

Quarterly payment

 (3) An instalment of the clean energy supplement is to be paid to the person as soon as is reasonably practicable after the end of an instalment period.

81 Subsection 62D(4)

Omit “that period on which the election was in force”, substitute “the instalment period”.

82 At the end of section 62D

Add:

 (5) In this section:

***instalment period*** means a period:

 (a) on each day of which the election is in force; and

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

83 Subsection 62E(2)

Repeal the subsection, substitute:

 (2) An instalment of quarterly clean energy supplement is to be paid to the person as soon as is reasonably practicable after the end of an instalment period.

84 Subsection 62E(3)

Omit “that period on which the election was in force”, substitute “the instalment period”.

85 After subsection 62E(4)

Insert:

 (4A) In this section:

***instalment period*** means a period:

 (a) for each day of which quarterly clean energy supplement for service pension that the person is receiving is payable to the person; and

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

86 Subsection 118PC(2)

Omit “on or after the first seniors supplement test day (the ***current test day***) that follows a day on which the person is eligible for seniors supplement”, substitute “after the end of an instalment period”.

87 Paragraph 118PC(3)(a)

Omit “during the test period on which the person was qualified for seniors supplement”, substitute “in the instalment period”.

88 Subsection 118PC(4)

Repeal the subsection, substitute:

 (4) In this section:

***instalment period*** means a period:

 (a) in relation to each day of which seniors supplement is payable to the person; and

Note: For when seniors supplement is payable to the person, see section 118PA.

 (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and

 (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and

 (d) that is not included in a longer instalment period.

Division 2—Interactions with quarterly clean energy supplement

Social Security Act 1991

89 Subsection 1210(1) (at the end of note 1)

Add “See also subsection (2A).”.

90 After subsection 1210(2)

Insert:

 (2A) If:

 (a) quarterly clean energy supplement is payable to a person; and

 (b) if quarterly clean energy supplement were not payable to the person:

 (i) the rate (the ***main rate***) of the person’s social security payment would be increased under the CE Module of the Rate Calculator; and

 (ii) the main rate would be reduced as described in paragraph (1)(b); and

 (c) the social security payment:

 (i) is not a social security pension; or

 (ii) is a disability support pension to which subsection 1066A(1) or 1066B(1) applies; or

 (iii) if the person has not reached pension age—is a pension PP (single);

the reduction is to be applied to the components mentioned in items 5 and 6 of the table in subsection (1) only to the extent that the amount of the reduction (after it is applied to the components mentioned in items 1 to 4) exceeds the amount of the increase mentioned in subparagraph (b)(i) of this subsection.

91 Subsection 1210(3A) (note)

Omit “person’s quarterly clean energy supplement is”, substitute “main rate would be”.

Social Security (Administration) Act 1999

92 Paragraph 43(4)(a)

Omit “(other than a social security pension)”.

93 After paragraph 43(4)(a)

Insert:

 (aa) the social security payment:

 (i) is not a social security pension; or

 (ii) is a disability support pension to which subsection 1066A(1) or 1066B(1) of the 1991 Act applies; or

 (iii) if the person has not reached pension age on the day—is a pension PP (single); and

94 After paragraph 43(5AA)(a)

Insert:

 (aa) the social security pension:

 (i) is not a disability support pension to which subsection 1066A(1) or 1066B(1) of the 1991 Act applies; and

 (ii) if the person has not reached pension age on the day—is not a pension PP (single); and

95 Paragraphs 43(5B)(b) and (c)

Repeal the paragraphs, substitute:

 (b) the social security payment to which the quarterly clean energy supplement relates:

 (i) is a social security pension; and

 (ii) is not a disability support pension to which subsection 1066A(1) or 1066B(1) of the 1991 Act applies; and

 (iii) if the person has not reached pension age on the day—is not a pension PP (single); and

 (c) apart from this subsection, the portion of the instalment of the person’s quarterly clean energy supplement that corresponds to that day would be reduced under subsection 1210(3A) of the 1991 Act; and

 (d) the reduction of the main rate mentioned in subparagraph 1210(3A)(b)(ii) would not be to a nil amount;

Veterans’ Entitlements Act 1986

96 Paragraph 62E(6)(b)

Repeal the paragraph, substitute:

 (b) apart from this subsection, the portion of the instalment of the person’s quarterly clean energy supplement that corresponds to that day would be reduced under subclause 4(5) of Schedule 6; and

 (c) the reduction of the main rate mentioned in paragraph 4(5)(a) would not be to a nil amount;

97 Subclause 4(5) of Schedule 6 (note)

Omit “person’s quarterly clean energy supplement is”, substitute “main rate would be”.

Division 3—Other minimum daily rate amendments

Social Security (Administration) Act 1999

98 Paragraph 43(4)(a)

Omit “of the following amounts (an ***added amount***) is”, substitute “or both of the following amounts (the ***added amounts***) are”.

99 Paragraph 43(4)(b)

Repeal the paragraph, substitute:

 (b) if an added amount is a pension supplement amount used by the Rate Calculator to produce an annual rate—the total of the added amounts is more than the person’s pension supplement basic amount; and

100 Subsection 43(5) (definition of *minimum daily rate*)

Repeal the definition, substitute:

***minimum daily rate***, for a person, means:

 (a) if an amount of pharmaceutical allowance is an added amount:

 (i) if the Rate Calculator for the social security payment produces a fortnightly rate—1/14 of that amount; or

 (ii) if the Rate Calculator for the social security payment produces an annual rate—1/364 of that amount; or

 (b) if a pension supplement amount is the only added amount—1/364 of the person’s minimum pension supplement amount.

Part 5—Dad and partner pay

Paid Parental Leave Act 2010

101 After Division 3 of Part 6‑1

Insert:

Division 3A—How this Act applies to claims for dad and partner pay made in prescribed circumstances

277A How this Act applies to claims for dad and partner pay made in prescribed circumstances

 (1) This section applies to a claim for dad and partner pay that is made in circumstances prescribed by the PPL rules as being circumstances in which this section applies.

 (2) This Act (other than subsection 18(3), which deals with birth registration) applies in relation to the claim as if:

 (a) a reference to the birth of a child were a reference to the earlier of:

 (i) the claimant beginning to care for the child; and

 (ii) the claimant’s partner (if any) beginning to care for the child; and

 (b) a reference to the day the child was born were a reference to the earlier of:

 (i) the day the claimant began to care for the child; and

 (ii) the day the claimant’s partner (if any) began to care for the child; and

 (c) a reference to the expected date of birth of the child were a reference to the earlier of:

 (i) the day the claimant expects to begin to care for the child; and

 (ii) the day the claimant’s partner (if any) expects to begin to care for the child; and

 (d) a reference to a child’s first birthday were a reference to the first anniversary of the earlier of:

 (i) the day the claimant began to care for the child; and

 (ii) the day the claimant’s partner (if any) began to care for the child; and

 (e) a reference to a completed birth verification form for a child were a reference to information required by the Secretary about the earlier of:

 (i) the claimant beginning to care for the child; and

 (ii) the claimant’s partner (if any) beginning to care for the child; and

 (f) a reference to a child being born during the same multiple birth were a reference to:

 (i) unless subparagraph (ii) applies—the claimant beginning to care for the child at the same time as beginning to care for another child; or

 (ii) if the claimant’s partner (if any) begins to care for the child before the claimant—the claimant’s partner beginning to care for the child at the same time as beginning to care for another child.

 (3) This section does not limit Division 2 of this Part (which deals with how this Act applies to an adopted child).

Note: Not all circumstances to which paragraph 115DD(d) applies must be prescribed as being circumstances in which this section applies. For example, the adoption of a child could be prescribed for the purposes of that paragraph but not for the purposes of this section, in which case section 275 (which deals with how this Act applies to an adopted child) would apply.

102 Application provision

The amendment made by this Part applies to claims for dad and partner pay made on or after the commencement of this item.