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

5 The Parliament of Australia enacts:

6 **1 Short title**

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

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
12 column 2 of the table. Any other statement in column 2 has effect
13 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 <i>Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Election Commitments and Other Measures) Act 2011</i> .	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	

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	the Royal Assent; and (b) immediately after the commencement of Part 3 of Schedule 1 to the <i>Clean Energy (Household Assistance Amendments) Act 2011</i> .	
15. Schedule 3, Part 4, Division 2	Immediately after the commencement of Part 5 of Schedule 1 to the <i>Clean Energy (Household Assistance Amendments) Act 2011</i> .	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.	

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

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

7 **3 Schedule(s)**

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9 repealed as set out in the applicable items in the Schedule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

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2

Schedule 1—Baby bonus

3

A New Tax System (Family Assistance) Act 1999

4

1 Section 66

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Repeal the section, substitute:

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66 Amount of baby bonus

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General rule

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

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(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;

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(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;

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(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;

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(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;

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(e) otherwise—\$3,000.

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Multiple children cases

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(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.

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(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

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1 the individual, or the individual's partner, as part of the same
2 entrustment to care process, the amount of baby bonus in respect of
3 each child is \$5,000.

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

8 *Shared baby bonus*

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

14 **2 Clause 2 of Schedule 4 (table item 17AD)**

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

17 **3 Subclause 3(9) of Schedule 4 (note)**

18 Repeal the note, substitute:

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

20 ***A New Tax System (Family Assistance) (Administration) Act***
21 ***1999***

22 **4 Subsection 39(2)**

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

25 **5 Paragraph 39(2)(a)**

26 Omit "the birth", substitute "the day of the birth".

27 **6 Paragraph 39(2)(b)**

28 Omit "the time", substitute "the day".

29 **7 Paragraphs 47(2A)(b) and (c)**

30 Repeal the paragraphs, substitute:

- 1 (b) if the claimant becomes eligible for baby bonus between
2 1 September 2012 and 30 June 2013—\$846.20;
- 3 (c) if the claimant becomes eligible for baby bonus between
4 1 July 2013 and 30 June 2015 and the amount of baby bonus
5 is the amount applicable under paragraph 66(1)(a), (b), (c) or
6 (d) or subsection 66(2), (3) or (4) of the Family Assistance
7 Act—\$846.20;
- 8 (d) if the claimant becomes eligible for baby bonus between
9 1 July 2013 and 30 June 2015 and the amount of baby bonus
10 is the amount applicable under paragraph 66(1)(e) of the
11 Family Assistance Act—\$692.40;
- 12 (e) if the claimant becomes eligible for baby bonus on or after
13 1 July 2015 and the amount of baby bonus is the amount
14 applicable under paragraph 66(1)(a), (b), (c) or (d) or
15 subsection 66(2), (3) or (4) of the Family Assistance Act—
16 the amount worked out as follows:
- 17 $16.92\% \times \frac{\text{The amount of baby bonus}}{\text{the claimant is entitled to}}$
- 18 (f) if the claimant becomes eligible for baby bonus on or after
19 1 July 2015 and the amount of baby bonus is the amount
20 applicable under paragraph 66(1)(e) of the Family Assistance
21 Act—the amount worked out as follows:
- 22 $23.08\% \times \frac{\text{The amount of baby bonus}}{\text{the claimant is entitled to}}$

23 **8 Application provision—amount of baby bonus**

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

26 **9 Application provision—claims for baby bonus**

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

30 **10 Transitional provision**

31 In working out the indexed amount for baby bonus on 1 July 2015
32 under Schedule 4 to the *A New Tax System (Family Assistance) Act*
33 *1999*:

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

8 ***Family Assistance and Other Legislation Amendment Act***
9 ***2012***

10 **11 Item 6 of Schedule 2**

11 Repeal the item.

1 **Schedule 2—Family tax benefit and double**
2 **orphan pension**
3

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

5 **1 Paragraph 22B(3)(a)**

6 After “is in”, insert “November or”.

7 **2 Paragraph 22B(3)(b)**

8 Omit “December”, substitute “November”.

9 **3 Application provision—items 1 and 2**

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

13 ***Social Security Act 1991***

14 **4 Subsection 5(1) (definition of *young person*)**

15 Repeal the definition, substitute:

16 ***young person:***

- 17 (a) except in Part 2.20—has the meaning given by
18 subsection (1B) of this section; and
19 (b) in Part 2.20—means a person who:
20 (i) is under 16 years of age; or
21 (ii) has reached 16, but is under 22, years of age and is
22 receiving full-time education at a school, college or
23 university; or
24 (iii) has reached 16 years of age and is a senior secondary
25 school child (within the meaning of section 22B of the
26 Family Assistance Act (disregarding
27 subparagraph 22B(1)(a)(i) of that Act)).

28 **5 Application provision—item 4**

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

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

3 Repeal the paragraph, substitute:

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

5 **7 Application provision—item 6**

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

1 **Schedule 3—Other amendments**

2 **Part 1—Schoolkids bonus**

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

4 **1 Paragraph 35UA(2)(d)**

5 Repeal the paragraph, substitute:

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

- 9 (i) the other individual was undertaking full-time study in
10 respect of a secondary course (within the meaning of
11 subsection 543A(2AB) of the *Social Security Act 1991*);
12 or
13 (ii) the other individual was undertaking an eligible activity
14 (see subsection (6)); and

15 **2 Paragraph 35UA(4)(e)**

16 Repeal the paragraph, substitute:

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

- 20 (i) the other individual was participating in a course of
21 primary education; or
22 (ii) the other individual satisfied the secondary study test
23 within the meaning of section 35UI; or
24 (iii) the other individual was undertaking an eligible activity
25 (see subsection (6)); and

26 **3 Paragraph 35UA(4A)(d)**

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

30 **4 Paragraph 35UB(2)(b)**

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

1 **5 Subparagraphs 35UB(2)(b)(i), (ii) and (iii)**

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

4 **6 At the end of paragraph 35UB(2)(b)**

5 Add:

6 ; or (iv) if the FTB child has at any time participated in a course
7 of primary education or undertaken full-time study in
8 respect of a secondary course (within the meaning of
9 subsection 543A(2AB) of the *Social Security Act*
10 *1991*)—the Secretary is satisfied that there are special
11 circumstances that justify the child not participating in
12 that course, or undertaking that study, during the current
13 education period for the bonus test day.

14 **7 Subsection 35UD(1)**

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

18 **8 Paragraph 35UD(1)(a)**

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

23 **9 Subparagraph 35UD(1)(a)(iii)**

24 Omit “or”.

25 **10 After paragraph 35UD(1)(a)**

26 Insert:

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

1 **11 Paragraph 35UD(1)(b)**

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

6 **12 Subsection 35UD(2)**

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

8 **13 Paragraph 35UD(2)(a)**

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

10 **14 Paragraph 35UD(2)(a)**

11 Omit “and” (last occurring).

12 **15 Paragraph 35UD(2)(b)**

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

18 **16 Subsection 35UD(4)**

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

20 **17 Paragraph 35UD(4)(a)**

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

22 **18 Paragraph 35UD(4)(a)**

23 Omit “and” (last occurring).

24 **19 Paragraph 35UD(4)(b)**

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

30 **20 Subsection 35UD(4A)**

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

4 **21 Paragraph 35UD(4A)(a)**

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

9 **22 Subparagraph 35UD(4A)(a)(iii)**

10 Omit “or”.

11 **23 Paragraph 35UD(4A)(b)**

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

16 **24 Paragraph 35UE(1)(e)**

17 Repeal the paragraph, substitute:

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

- 21 (i) the individual was undertaking full-time study in respect
22 of a secondary course (within the meaning of
23 subsection 543A(2AB) of the *Social Security Act 1991*);
24 or
25 (ii) the individual was undertaking an eligible activity (see
26 subsection (6)); and

27 **25 Paragraph 35UE(1)(f)**

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

31 **26 Paragraph 35UE(3)(f)**

32 Repeal the paragraph, substitute:

Schedule 3 Other amendments

Part 1 Schoolkids bonus

- 1 (f) at any time before the end of the calendar year in which the
2 bonus test day occurs, the Secretary is notified, or otherwise
3 becomes aware, that on the bonus test day:
- 4 (i) the individual was participating in a course of primary
5 education; or
- 6 (ii) the individual satisfied the secondary study test within
7 the meaning of section 35UI; or
- 8 (iii) the individual was undertaking an eligible activity (see
9 subsection (6)); and

10 **27 Paragraph 35UE(3)(g)**

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

14 **28 Subsection 65B(4)**

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

16 **29 Paragraphs 65B(4)(a) and (b)**

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

19 **30 At the end of subsection 65B(4) (before the note)**

20 Add:

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

27 **31 Subsections 65B(4A) and (4B)**

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

31 **32 Subparagraph 65E(1)(a)(ii)**

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

33 **33 Subsection 65E(3)**

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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

- 1 (ii) undertook, or will undertake, full-time study in respect
2 of a course of education determined, under section 5D
3 of the *Student Assistance Act 1973*, to be a secondary
4 course for the purposes of that Act on at least one day
5 during the current education period for the bonus test
6 day; or
7 (iii) undertook an eligible activity on at least one day during
8 the previous education period for the bonus test day; or
9 (iv) undertook, or will undertake, an eligible activity on at
10 least one day during the current education period for the
11 bonus test day.

12 ***A New Tax System (Family Assistance) (Administration) Act***
13 ***1999***

14 **34 At the end of Division 2A of Part 3**

15 Add:

16 **35H Obligation to notify change of circumstances**

- 17 (1) If:
18 (a) an individual is eligible for schoolkids bonus on a bonus test
19 day; and
20 (b) there is a change in circumstances that may affect the
21 individual's eligibility for schoolkids bonus on a later bonus
22 test day or the amount of schoolkids bonus for the individual
23 for a later bonus test day;
24 the individual must, in the manner set out in a written notice given
25 to the individual under subsection (3) and as soon as practicable
26 after the change in circumstances, notify the Secretary of that
27 change.
28 (2) The Secretary must approve a manner of notification that an
29 individual is to use when notifying the Secretary of a thing under
30 subsection (1).
31 (3) The Secretary must, by written notice, notify the individual of the
32 approved manner of notification.

33 **35 Application provisions**

- 1 (1) The amendments made by items 1 to 33 apply in relation to working out
2 eligibility for schoolkids bonus on bonus test days occurring on or after
3 the commencement of those items.
- 4 (2) Paragraph 35H(1)(a) of the *A New Tax System (Family Assistance)*
5 *(Administration) Act 1999*, as inserted by this Part, applies in relation to
6 bonus test days occurring on or after the commencement of this item.

1 **Part 2—Entrusted to care**

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

3 **36 Subsection 3(1)**

4 Insert:

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

- 7 (a) any person entrusts the child to the individual’s care; and
8 (b) as a result, the child is in the individual’s care at that time;
9 and
10 (c) the child was not in the individual’s care at any earlier time.

11 **37 Subparagraphs 36(3)(b)(i) and (ii)**

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

13 **38 Paragraphs 36(5)(a) and (b)**

14 Repeal the paragraphs, substitute:

- 15 (a) the child becomes entrusted to the care of the individual on a
16 day; and
17 (aa) it is an authorised party that entrusts the child to the care of
18 the individual; and
19 (ab) the authorised party does so as part of the process for the
20 adoption of the child by the individual; and
21 (b) the child is aged under 16 on that day; and

22 **39 Subparagraphs 36(5)(bc)(i) and (ii) and (c)(i)**

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

25 ***A New Tax System (Family Assistance) (Administration) Act***
26 ***1999***

27 **40 Paragraph 39(2)(b)**

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

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

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

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

6 **42 Paragraph 22(1)(b) of Schedule 2**

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

12 **43 Paragraph 22(1)(c) of Schedule 2**

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

15 **44 Paragraph 22(1)(d) of Schedule 2**

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

21 **45 Paragraph 34(1)(d) of Schedule 2**

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

25 **46 Item 44 of Schedule 2**

26 Omit “entrusted to care”, substitute “who become entrusted to care
27 (within the meaning of the *A New Tax System (Family Assistance) Act*
28 *1999*, as amended by Part 2 of Schedule 3 to the *Family Assistance and*
29 *Other Legislation Amendment Act 2013*)”.

30 ***Paid Parental Leave Act 2010***

31 **47 Section 6 (definition of *day of placement*)**

1 Repeal the definition.

2 **48 Section 274**

3 Before “under 16”, insert “aged”.

4 **49 Section 274**

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

7 **50 Paragraph 275(1)(b)**

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

10 **51 Paragraph 275(1)(c)**

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

14 **52 Paragraph 275(1)(d)**

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

17 **53 Subsections 275(2) and (3)**

18 Repeal the subsections, substitute:

19 *When a child satisfies this subsection*

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

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

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

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

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

1 ***Paid Parental Leave (Consequential Amendments) Act 2010***

2 **54 Paragraph 3(b) of Schedule 2**

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

6 **55 Paragraph 3(c) of Schedule 2**

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

9 **56 Paragraph 3(d) of Schedule 2**

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

15 **57 Application provision**

- 16 (1) The amendments made by this Part apply in relation to a child
17 becoming entrusted to the care of a person before, on or after the
18 commencement of this item.
- 19 (2) However, the amendments do not affect the rights or liabilities arising
20 between parties to a proceeding heard and finally determined by a court
21 before the commencement of this item, to the extent that those rights or
22 liabilities arose from, or were affected by, a child being entrusted to the
23 care of a person.

1 **Part 3—Family assistance clean energy payments**

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

3 **58 Subsection 58A(1) (note 2)**

4 Omit “after the end of a quarter”.

5 **59 After subsection 58A(3)**

6 Insert:

7 (3A) An election ceases to be in force if subsection 32(1) applies in
8 relation to the individual. The election ceases to be in force on the
9 request day (see subsection 32(1)).

10 (3B) If an election ceases to be in force under subsection (3A), the
11 individual cannot make another election under subsection (1) until
12 after the end of the lump sum period referred to in step 1 of the
13 method statement in subsection 65(1).

14 **60 At the end of paragraph 109(b)**

15 Add “and”.

16 **61 After paragraph 109(b)**

17 Insert:

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

20 **62 Application provision**

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

27 **63 Subclause 31B(3) of Schedule 1 (note)**

28 Omit “after the end of the quarter”.

29 **64 Subclause 38AA(3) of Schedule 1 (note)**

1 Omit “after the end of the quarter”.

2 **65 Subclause 38AF(3) of Schedule 1 (note)**

3 Omit “after the end of the quarter”.

4 ***A New Tax System (Family Assistance) (Administration) Act***
5 ***1999***

6 **66 Paragraph 105B(1)(b)**

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

8 **67 Subsection 105B(2)**

9 Repeal the subsection, substitute:

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

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

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

14 (ii) a revocation of the election takes effect;

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

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

18 (2A) The consequences are:

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

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

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

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

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

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

1 **Part 4—Social security and veterans' entitlements**
2 **supplements**

3 **Division 1—Instalments of quarterly supplements**

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

5 **68 Subsection 48B(2)**

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

9 **69 Paragraph 48B(3)(a)**

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

12 **70 Subsection 48B(4)**

13 Repeal the subsection, substitute:

14 (4) In this section:

15 *instalment period* means a period:

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

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

20 (b) that either begins on any 20 March, 20 June, 20 September or
21 20 December or does not include any such day; and

22 (c) that either ends on any 19 March, 19 June, 19 September or
23 19 December or does not include any such day; and

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

25 **71 Subsection 48C(2)**

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

30 **72 Subsection 48C(3)**

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

3 **73 Subsection 48C(4)**

4 Repeal the subsection, substitute:

5 (4) In this section:

6 *instalment period* means a period:

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

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

11 (b) that either begins on any 20 March, 20 June, 20 September or
12 20 December or does not include any such day; and

13 (c) that either ends on any 19 March, 19 June, 19 September or
14 19 December or does not include any such day; and

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

16 **74 Subsection 48D(2)**

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

20 **75 Paragraph 48D(3)(a)**

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

24 **76 Subsection 48D(4)**

25 Repeal the subsection, substitute:

26 (4) In this section:

27 *instalment period* means a period:

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

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

32 (b) that either begins on any 20 March, 20 June, 20 September or
33 20 December or does not include any such day; and

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- 1 (c) that either ends on any 19 March, 19 June, 19 September or
2 19 December or does not include any such day; and
3 (d) that is not included in a longer instalment period.

4 ***Veterans' Entitlements Act 1986***

5 **77 Subsection 60C(2)**

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

10 **78 Subsection 60C(3)**

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

13 **79 Subsection 60C(5)**

14 Repeal the subsection, substitute:

15 (5) In this section:

16 *instalment period* means a period:

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

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

21 (b) that either begins on any 20 March, 20 June, 20 September or
22 20 December or does not include any such day; and

23 (c) that either ends on any 19 March, 19 June, 19 September or
24 19 December or does not include any such day; and

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

26 **80 Subsection 62D(3)**

27 Repeal the subsection, substitute:

28 *Quarterly payment*

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

1 **81 Subsection 62D(4)**

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

4 **82 At the end of section 62D**

5 Add:

6 (5) In this section:

7 *instalment period* means a period:

- 8 (a) on each day of which the election is in force; and
9 (b) that either begins on any 20 March, 20 June, 20 September or
10 20 December or does not include any such day; and
11 (c) that either ends on any 19 March, 19 June, 19 September or
12 19 December or does not include any such day; and
13 (d) that is not included in a longer instalment period.

14 **83 Subsection 62E(2)**

15 Repeal the subsection, substitute:

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

19 **84 Subsection 62E(3)**

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

22 **85 After subsection 62E(4)**

23 Insert:

24 (4A) In this section:

25 *instalment period* means a period:

- 26 (a) for each day of which quarterly clean energy supplement for
27 service pension that the person is receiving is payable to the
28 person; and
29 (b) that either begins on any 20 March, 20 June, 20 September or
30 20 December or does not include any such day; and
31 (c) that either ends on any 19 March, 19 June, 19 September or
32 19 December or does not include any such day; and

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

2 **86 Subsection 118PC(2)**

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

6 **87 Paragraph 118PC(3)(a)**

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

9 **88 Subsection 118PC(4)**

10 Repeal the subsection, substitute:

11 (4) In this section:

12 *instalment period* means a period:

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

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

17 (b) that either begins on any 20 March, 20 June, 20 September or
18 20 December or does not include any such day; and

19 (c) that either ends on any 19 March, 19 June, 19 September or
20 19 December or does not include any such day; and

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

22 **Division 2—Interactions with quarterly clean energy**
23 **supplement**

24 *Social Security Act 1991*

25 **89 Subsection 1210(1) (at the end of note 1)**

26 Add “See also subsection (2A).”.

27 **90 After subsection 1210(2)**

28 Insert:

29 (2A) If:

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

- 1 (b) if quarterly clean energy supplement were not payable to the
2 person:
- 3 (i) the rate (the *main rate*) of the person's social security
4 payment would be increased under the CE Module of
5 the Rate Calculator; and
- 6 (ii) the main rate would be reduced as described in
7 paragraph (1)(b); and
- 8 (c) the social security payment:
- 9 (i) is not a social security pension; or
10 (ii) is a disability support pension to which
11 subsection 1066A(1) or 1066B(1) applies; or
12 (iii) if the person has not reached pension age—is a pension
13 PP (single);
- 14 the reduction is to be applied to the components mentioned in
15 items 5 and 6 of the table in subsection (1) only to the extent that
16 the amount of the reduction (after it is applied to the components
17 mentioned in items 1 to 4) exceeds the amount of the increase
18 mentioned in subparagraph (b)(i) of this subsection.

19 **91 Subsection 1210(3A) (note)**

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

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

23 **92 Paragraph 43(4)(a)**

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

25 **93 After paragraph 43(4)(a)**

26 Insert:

- 27 (aa) the social security payment:
- 28 (i) is not a social security pension; or
29 (ii) is a disability support pension to which
30 subsection 1066A(1) or 1066B(1) of the 1991 Act
31 applies; or
32 (iii) if the person has not reached pension age on the day—is
33 a pension PP (single); and

34 **94 After paragraph 43(5AA)(a)**

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1 Insert:

2 (aa) the social security pension:

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

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

8 **95 Paragraphs 43(5B)(b) and (c)**

9 Repeal the paragraphs, substitute:

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

12 (i) is a social security pension; and

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

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

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

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

24 ***Veterans' Entitlements Act 1986***

25 **96 Paragraph 62E(6)(b)**

26 Repeal the paragraph, substitute:

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

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

33 **97 Subclause 4(5) of Schedule 6 (note)**

34 Omit "person's quarterly clean energy supplement is", substitute "main
35 rate would be".

1 **Division 3—Other minimum daily rate amendments**

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

3 **98 Paragraph 43(4)(a)**

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

6 **99 Paragraph 43(4)(b)**

7 Repeal the paragraph, substitute:

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

12 **100 Subsection 43(5) (definition of *minimum daily rate*)**

13 Repeal the definition, substitute:

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

- 15 (a) if an amount of pharmaceutical allowance is an added
16 amount:
17 (i) if the Rate Calculator for the social security payment
18 produces a fortnightly rate— $1/14$ of that amount; or
19 (ii) if the Rate Calculator for the social security payment
20 produces an annual rate— $1/364$ of that amount; or
21 (b) if a pension supplement amount is the only added amount—
22 $1/364$ of the person’s minimum pension supplement amount.

1 **Part 5—Dad and partner pay**

2 *Paid Parental Leave Act 2010*

3 **101 After Division 3 of Part 6-1**

4 Insert:

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

7 **277A How this Act applies to claims for dad and partner pay made**
8 **in prescribed circumstances**

- 9 (1) This section applies to a claim for dad and partner pay that is made
10 in circumstances prescribed by the PPL rules as being
11 circumstances in which this section applies.
- 12 (2) This Act (other than subsection 18(3), which deals with birth
13 registration) applies in relation to the claim as if:
- 14 (a) a reference to the birth of a child were a reference to the
15 earlier of:
- 16 (i) the claimant beginning to care for the child; and
17 (ii) the claimant's partner (if any) beginning to care for the
18 child; and
- 19 (b) a reference to the day the child was born were a reference to
20 the earlier of:
- 21 (i) the day the claimant began to care for the child; and
22 (ii) the day the claimant's partner (if any) began to care for
23 the child; and
- 24 (c) a reference to the expected date of birth of the child were a
25 reference to the earlier of:
- 26 (i) the day the claimant expects to begin to care for the
27 child; and
28 (ii) the day the claimant's partner (if any) expects to begin
29 to care for the child; and
- 30 (d) a reference to a child's first birthday were a reference to the
31 first anniversary of the earlier of:
- 32 (i) the day the claimant began to care for the child; and

- 1 (ii) the day the claimant's partner (if any) began to care for
2 the child; and
- 3 (e) a reference to a completed birth verification form for a child
4 were a reference to information required by the Secretary
5 about the earlier of:
- 6 (i) the claimant beginning to care for the child; and
7 (ii) the claimant's partner (if any) beginning to care for the
8 child; and
- 9 (f) a reference to a child being born during the same multiple
10 birth were a reference to:
- 11 (i) unless subparagraph (ii) applies—the claimant
12 beginning to care for the child at the same time as
13 beginning to care for another child; or
- 14 (ii) if the claimant's partner (if any) begins to care for the
15 child before the claimant—the claimant's partner
16 beginning to care for the child at the same time as
17 beginning to care for another child.
- 18 (3) This section does not limit Division 2 of this Part (which deals with
19 how this Act applies to an adopted child).
- 20 Note: Not all circumstances to which paragraph 115DD(d) applies must be
21 prescribed as being circumstances in which this section applies. For
22 example, the adoption of a child could be prescribed for the purposes
23 of that paragraph but not for the purposes of this section, in which
24 case section 275 (which deals with how this Act applies to an adopted
25 child) would apply.

26 **102 Application provision**

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