



Social Security Legislation Amendment (One-off Payments for Carers) Act 2005

No. 55, 2005

**An Act to provide for one-off payments to carers,
and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

Contents

1	Short title	1
2	Commencement	2
3	Schedule(s)	2
Schedule 1—2005 one-off payments to carers		3
Part 1—Main amendments		3
<i>Social Security Act 1991</i>		3
<i>Social Security (Administration) Act 1999</i>		6
Part 2—Related amendments		8
<i>Income Tax Assessment Act 1936</i>		8
<i>Income Tax Assessment Act 1997</i>		8
<i>Social Security Act 1991</i>		10
Schedule 2—Administrative scheme for 2005 one-off payments to carers		11



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[Assented to 25 May 2005]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Security Legislation Amendment (One-off Payments for Carers) Act 2005*.

T T T T
T T T T

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—2005 one-off payments to carers

Part 1—Main amendments

Social Security Act 1991

1 After Part 2.5A

Insert:

Part 2.5B—2005 one-off payment to people eligible for carer payment

249 2005 one-off payment to carers (carer payment related)

A person (the *qualified person*) is qualified for a 2005 one-off payment to carers (carer payment related) if the person has been paid an instalment of carer payment in respect of a period that includes 10 May 2005.

Note: The person may also be qualified for a 2005 one-off payment to carers (carer allowance related) under Part 2.19B.

250 What is the amount of the payment?

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

Part 2.5C—2005 one-off payment to people eligible for carer service pension

251 2005 one-off payment to carers (carer service pension related)

A person (the *qualified person*) is qualified for a 2005 one-off payment to carers (carer service pension related) if the person has been paid an instalment of carer service pension as a result of the operation of subclause 8(2) or (4) of Schedule 5 to the *Veterans'*

Entitlements Act 1986 in respect of a period that includes 10 May 2005.

252 What is the amount of the payment?

The amount of the one-off payment to the qualified person is \$1000.

Note: The amount is \$1000, regardless of the number of people for whom the qualified person provides care.

2 After Part 2.19A

Insert:

Part 2.19B—2005 one-off payment to people eligible for carer allowance

992Q 2005 one-off payment to carers (carer allowance related)

- (1) A person (the *qualified person*) is qualified for a 2005 one-off payment to carers (carer allowance related) if the following conditions are satisfied in relation to one or more instalments of carer allowance that have been paid to the person:
 - (a) the instalment was in respect of a period that included 10 May 2005;
 - (b) the reason why the instalment covered 10 May 2005 was not only because of clause 16 or 17 of Schedule 2 to the *Social Security (Administration) Act 1999*.
- (2) For the purposes of this Part, the instalment, or each instalment, in relation to which paragraphs (1)(a) and (b) are satisfied is a *qualifying instalment*.

Note: The person may also be qualified for a 2005 one-off payment to carers (carer payment related) under Part 2.5B.

992R In respect of what care receivers is the payment payable?

- (1) Subject to subsection (2), each person to whose care a qualifying instalment relates is an *eligible care receiver* in relation to the qualified person.

- (2) If subsection 953(2) applied in relation to a qualifying instalment, the 2 disabled children to whom the instalment relates are to be treated as if they were a single *eligible care receiver* in relation to the qualified person.

992S What is the amount of the payment?

Add together the amounts applicable under this section for each eligible care receiver

- (1) The amount of the one-off payment to the qualified person is worked out by adding together the amounts applicable under this section for each eligible care receiver.

Amount is \$600 unless subsection (3) applies

- (2) Subject to subsection (3), the amount applicable for an eligible care receiver is \$600.

Reduced amount if instalment rate took account of a subsection 981(1) determination

- (3) If the rate at which a qualifying instalment was paid took account of a determination under subsection 981(1) of a particular share (being a percentage or proportion) in relation to an eligible care receiver, the amount applicable for the eligible care receiver is that share of \$600.

3 At the end of subsection 1223ABA(1)

Add:

- ; or (c) 2005 one-off payment to carers (carer payment related); or
- (d) 2005 one-off payment to carers (carer service pension related); or
- (e) 2005 one-off payment to carers (carer allowance related).

4 After subsection 1223ABA(3)

Insert:

- (3A) If the relevant payment is a payment of 2005 one-off payment to carers (carer payment related), a *relevant determination* is a determination made under Part 3 of the *Social Security*

(*Administration*) Act 1999 because of which the instalment referred to in section 249 of this Act was paid.

- (3B) If the relevant payment is a payment of 2005 one-off payment to carers (carer service pension related), a **relevant determination** is a determination made under the *Veterans' Entitlements Act 1986* because of which the instalment referred to in section 251 of this Act was paid.
- (3C) If the relevant payment is a payment of 2005 one-off payment to carers (carer allowance related), a **relevant determination** is a determination made under Part 3 of the *Social Security (Administration) Act 1999* because of which the, or an, instalment that satisfied paragraphs 992Q(1)(a) and (b) of this Act was paid.

What is the relevant date?

- (3D) The **relevant date** is:
- (a) 11 May 2004, if the relevant payment is a payment of:
 - (i) one-off payment to carers (carer payment related); or
 - (ii) one-off payment to carers (carer allowance related); or
 - (b) 10 May 2005, if the relevant payment is a payment of:
 - (i) 2005 one-off payment to carers (carer payment related); or
 - (ii) 2005 one-off payment to carers (carer service pension related); or
 - (iii) 2005 one-off payment to carers (carer allowance related).

5 Subsections 1223ABA(4) and (5)

Omit "11 May 2004" (wherever occurring), substitute "the relevant date".

6 Subsection 1223ABA(6)

Omit "of one-off payment to carers (carer payment related) or one-off payment to carers (carer allowance related)", substitute "to which this section applies".

Social Security (Administration) Act 1999

7 After section 12AA

Insert:

12AB 2005 one-off payments to carers

A claim is not required for:

- (a) 2005 one-off payment to carers (carer payment related); or
- (b) 2005 one-off payment to carers (carer service pension related); or
- (c) 2005 one-off payment to carers (carer allowance related).

8 Subsection 47(1) (after paragraph (ha) of the definition of *lump sum benefit*)

Insert:

- (hb) 2005 one-off payment to carers (carer payment related); or
- (hc) 2005 one-off payment to carers (carer service pension related); or
- (hd) 2005 one-off payment to carers (carer allowance related); or

9 After section 47B

Insert:

47C Payment of 2005 one-off payments to carers

- (1) If an individual is entitled to a payment of:
 - (a) 2005 one-off payment to carers (carer payment related); or
 - (b) 2005 one-off payment to carers (carer service pension related); or
 - (c) 2005 one-off payment to carers (carer allowance related);the Secretary must pay the payment to the individual in a single lump sum.
- (2) The lump sum must be paid:
 - (a) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
 - (b) in such manner as the Secretary considers appropriate.

Part 2—Related amendments

Income Tax Assessment Act 1936

10 Subsection 159J(6) (paragraph (ad) of the definition of separate net income)

Repeal the paragraph, substitute:

- (ad) does not include any of the following paid under the *Social Security Act 1991*:
 - (i) carer allowance;
 - (ii) one-off payment to carers (carer payment related);
 - (iii) one-off payment to carers (carer allowance related);
 - (iv) 2005 one-off payment to carers (carer payment related);
 - (v) 2005 one-off payment to carers (carer service pension related);
 - (vi) 2005 one-off payment to carers (carer allowance related); and

11 Subsection 159J(6) (after paragraph (ada) of the definition of separate net income)

Insert:

- (adb) does not include payments to carers under the scheme determined under Schedule 2 to the *Social Security Legislation Amendment (One-off Payments for Carers) Act 2005*; and

Income Tax Assessment Act 1997

12 Section 11-15 (table item headed “social security or like payments”)

Before:

pension bonus 52-10 and 52-65

insert:

2005 one-off payment to carers (carer payment related), 2005 one-off payment to carers (carer service pension related) or 2005 one-off payment to carers (carer allowance related)..... 52-10

payments under the scheme determined under Schedule 2 to 52-10
the *Social Security Legislation Amendment (One-off Payments
for Carers) Act 2005*

13 Subsection 52-10(1)

Omit “(other than payments of pension bonus, one-off payment to the aged, one-off payment to carers (carer allowance related) or one-off payment to carers (carer payment related))”, substitute:

, other than payments of:

- (a) pension bonus; or
- (b) one-off payment to the aged; or
- (c) one-off payment to carers (carer payment related); or
- (d) one-off payment to carers (carer allowance related); or
- (e) 2005 one-off payment to carers (carer payment related); or
- (f) 2005 one-off payment to carers (carer service pension related); or
- (g) 2005 one-off payment to carers (carer allowance related); or
- (h) payments under the schemes referred to in subsections (1E) and (1F).

14 Subsection 52-10(1D)

Repeal the subsection, substitute:

(1D) The following payments under the *Social Security Act 1991* are exempt from income tax:

- (a) one-off payment to carers (carer payment related) (see Part 2.5A of that Act);
- (b) one-off payment to carers (carer allowance related) (see Part 2.19A of that Act);
- (c) 2005 one-off payment to carers (carer payment related) (see Part 2.5B of that Act);
- (d) 2005 one-off payment to carers (carer service pension related) (see Part 2.5C of that Act);
- (e) 2005 one-off payment to carers (carer allowance related) (see Part 2.19B of that Act).

15 After subsection 52-10(1E)

Insert:

(1F) Payments to carers under the scheme determined under Schedule 2 to the *Social Security Legislation Amendment (One-off Payments for Carers) Act 2005* are exempt from income tax.

Social Security Act 1991

16 After paragraph 8(8)(jab)

Insert:

(jac) a payment under the scheme determined under Schedule 2 to the *Social Security Legislation Amendment (One-off Payments for Carers) Act 2005*;

Schedule 2—Administrative scheme for 2005 one-off payments to carers

1 Administrative scheme for 2005 one-off payments to carers

- (1) Subject to this item, the Minister may, by legislative instrument, determine a scheme under which one-off payments may be made to carers in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.
- (2) The circumstances in which the scheme provides for payments must be circumstances:
 - (a) in which the Minister considers that Parts 2.5B, 2.5C and 2.19B of the *Social Security Act 1991* do not produce appropriate results; and
 - (b) occurring in the financial year starting on 1 July 2004.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
 - (a) the circumstances in which payments are to be made;
 - (b) the amount of the payments;
 - (c) what a person has to do to get a payment;
 - (d) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

*[Minister's second reading speech made in—
House of Representatives on 11 May 2005
Senate on 12 May 2005]*

(65/05)

12 *Social Security Legislation Amendment (One-off Payments for Carers) Act 2005* No.
55, 2005