



# **Social Services Legislation Amendment (Family Assistance Alignment and Other Measures) Act 2016**

**No. 85, 2016**

**An Act to amend the law relating to family  
assistance and social security, and for related  
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**An Act to amend the law relating to family  
assistance and social security, and for related  
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*[Assented to 30 November 2016]*

The Parliament of Australia enacts:

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## 1 Short title

This Act is the *Social Services Legislation Amendment (Family Assistance Alignment and Other Measures) Act 2016*.

## 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day after this Act receives the Royal Assent.	1 December 2016
2. Schedule 1	The day after this Act receives the Royal Assent.	1 December 2016
3. Schedule 2	At the same time as Part 3 of Schedule 3 to the <i>Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Act 2016</i> commences.  However, the provisions do not commence at all if that Part does not commence.	
4. Schedule 3	Immediately after the commencement of Part 3 of Schedule 1 to the <i>Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Act 2015</i> .	1 January 2017

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Note: This table relates only to the provisions of this Act as originally enacted.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.

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

### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Main amendments

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

#### **1 Subsection 107(1)**

Omit “subsections (1A), (3A), (3B), (3C) and (3D)”, substitute “subsection (1AA)”.

#### **2 Subsection 107(1)**

Omit all the words after “date of effect of the review decision”, substitute “is the first day of the period to which the original decision relates”.

#### **3 After subsection 107(1)**

Insert:

(1AA) If:

- (a) paragraphs (1)(a), (b), (c) and (d) apply; and
- (b) the first day of the period to which the original decision relates is earlier than the first day (the *cut-off day*) of the income year before the income year in which the review decision was made;

then, despite subsection (1), the person cannot be paid any entitlement created or increased as mentioned in paragraph (1)(c) (including as a result of taking into account the FTB Part A supplement or the FTB Part B supplement) in relation to any day earlier than the cut-off day.

#### **4 Subsection 107(1A)**

Omit “Subsection (1) does not limit the date of effect of a review decision, in respect of an original decision that relates to the payment to a person of family tax benefit by instalment,”, substitute “Subsection (1AA) does not apply”.



**5 Subsections 107(3A), (3B), (3C) and (3D)**

Omit “Subsection (1) does not limit the date of effect of a review decision, in respect of an original decision that relates to the payment to a person of family tax benefit by instalment,”; substitute “Subsection (1AA) does not apply”.

**6 Subsection 109E(1)**

Omit all the words after “date of effect of the review decision”, substitute “is the first day of the period to which the original decision relates”.

**7 After subsection 109E(2)**

Insert:

(2AA) If:

- (a) paragraphs (1)(a), (b), (c) and (d) apply; and
- (b) the first day of the period to which the original decision relates is earlier than the first day (the *cut-off day*) of the income year before the income year in which the application referred to in paragraph (1)(b) was made;

then, despite subsection (1), the person cannot be paid any entitlement created or increased as mentioned in paragraph (1)(d) (including as a result of taking into account the FTB Part A supplement or the FTB Part B supplement) in relation to any day earlier than the cut-off day.

**8 Subsection 109E(2A)**

Omit “Subsection (1) does not limit the date of effect of”, substitute “Subsection (2AA) does not apply in relation to”.

**9 After paragraph 109E(2A)(a)**

Insert:

- (aa) the original decision is not a decision made under subsection 105(4) (including because of the operation of section 105A) or 109A(2); and

### 10 Subsection 109E(3)

Omit “Subsection (1) does not limit the date of effect of”, substitute “Subsection (2AA) does not apply in relation to”.

### 11 Subsection 125(1)

Omit all the words after “date of effect of the decision of the AAT”, substitute “is the first day of the period to which the original decision relates”.

### 12 At the end of section 125

Add:

(3) If:

- (a) paragraphs (1)(a), (b), (c) and (d) apply; and
- (b) the first day of the period to which the original decision relates is earlier than the first day (the *cut-off day*) of the income year before the income year in which the application referred to in paragraph (1)(b) was made;

then, despite subsection (1), the person cannot be paid any entitlement created or increased as mentioned in paragraph (1)(d) (including as a result of taking into account the FTB Part A supplement or the FTB Part B supplement) in relation to any day earlier than the cut-off day.

### 13 Application provisions

#### *Secretary initiated review*

- (1) The amendments made by items 1, 2, 3 and 5 apply in relation to a review decision made on or after the commencement of this Schedule, where the original decision (referred to in paragraph 107(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*) related to the payment of family tax benefit by instalment for a period that consists of, or is included in, the 2012-13 income year or a later income year.
- (2) The amendment made by item 4 applies in relation to a review decision made on or after the commencement of this Schedule, where the original decision (referred to in paragraph 107(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*) related to the

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payment of family tax benefit by instalment for a same-rate benefit period that consists of, or is included in, the 2015-16 income year or a later income year.

*Applicant initiated review*

- (3) The amendments made by items 6, 7 and 10 apply in relation to a review decision made on or after the commencement of this Schedule, where the original decision (referred to in paragraph 109E(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*) related to the payment of family tax benefit by instalment for a period that consists of, or is included in, the 2012-13 income year or a later income year.
- (4) The amendments made by items 8 and 9 apply in relation to a review decision made on or after the commencement of this Schedule, where the original decision (referred to in paragraph 109E(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*) related to the payment of family tax benefit by instalment for a same-rate benefit period that consists of, or is included in, the 2015-16 income year or a later income year.

*Review by Administrative Appeals Tribunal*

- (5) The amendments made by items 11 and 12 apply in relation to a decision of the Administrative Appeals Tribunal made on or after the commencement of this Schedule, where the original decision (referred to in paragraph 125(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*) related to the payment of family tax benefit by instalment for a period that consists of, or is included in, the 2012-13 income year or a later income year.

***Social Services Legislation Amendment (Miscellaneous Measures) Act 2016***

**14 Subitem 21(3) of Schedule 2**

Omit “items 13 to 20”, substitute “items 13 and 15 to 20”.

**15 At the end of item 21 of Schedule 2**

Add:

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- (4) The amendment made by item 14 applies in relation to:
- (a) a review decision made on or after the commencement of this Schedule and before the commencement of Schedule 1 to the *Social Services Legislation Amendment (Family Assistance Alignment and Other Measures) Act 2016*, where the original decision related to the payment of family tax benefit by instalment for a same-rate benefit period that consists of, or is included in, the income year in which this Schedule commences or a later income year; and
  - (b) a review decision made on or after the commencement of Schedule 1 to the *Social Services Legislation Amendment (Family Assistance Alignment and Other Measures) Act 2016*, where the original decision related to the payment of family tax benefit by instalment for a same-rate benefit period that consists of, or is included in, the 2012-13 income year or a later income year.

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## **Schedule 2—Contingent amendments**

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

#### **1 Subsection 107(1AA)**

Omit “(including as a result of taking into account the FTB Part A supplement or the FTB Part B supplement)”.

#### **2 Subsection 109E(2AA)**

Omit “(including as a result of taking into account the FTB Part A supplement or the FTB Part B supplement)”.

#### **3 Paragraph 109E(2A)(aa)**

Omit “(including because of the operation of section 105A)”.

#### **4 Subsection 125(3)**

Omit “(including as a result of taking into account the FTB Part A supplement or the FTB Part B supplement)”.

#### **5 Saving provisions**

- (1) Despite the amendments of sections 107 and 109E of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Schedule, those sections, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to review decisions made before, on or after that commencement.
- (2) Despite the amendment of subsection 125(3) of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Schedule, that subsection, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to decisions of the AAT made before, on or after that commencement.

## Schedule 3—Other amendments

### *Social Security Act 1991*

#### **1 Point 1067G-E1 (method statement, at the end of step 1)**

Add “and then dividing the result by 26”.

#### **2 Application provision**

The amendment made by this Schedule applies in relation to working out rates of youth allowance for days on or after 1 January 2017.

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*[Minister’s second reading speech made in—  
House of Representatives on 20 October 2016  
Senate on 22 November 2016]*

(161/16)

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