



Social Services Legislation Amendment (No Jab, No Pay) Act 2015

No. 158, 2015

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

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 158, 2015

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[Assented to 26 November 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Services Legislation Amendment (No Jab, No Pay) Act 2015*.

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
Provisions	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.	26 November 2015
2. Schedule 1	1 January 2016.	1 January 2016

Note: This table relates only to the provisions of this Act as originally enacted.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 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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendments

A New Tax System (Family Assistance) Act 1999

1 Subsection 3(1) (definition of *conscientious objection*)

Repeal the definition.

2 Subsection 3(1)

Insert:

general practitioner has the same meaning as in the *Health Insurance Act 1973*.

3 Section 5

Repeal the section.

4 Subsections 6(3) to (8)

Repeal the subsections, substitute:

Medical contraindication, natural immunity and vaccine study

- (3) The child meets the immunisation requirements if:
- (a) a general practitioner has certified in writing that the immunisation of the child would be medically contraindicated under the specifications set out in the Australian Immunisation Handbook; or
 - (b) a general practitioner has certified in writing that the child does not require immunisation because the child has contracted a disease or diseases and as a result has developed a natural immunity; or
 - (c) the child is a participant in a vaccine study approved by a Human Research Ethics Committee registered with the National Health and Medical Research Council.

Temporary unavailability of vaccine

- (4) The child meets the immunisation requirements if:
- (a) the child has not received a vaccination at a particular age; and

- (b) the person who occupies, or is acting in, the position of Commonwealth Chief Medical Officer has certified in writing that the vaccine for that vaccination is, or all of the vaccines for that vaccination are, temporarily unavailable; and
- (c) if that vaccine, or one of those vaccines, had been available, the Secretary is satisfied that the child would have been immunised; and
- (d) that vaccine has not, or none of those vaccines have, become available.

Child vaccinated overseas

- (5) The child meets the immunisation requirements if:
 - (a) the child has received one or more vaccinations while outside Australia; and
 - (b) a recognised immunisation provider has certified in writing that those vaccinations have provided the child with the same level of immunisation that the child would have acquired if the child had been vaccinated in accordance with a standard vaccination schedule, or a catch up vaccination schedule, determined under section 4; and
 - (c) the child has received, whether in or outside Australia, all the other vaccinations in accordance with a standard vaccination schedule, or a catch up vaccination schedule, determined under section 4.

Secretary's decision

- (6) The child meets the immunisation requirements if the Secretary determines in writing that the child meets the immunisation requirements.
- (7) In making a determination under subsection (6), the Secretary must comply with any decision-making principles set out in a legislative instrument made by the Minister for the purposes of this subsection.

5 Section 7

Repeal the section.

6 Paragraph 42(1)(c)

Omit “under 7 and born on or after 1 January 1996”, substitute “under 20”.

7 After subsection 42(1)

Insert:

(1AA) Subparagraphs (1)(c)(ii) and (iii) do not apply in relation to an individual in connection with the Secretary determining a claim by the individual for payment of child care benefit by fee reduction for care provided by an approved child care service.

8 Subsection 44(2)

Omit “under 7 and is born on or after 1 January 1996”, substitute “under 20”.

9 Subsection 45(2)

Repeal the subsection, substitute:

Requirement relating to immunisation referred to in paragraph (1)(g)

(2) For the purposes of paragraph (1)(g), the requirement relating to immunisation is that, if the child is under 20, the child must meet the immunisation requirements set out in section 6.

10 At the end of subsection 47(1)

Add:

; and (c) the child meets the immunisation requirements set out in section 6.

11 Subsection 61B(1)

After “in an income year”, insert “(the *current income year*)”.

12 Paragraph 61B(1)(a)

Repeal the paragraph, substitute:

- (a) the income year is:
- (i) the income year in which the FTB child turned 1; or
 - (ii) any later income year; and

13 Subsection 61B(2)

After “in an income year”, insert “(the *current income year*)”.

14 Paragraph 61B(2)(a)

Repeal the paragraph, substitute:

- (a) the income year is:
 - (i) the income year in which the FTB child turned 1; or
 - (ii) any later income year; and

15 Paragraph 61B(3)(a)

Omit “income year in which the FTB child turned 1, 2 or 5 (as the case requires)”, substitute “current income year”.

16 Subparagraph 61B(3A)(a)(iii)

Omit “income year in which the FTB child turned 1, 2 or 5 (as the case requires)”, substitute “current income year”.

17 Paragraph 61B(3A)(b)

Omit “income year in which the FTB child turned 1, 2 or 5 (as the case requires)”, substitute “current income year”.

18 Paragraph 61B(4)(a)

Omit “income year in which the FTB child turned 1, 2 or 5 (as the case requires)”, substitute “current income year”.

19 Application and transitional provisions

- (1) The amendments made by this Schedule apply:
 - (a) in relation to working out whether FTB Part A supplement is to be added, in working out an individual’s Part A rate of family tax benefit, for a day on or after the commencement of this item; and
 - (b) in relation to working out whether an individual, or an approved child care service, is eligible for child care benefit for care provided to a child on a day on or after the commencement of this item.
- (2) A certification mentioned in subsection 6(5) or (6) of the *A New Tax System (Family Assistance) Act 1999* (as in force immediately before the commencement of this item) that had effect immediately before that

commencement is taken, on and after that commencement, to be a certification of a general practitioner for the purposes of paragraph 6(3)(a) or (b) of that Act (as amended by this Act), as the case requires.

- (3) Sections 6 and 7 of the *A New Tax System (Family Assistance) Act 1999*, as in force immediately before the commencement of this item, do not apply on or after that commencement in relation to days before that commencement.

Note: Subitem (3) means, for example, that on or after the commencement of this item, an individual cannot make a declaration under section 6 of that Act that he or she has a conscientious objection to a child being immunised.

*[Minister's second reading speech made in—
House of Representatives on 16 September 2015
Senate on 9 November 2015]*

(160/15)

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