Social Services Legislation Amendment (Welfare Reform) Act 2018

No. 26, 2018

An Act to amend the law relating to family assistance, social security, paid parental leave and student assistance, 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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Social Services Legislation Amendment (Welfare Reform) Act 2018

No. 26, 2018

An Act to amend the law relating to family assistance, social security, paid parental leave and student assistance, and for related purposes

[*Assented to 11 April 2018*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Social Services Legislation Amendment (Welfare Reform) Act 2018*.

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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.	11 April 2018
2. Schedule 1, Parts 1 to 5	20 March 2020.	20 March 2020
3. Schedule 1, Part 6	The later of: (a) the start of 20 March 2020; and (b) immediately after the commencement of Schedule 1 to the *Social Services Legislation Amendment (Payment Integrity) Act 2018*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
4. Schedule 2	20 March 2020.	20 March 2020
5. Schedule 3	Immediately after the commencement of the provisions covered by table item 4.	20 March 2020
6. Schedule 4	20 March 2020.	20 March 2020
7. Schedule 5, Part 1	20 March 2020.	20 March 2020
8. Schedule 5, Part 2	20 September 2020.	20 September 2020
9. Schedule 6, Part 1	The first 1 January or 1 July to occur after the day this Act receives the Royal Assent.	1 July 2018
10. Schedule 6, Part 2	1 January 2022.	1 January 2022
11. Schedule 7	1 January 2022.	1 January 2022

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
12. Schedule 8	The day after this Act receives the Royal Assent.	12 April 2018
13. Schedule 9	20 September 2018.	20 September 2018
14. Schedule 10	The first 1 January, 1 April, 1 July or 1 October to occur after the end of the period of 2 months beginning on the day this Act receives the Royal Assent.	1 July 2018
15. Schedule 11	As follows: (a) if this Act receives the Royal Assent before 1 November 2017—1 January 2018; (b) if this Act receives the Royal Assent on or after 1 November 2017—the first 1 January, 1 April, 1 July or 1 October to occur after the end of the period of 2 months beginning on the day this Act receives the Royal Assent.	1 July 2018 (paragraph (b) applies)
16. Schedule 13	As follows: (a) if this Act receives the Royal Assent before 1 January 2018—1 January 2018; (b) if this Act receives the Royal Assent on or after 1 January 2018—the first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent.	1 July 2018 (paragraph (b) applies)
17. Schedule 14	The later of: (a) 1 January 2018; and (b) the day after this Act receives the Royal Assent.	12 April 2018 (paragraph (b) applies)
18. Schedule 15	The later of: (a) 1 July 2018; and (b) the day after this Act receives the Royal Assent.	1 July 2018 (paragraph (a) applies)
19. Schedule 16	As follows: (a) if this Act receives the Royal Assent	1 July 2018 (paragraph (b)

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
	before 1 November 2017—1 January 2018; (b) if this Act receives the Royal Assent on or after 1 November 2017—the first 1 January, 1 April, 1 July or 1 October to occur after the end of the period of 2 months beginning on the day this Act receives the Royal Assent.	applies)
20. Schedule 17, items 1 to 20	The later of: (a) immediately after the commencement of the provisions covered by table item 21; and (b) immediately after the commencement of Schedule 1 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017*.	2 July 2018 (paragraph (b) applies)
21. Schedule 17, items 21 to 78	As follows: (a) if this Act receives the Royal Assent before 1 January 2018—1 January 2018; (b) if this Act receives the Royal Assent on or after 1 January 2018—the first 1 January or 1 July to occur after the day this Act receives the Royal Assent.	1 July 2018 (paragraph (b) applies)
22. Schedule 18	The later of: (a) 1 January 2018; and (b) the day after this Act receives the Royal Assent.	12 April 2018 (paragraph (b) applies)

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.

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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.

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Schedule 1—Creation of the jobseeker payment

Part 1—Main amendments

A New Tax System (Family Assistance) Act 1999

1 Subparagraph 85CK(3)(a)(ii)

Repeal the subparagraph, substitute:

(ii) jobseeker payment;

Farm Household Support Act 2014

2 Section 7

Omit "newstart allowance", substitute "jobseeker payment".

3 Subsection 55(1) (note)

Omit "newstart allowance", substitute "jobseeker payment".

4 Section 90

Omit:

> Farm household allowance is generally treated in the same way as newstart and youth allowance. This means that where there is a reference in those Acts to newstart or youth allowance, it is as if there were also a reference to farm household allowance. Similarly, where there is a reference to a concept that is defined to include those allowances, such as "social security benefit" or "social security payment", it is as if that concept were also defined to include farm household allowance.

substitute:

> Farm household allowance is generally treated in the same way as jobseeker payment and youth allowance. This means that where there is a reference in those Acts to jobseeker payment or youth allowance, it is as if there were also a reference to farm household

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allowance. Similarly, where there is a reference to a concept that is defined to include jobseeker payment or youth allowance, such as "social security benefit" or "social security payment", it is as if that concept were also defined to include farm household allowance.

5 Subsection 93(1) (table items 1 and 16)

Omit "newstart allowance", substitute "jobseeker payment".

6 Subsection 93(1) (table item 20)

Omit "Newstart Allowance", substitute "Jobseeker".

7 Subsection 93(1) (table items 28 and 29)

Omit "newstart allowance", substitute "jobseeker payment".

8 Paragraph 94(d)

Omit "newstart allowance", substitute "jobseeker payment".

9 Section 97 (heading)

Repeal the heading, substitute:

97 References to youth allowance and jobseeker payment

10 Subsection 97(2)

Omit "newstart allowance", substitute "jobseeker payment".

11 Section 99 (table item 4)

Omit "newstart allowance", substitute "jobseeker payment".

Income Tax Assessment Act 1936

12 Paragraph 202CB(6)(a)

Omit "newstart allowance", substitute "jobseeker payment".

13 Paragraph 202CE(7)(a)

Omit "newstart allowance", substitute "jobseeker payment".

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Income Tax Assessment Act 1997

14 Section 52-10 (after table item 13A.1)

Insert:

14.1	**Jobseeker payment**	Supplementary amount is exempt (see section 52-15)	Supplementary amount, and tax-free amount, are exempt (see sections 52-15 and 52-20)	Exempt	Exempt up to the tax-free amount (see section 52-30)

15 Section 52-10 (table item 19.1)

Repeal the item.

16 Section 52-10 (note at the end of the table)

Omit "newstart allowance", substitute "jobseeker payment".

17 Section 52-15 (table item 3)

Omit:

Newstart allowance

substitute:

Jobseeker payment

18 Section 52-15 (note)

Omit "newstart allowance", substitute "jobseeker payment".

19 Subsection 52-30(1) (table)

After:

Austudy payment

insert:

Jobseeker payment

20 Subsection 52-30(1) (table)

Omit:

Newstart allowance

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21 Subsection 52-30(1) (note)

Omit "newstart allowance", substitute "jobseeker payment".

22 Section 52-40 (after table item 13A)

Insert:

14	Jobseeker payment	Part 2.12	Section 660LB	Sections 660LC and 660LH

23 Section 52-40 (table item 19)

Repeal the item.

Social Security Act 1991

24 Subsection 4(6A) (table items 5 and 6)

Omit "Newstart allowance", substitute "Jobseeker payment".

25 Paragraph 5(20A)(c)

Omit "newstart allowance", substitute "jobseeker payment".

26 Subparagraph 5F(e)(iii)

Repeal the subparagraph, substitute:

(iii) jobseeker payment;

27 Subsection 7(6)

Omit "newstart allowance", substitute "jobseeker payment".

28 Paragraph 7(6AA)(b)

Omit "newstart allowance", substitute "jobseeker payment".

29 Paragraphs 7(7)(c) and (d)

Omit "newstart allowance", substitute "jobseeker payment".

30 Paragraph 7(7)(e)

After "one of", insert "that payment and".

31 Subparagraph 8(8)(r)(i)

Omit "newstart allowance", substitute "jobseeker payment".

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32 Paragraph 14A(3)(a)

Omit "newstart allowance", substitute "jobseeker payment".

33 Subparagraph 14A(3)(b)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

34 Paragraphs 16A(3)(b) and (4)(b)

Omit "newstart allowance", substitute "jobseeker payment".

35 Subsection 19C(2)

After "parenting payment,", insert "jobseeker payment,".

36 Paragraph 19C(2)(a)

Repeal the paragraph.

37 Subsection 19C(3)

After "parenting payment,", insert "jobseeker payment,".

38 Paragraph 19C(3)(a)

Repeal the paragraph.

39 Paragraphs 19C(6)(a) and (b)

After "the amount of", insert "jobseeker payment or".

40 Paragraphs 19C(6)(c) and (d)

After "the amount of", insert "jobseeker payment,".

41 Paragraph 19C(6)(d)

Omit "that allowance or payment", substitute "that payment or allowance".

42 Paragraph 19C(7)(a)

After "the amount of", insert "jobseeker payment or".

43 Paragraphs 19C(7)(b), (c) and (d)

After "the amount of", insert "jobseeker payment,".

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44 Paragraph 19C(7)(d)

Omit "that allowance or payment", substitute "that payment or allowance".

45 Paragraph 19C(8)(b)

Omit "newstart allowance", substitute "jobseeker payment".

46 Subsection 19C(8) (note 2)

Omit "newstart allowance", substitute "jobseeker payment".

47 Subsection 19D(5) (paragraph (f) of the definition of *maximum payment rate*)

Omit "allowances".

48 Subsection 19D(5) (subparagraph (f)(i) of the definition of *maximum payment rate*)

Repeal the subparagraph, substitute:

(i) jobseeker payment;

49 Subsection 23(1) (paragraph (c) of the definition of *approved program of work supplement*)

Omit "newstart allowance", substitute "jobseeker payment".

50 Subsection 23(1) (definition of *current period as an Australian resident*)

Omit "newstart allowance", substitute "jobseeker payment".

51 Subsection 23(1) (paragraph (c) of the definition of *employment pathway plan*)

Omit "Newstart", substitute "Jobseeker".

52 Subsection 23(1) (paragraph (e) of the definition of *newly arrived resident's waiting period*)

Omit "newstart allowance", substitute "jobseeker payment".

53 Subsection 23(1) (paragraph (a) of the definition of *ordinary waiting period*)

Omit "newstart allowance", substitute "jobseeker payment".

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54 Subsection 23(1) (paragraph (a) of the definition of *social security benefit*)

Repeal the paragraph, substitute:

(a) jobseeker payment; or

55 Subsection 23(1) (paragraph (j) of the definition of *social security entitlement*)

Repeal the paragraph, substitute:

(j) a jobseeker payment; or

56 Subsection 23(1) (paragraph (a) of the definition of *social security recipient status*)

Omit "newstart allowance", substitute "jobseeker payment".

57 Subsection 23(1) (paragraph (f) of the definition of *special employment advance qualifying entitlement*)

Repeal the paragraph, substitute:

(f) a jobseeker payment; or

58 Subsection 23(1) (paragraphs (b) and (ca) of the definition of *waiting period*)

Omit "newstart allowance", substitute "jobseeker payment".

59 Subsection 94(6)

Omit "newstart allowance", substitute "jobseeker payment".

60 Subsection 95(2)

Omit "newstart allowance", substitute "jobseeker payment".

61 Subsection 103(2) (note 2)

Omit "newstart allowance", substitute "jobseeker payment".

62 Subsection 500WB(4) (note)

Omit "newstart allowance", substitute "jobseeker payment".

63 Subparagraph 543B(1)(b)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

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64 Subsection 549CB(4) (note)

Omit "newstart allowance", substitute "jobseeker payment".

65 Part 2.12 (heading)

Repeal the heading, substitute:

Part 2.12—Jobseeker payment

66 Division 1 of Part 2.12 (heading)

Repeal the heading, substitute:

Division 1—Qualification for and payability of jobseeker payment

67 Section 593 (heading)

Repeal the heading, substitute:

593 Qualification for jobseeker payment

68 Subsection 593(1)

Omit "newstart allowance", substitute "jobseeker payment".

69 Paragraphs 593(1)(c) to (e)

Omit "Newstart", substitute "Jobseeker".

70 Subsection 593(1) (note 3)

Omit "Newstart", substitute "Jobseeker".

71 Subsection 593(1) (notes 12 and 13)

Omit "newstart allowance", substitute "jobseeker payment".

72 Subsection 593(1B)

Omit "newstart allowance", substitute "jobseeker payment".

73 Paragraph 593(1C)(b)

Omit "newstart allowance", substitute "jobseeker payment".

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74 Subsections 593(1D) to (1F)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

75 Paragraphs 593(1F)(a) and (b)

Omit "Newstart", substitute "Jobseeker".

76 Subsection 593(4)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

77 Subsection 593(4) (note)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

78 Subsection 595(2)

Omit "Newstart", substitute "Jobseeker".

79 Paragraph 595(3)(a)

Omit "Newstart", substitute "Jobseeker".

80 Subsections 596(1) to (4)

Omit "newstart allowance", substitute "jobseeker payment".

81 Section 596A

Omit "newstart allowance", substitute "jobseeker payment".

82 Subsections 598(1), (4A) and (6)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

83 Section 600 (heading)

Repeal the heading, substitute:

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600 Prospective determinations for some jobseeker payment recipients

84 Subsection 600(1)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

85 Subsection 601(1B)

Omit "Newstart", substitute "Jobseeker".

86 Paragraph 601(4)(a)

Omit "Newstart", substitute "Jobseeker".

87 Subsection 601(5)

Omit "Newstart", substitute "Jobseeker".

88 Paragraph 602A(a)

Omit "newstart allowance", substitute "jobseeker payment".

89 Section 602A

Omit "the allowance", substitute "the payment".

90 Paragraph 603(2)(b)

Omit "newstart allowance", substitute "jobseeker payment".

91 Subsection 603(3)

Omit "newstart allowance", substitute "jobseeker payment".

92 Paragraph 603(3)(c)

Omit "Newstart", substitute "Jobseeker".

93 Subsection 603(4)

Omit "Newstart", substitute "Jobseeker".

93A Subsection 603AA(2)

Omit "newstart allowance", substitute "jobseeker payment".

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93B Subsection 603AA(2) (note)

Omit "newstart allowance", substitute "jobseeker payment".

93C Subsection 603AA(2A)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

94 Section 603BA

Omit "newstart allowance", substitute "jobseeker payment".

95 Paragraph 603C(1)(d)

Omit "newstart allowance", substitute "jobseeker payment".

96 Paragraph 603D(2)(a)

Omit "Newstart", substitute "Jobseeker".

97 Subdivision C of Division 1 of Part 2.12 (heading)

Repeal the heading, substitute:

Subdivision C—Jobseeker Employment Pathway Plans

98 Section 605 (heading)

Repeal the heading, substitute:

605 Jobseeker Employment Pathway Plans—requirement

99 Subsection 605(1)

Omit "Newstart", substitute "Jobseeker".

100 Paragraphs 605(1)(a) and (b)

Omit "newstart allowance", substitute "jobseeker payment".

101 Subsection 605(2)

Omit "Newstart", substitute "Jobseeker".

102 Subsection 605(2B)

Omit "newstart allowance", substitute "jobseeker payment".

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103 Subsections 605(3) and (4)

Omit "Newstart", substitute "Jobseeker".

104 Paragraph 605(5)(a)

Omit "newstart allowance", substitute "jobseeker payment".

105 Subsection 605(5)

Omit "Newstart", substitute "Jobseeker".

106 Paragraph 605(6)(a)

Omit "newstart allowance", substitute "jobseeker payment".

107 Subsection 605(6)

Omit "Newstart", substitute "Jobseeker".

108 Paragraph 605(7)(a)

Omit "newstart allowance", substitute "jobseeker payment".

109 Subsection 605(7)

Omit "Newstart", substitute "Jobseeker".

110 Section 606 (heading)

Repeal the heading, substitute:

606 Jobseeker Employment Pathway Plans—terms

111 Subsection 606(1)

Omit "Newstart", substitute "Jobseeker".

112 Paragraph 606(5)(b)

Omit "Newstart", substitute "Jobseeker".

113 Section 607 (heading)

Repeal the heading, substitute:

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607 Jobseeker Employment Pathway Plans—principal carers

114 Subsection 607(1)

Omit "Newstart", substitute "Jobseeker".

115 Section 607A (heading)

Repeal the heading, substitute:

607A Jobseeker Employment Pathway Plans—people with partial capacity to work

116 Subsection 607A(1)

Omit "Newstart", substitute "Jobseeker".

117 Section 607B (heading)

Repeal the heading, substitute:

607B Jobseeker Employment Pathway Plans—requirement to participate in an approved program of work

118 Subsection 607B(1)

Omit "Newstart", substitute "Jobseeker".

119 Paragraph 607B(1)(a)

Omit "newstart allowance", substitute "jobseeker payment".

120 Subsection 607B(2)

Omit "Newstart", substitute "Jobseeker".

121 Paragraph 607B(2)(a)

Omit "newstart allowance", substitute "jobseeker payment".

122 Section 607C (heading)

Omit "**Newstart**", substitute "**Jobseeker**".

123 Section 607C

Omit "Newstart", substitute "Jobseeker".

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124 Subdivision D of Division 1 of Part 2.12 (heading)

Repeal the heading, substitute:

Subdivision D—Situations where jobseeker payment not payable (general)

125 Section 608 (heading)

Repeal the heading, substitute:

608 Jobseeker payment not payable if payment rate nil

126 Subsection 608(1)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

127 Section 611 (heading)

Repeal the heading, substitute:

611 Assets test—jobseeker payment not payable if assets value limit exceeded

128 Subsection 611(1)

Omit "newstart allowance", substitute "jobseeker payment".

129 Subsection 611(2) (table items 2 and 3, column 2)

Omit "allowance", substitute "benefit".

130 Subsection 611(2) (note 1)

Omit "***partnered (partner getting neither pension nor allowance)*** and ***partnered (partner getting pension or allowance)***", substitute "***partnered (partner getting neither pension nor benefit)*** and ***partnered (partner getting pension or benefit)***".

131 Subsection 611(2) (note 4)

Omit "newstart allowance", substitute "jobseeker payment".

132 Subsections 613(1) and (2)

Omit "newstart allowance", substitute "jobseeker payment".

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133 Paragraph 613(2)(b)

Omit "Newstart", substitute "Jobseeker".

134 Subsection 613(2) (note)

Omit "Newstart", substitute "Jobseeker".

135 Subsections 614(1) and (2)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

136 Subsection 614(2) (note 3)

Omit "newstart allowance", substitute "jobseeker payment".

137 Subsections 614(3) to (6)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

138 Section 614A

Omit "newstart allowance", substitute "jobseeker payment".

139 Section 615 (heading)

Repeal the heading, substitute:

615 Jobseeker payment not payable if person fails to attend interview etc. in certain circumstances

140 Subsection 615(1)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

141 Subparagraph 615(1)(b)(ii)

Omit "Newstart", substitute "Jobseeker".

142 Subdivision E of Division 1 of Part 2.12 (heading)

Repeal the heading, substitute:

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Subdivision E—Situations where jobseeker payment not payable (waiting periods)

143 Subparagraph 620(1)(fa)(iv)

Omit "newstart allowance", substitute "jobseeker payment".

144 Subsections 621(1) to (4)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

145 Paragraph 621(5)(a)

Omit "newstart allowance", substitute "jobseeker payment".

146 Paragraph 621(5)(b)

Omit "that payment" (wherever occurring), substitute "that social security payment".

147 Subparagraph 621(5)(c)(i)

Omit "that payment", substitute "that social security payment".

148 Subparagraph 621(5)(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

149 Subsection 621(5)

Omit "newstart allowance" (last occurring), substitute "jobseeker payment".

150 Subsection 621(5) (note)

Omit "newstart allowance", substitute "jobseeker payment".

151 Subsection 623A(2)

Omit "newstart allowance", substitute "jobseeker payment".

152 Subsection 623A(2) (note)

Omit "newstart allowance", substitute "jobseeker payment".

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153 Subsection 623A(8)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

154 Subdivision G of Division 1 of Part 2.12 (heading)

Repeal the heading, substitute:

Subdivision G—Situations where jobseeker payment not payable (administrative breaches)

155 Section 631 (heading)

Repeal the heading, substitute:

631 Situations where jobseeker payment not payable for failure to comply with certain requirements

156 Section 631

Omit "newstart allowance", substitute "jobseeker payment".

157 Section 631C

Omit "Newstart", substitute "Jobseeker".

158 Subdivision H of Division 1 of Part 2.12 (heading)

Repeal the heading, substitute:

Subdivision H—Other situations where jobseeker payment not payable

159 Subsection 633(1)

Omit "newstart allowance", substitute "jobseeker payment".

160 Subsection 633(2)

Omit "Newstart allowance", substitute "Jobseeker payment".

161 Subsections 634(1) to (1B)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

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162 Division 4 of Part 2.12 (heading)

Repeal the heading, substitute:

Division 4—Rate of jobseeker payment

163 Section 643 (heading)

Repeal the heading, substitute:

643 How to work out a person's jobseeker payment rate

164 Section 643

Omit "newstart allowance", substitute "jobseeker payment".

165 Section 644AAA

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

166 Paragraph 644AAA(d)

Omit "Newstart", substitute "Jobseeker".

167 Paragraph 660LA(1)(a)

Omit "newstart allowance", substitute "jobseeker payment".

168 Subsection 660LA(4)

Omit "newstart allowance", substitute "jobseeker payment".

169 Section 660LD (heading)

Repeal the heading, substitute:

660LD Adjustment of a person's jobseeker payment rate

170 Section 660LD

Omit "person's newstart allowance", substitute "person's jobseeker payment".

171 Paragraph 660LD(c)

Omit "newstart allowance", substitute "jobseeker payment".

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172 Paragraph 660LD(c)

Omit "the allowance", substitute "the payment".

173 Paragraph 660LD(d)

Omit "newstart allowance", substitute "jobseeker payment".

174 Paragraph 660LD(d)

Omit "the allowance", substitute "the payment".

175 Subdivision B of Division 9 of Part 2.12 (heading)

Repeal the heading, substitute:

Subdivision B—Continuation of jobseeker payment rate after death of child

176 Section 660M (heading)

Repeal the heading, substitute:

660M Death of child—continuation of jobseeker payment rate for 14 weeks

177 Section 660M

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

178 Division 6 of Part 2.13A (heading)

Repeal the heading, substitute:

Division 6—Jobseeker payment recipients

179 Subparagraphs 665U(1)(b)(i) and (c)(i)

Omit "newstart allowance", substitute "jobseeker payment".

180 Subparagraph 665U(1)(c)(ii)

Omit "Newstart", substitute "Jobseeker".

181 Subsection 666(9)

Omit "newstart allowance", substitute "jobseeker payment".

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182 Subsection 667(5)

Omit "newstart allowance", substitute "jobseeker payment".

183 Subsection 686(1)

Omit "newstart allowance", substitute "jobseeker payment".

184 Subsection 694(5) (note)

Omit "newstart allowance", substitute "jobseeker payment".

185 Paragraphs 729(2)(c) and (d)

Omit "newstart allowance", substitute "jobseeker payment".

186 Paragraph 729(2)(d)

Omit "the allowance", substitute "the payment".

187 Subsection 729(4)

Omit "newstart allowance", substitute "jobseeker payment".

188 Paragraphs 729(4)(a) and (b)

Omit "the allowance" (wherever occurring), substitute "the payment".

189 Subsections 746(2) and (4)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

190 Subsection 768A(4)

Omit "newstart allowance", substitute "special benefit".

191 Subparagraph 771HA(1)(c)(i)

Omit "newstart allowance", substitute "jobseeker payment".

192 Subsection 771HA(1B)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

193 Subsection 771HA(3)

Omit "newstart allowance", substitute "jobseeker payment".

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194 Subsection 771KE(2)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

195 Paragraph 771NU(1)(e)

Omit "newstart allowance", substitute "jobseeker payment".

196 Paragraphs 771NU(3)(b) and (e)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

197 Subsection 771NX(1) (note at the end of step 4 of the method statement)

Omit "newstart allowance", substitute "jobseeker payment".

198 Subsection 771NX(3) (heading)

Repeal the heading, substitute:

Deceased partner receiving jobseeker payment

199 Subsections 771NX(3) and (6)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

200 Subparagraph 1035(1)(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

201 Subsection 1035A(6) (heading)

Repeal the heading, substitute:

Jobseeker payment, youth allowance or parenting payment recipients

202 Subparagraph 1035A(6)(a)(i)

Omit "newstart allowance", substitute "jobseeker payment".

203 Subparagraph 1035A(7)(b)(i)

Omit "newstart allowance", substitute "jobseeker payment".

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204 Paragraph 1035A(7)(c)

Omit "newstart allowance", substitute "jobseeker payment".

205 Paragraph 1035A(7)(c)

Omit "allowance or payment", substitute "payment or allowance".

206 Subsection 1035A(8) (heading)

Repeal the heading, substitute:

Jobseeker payment, youth allowance, disability support pension and parenting payment recipients

207 Subparagraph 1035A(8)(a)(i)

Omit "newstart allowance", substitute "jobseeker payment".

208 Subparagraph 1035A(9)(b)(i)

Omit "newstart allowance", substitute "jobseeker payment".

209 Paragraph 1035A(9)(c)

Omit "newstart allowance", substitute "jobseeker payment".

210 Paragraph 1035A(9)(c)

Omit "allowance, pension or payment", substitute "payment, allowance or pension".

211 Subparagraph 1046(2)(b)(i)

Omit "newstart allowance", substitute "jobseeker payment".

212 Subparagraph 1046(2B)(b)(i)

Omit "newstart allowance", substitute "jobseeker payment".

213 Section 1047 (paragraph (c) of the definition of *designated social security payment*)

Repeal the paragraph, substitute:

(c) jobseeker payment; or

214 Subsection 1061EE(1)

Omit "newstart allowance", substitute "jobseeker payment".

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215 Subsection 1061EE(4) (heading)

Repeal the heading, substitute:

Formula for maximum amount of advance: benefit PP (partnered), youth allowance, austudy payment or jobseeker payment

216 Subsection 1061EE(4)

Omit "newstart allowance", substitute "jobseeker payment".

217 Subsection 1061EE(6) (paragraph (b) of the definition of *fortnightly payment rate*)

Omit "newstart allowance", substitute "jobseeker payment".

218 Subsection 1061JU(4) (paragraph (f) of the definition of *maximum basic rate*)

Omit "allowances".

219 Subsection 1061JU(4) (subparagraph (f)(i) of the definition of *maximum basic rate*)

Repeal the subparagraph, substitute:

(i) jobseeker payment;

220 Subsection 1061KC(5)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

221 Subparagraph 1061PE(4)(d)(i)

Omit "newstart allowance", substitute "jobseeker payment".

222 Paragraph 1061PJ(2)(db)

Omit "newstart allowance", substitute "jobseeker payment".

223 Paragraph 1061PJ(2BA)(b)

Omit "newstart allowance", substitute "jobseeker payment".

224 Subparagraph 1061PJ(2BA)(f)(i)

Omit "newstart allowance", substitute "jobseeker payment".

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225 Subparagraph 1061PJ(2D)(b)(iii)

Omit "newstart allowance", substitute "jobseeker payment".

226 Paragraph 1061Q(2A)(a)

Omit "newstart allowance", substitute "jobseeker payment".

227 Subparagraph 1061Q(2B)(a)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

228 Paragraph 1061Q(2B)(e)

Omit "newstart allowance", substitute "jobseeker payment".

229 Paragraph 1061Q(3)(a)

Omit "newstart allowance", substitute "jobseeker payment".

230 Paragraph 1061Q(3A)(d)

Omit "newstart allowance", substitute "jobseeker payment".

231 Paragraph 1061Q(3D)(b)

Omit "newstart allowance", substitute "jobseeker payment".

232 Paragraph 1061Q(3E)(b)

Omit "newstart allowance", substitute "jobseeker payment".

233 Subparagraph 1061Q(3F)(a)(i)

Repeal the subparagraph, substitute:

(i) jobseeker payment;

234 Subparagraphs 1061Q(3G)(d)(i) and (ii)

Omit "newstart allowance", substitute "jobseeker payment".

235 Paragraph 1061Q(3H)(b)

Omit "newstart allowance", substitute "jobseeker payment".

236 Subparagraph 1061ZA(2)(b)(i)

Repeal the subparagraph, substitute:

(i) jobseeker payment; or

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237 Paragraph 1061ZA(2B)(a)

Omit "newstart allowance", substitute "jobseeker payment".

238 Paragraph 1061ZD(5A)(b)

Omit "newstart allowance", substitute "jobseeker payment".

239 Paragraph 1061ZDA(2)(b)

Omit "newstart allowance", substitute "jobseeker payment".

240 Subparagraph 1061ZEA(2)(ga)(iib)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

241 Subparagraph 1061ZEB(2)(a)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

242 Paragraph 1061ZEB(2)(b)

Omit "newstart allowance", substitute "jobseeker payment".

243 Paragraph 1061ZEB(4)(b)

Omit "newstart allowance", substitute "jobseeker payment".

244 Paragraph 1061ZK(5)(c)

Omit "newstart allowance", substitute "jobseeker payment".

245 Paragraph 1061ZM(1BA)(a)

Omit "newstart allowance", substitute "jobseeker payment".

246 Paragraph 1061ZM(1C)(b)

Omit "newstart allowance", substitute "jobseeker payment".

247 Subsection 1061ZM(1C)

Omit "the allowance", substitute "the payment or allowance".

248 Subsection 1061ZM(3) (subparagraph (a)(ii) of the definition of *employment-affected person*)

Repeal the subparagraph, substitute:

(ii) jobseeker payment;

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249 Subparagraph 1067F(1)(d)(i)

Repeal the subparagraph, substitute:

(i) jobseeker payment;

250 Paragraph 1067G-D2(b)

Omit "newstart allowance", substitute "jobseeker payment".

251 Paragraph 1067G-H26(b)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

252 Section 1067G (table item 23 in Module L of the Youth Allowance Rate Calculator)

Omit "Newstart allowance", substitute "Jobseeker payment".

253 Subparagraph 1067K(1)(d)(i)

Repeal the subparagraph, substitute:

(i) jobseeker payment;

254 Paragraph 1067L-D25(b)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

255 Section 1068 (heading)

Omit "**newstart allowance**", substitute "**jobseeker payment**".

256 Paragraph 1068(1)(a)

Repeal the paragraph, substitute:

(a) jobseeker payment; or

257 Point 1068-B1 (table item 4A, column 2)

Omit "newstart allowance", substitute "jobseeker payment".

258 Point 1068-B1 (table item 4B, column 2)

Omit "newstart allowance", substitute "jobseeker payment".

259 Point 1068-B1 (note 8)

Omit "newstart allowance", substitute "jobseeker payment".

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260 Subparagraph 1068-B1A(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

261 Point 1068-B1B

Omit "newstart allowance", substitute "jobseeker payment".

262 Point 1068-B5 (heading)

Repeal the heading, substitute:

Maximum basic rate for certain jobseeker payment recipients

263 Paragraph 1068-B5(b)

Omit "newstart allowance", substitute "jobseeker payment".

264 Subparagraph 1068-D1(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

265 Point 1068-D2

Repeal the point, substitute:

Incapacity for work—jobseeker payment

1068-D2 This point applies to a person if the person is receiving jobseeker payment and the person is, under Subdivision BA of Division 1 of Part 2.12, exempt from the activity test.

266 Point 1068-D2B (heading)

Repeal the heading, substitute:

Jobseeker payment recipients who have a partial capacity to work or are principal carers

267 Point 1068-D2B

Omit "newstart allowance", substitute "jobseeker payment".

268 Paragraph 1068-G4(c)

Omit "newstart allowance", substitute "jobseeker payment".

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269 Point 1068-G7AM (paragraphs (a) and (b) of note 3)

Omit "the allowance", substitute "the payment or allowance".

270 Point 1068-G7AQ (definition of *payment fortnight*)

Omit "newstart allowance", substitute "jobseeker payment".

271 Point 1068-G7B

After "whose claim for", insert "a payment or".

272 Paragraph 1068-G7C(a)

After "whose claim for", insert "a payment or".

273 Point 1068-G7D

Repeal the point, substitute:

Reference to payment or allowance

1068-G7D A reference in point 1068-G7B or 1068-G7C to ***a payment or an allowance*** is a reference to a payment or an allowance the rate of which is calculated under this Rate Calculator.

274 Paragraphs 1068-G7E(a) and (b)

After "in respect of the", insert "payment or".

275 Paragraph 1068-G8A(a)

Omit "newstart allowance", substitute "jobseeker payment".

276 Paragraph 1068-G9(b)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

277 Point 1068-G17 (heading)

Repeal the heading, substitute:

Ordinary income reduction for certain recipients of jobseeker payment

278 Paragraph 1068-G17(b)

Omit "newstart allowance", substitute "jobseeker payment".

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279 Paragraph 1068B-D22(b)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

280 Paragraph 1070(e)

Omit "and newstart,", substitute ", jobseeker payment and".

281 Section 1070H (heading)

Omit "**newstart allowance**", substitute "**jobseeker payment**".

282 Section 1070Q (heading)

Omit "**newstart allowance**", substitute "**jobseeker payment**".

283 Point 1071A-4 (subparagraph (a)(i) of the definition of *allowable income*)

Omit "newstart allowance", substitute "jobseeker payment".

284 Subsection 1073(2)

Omit "allowances".

285 Paragraph 1073(2)(a)

Repeal the paragraph, substitute:

(a) jobseeker payment;

286 Paragraphs 1073(2)(g) and (h)

Omit "the allowance", substitute "the payment or allowance".

287 Paragraph 1073J(1)(a)

Omit "newstart allowance", substitute "jobseeker payment".

288 Paragraph 1073K(5)(a)

Omit "newstart allowance", substitute "jobseeker payment".

289 Paragraph 1131(2)(b)

Omit "newstart allowance", substitute "jobseeker payment".

290 Paragraph 1131(2)(b)

Omit "that allowance", substitute "that payment or allowance".

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291 Subparagraph 1157E(1)(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

292 Subparagraph 1157E(2)(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

293 Subparagraph 1157F(1)(c)(iv)

Omit "newstart allowance", substitute "jobseeker payment".

294 Subparagraph 1157F(2)(c)(iv)

Omit "newstart allowance", substitute "jobseeker payment".

295 Paragraph 1157JA(2)(c)

Omit "newstart allowance", substitute "jobseeker payment".

296 Paragraph 1157JC(3)(c)

Omit "newstart allowance", substitute "jobseeker payment".

297 Subparagraph 1161(1)(a)(i)

Omit "newstart allowance", substitute "jobseeker payment".

298 Subparagraph 1161(1)(a)(i)

Omit "the allowance", substitute "the payment".

299 Subparagraph 1187(1A)(a)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

300 Subparagraph 1188C(3)(a)(ii)

Repeal the subparagraph, substitute:

(ii) jobseeker payment;

301 Subsection 1188C(5) (table items 16 to 22)

Omit "Newstart allowance", substitute "Jobseeker payment".

302 Subsection 1188C(5A)

Omit "newstart allowance", substitute "jobseeker payment".

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303 Subparagraph 1188F(2)(a)(ii)

Repeal the subparagraph, substitute:

(ii) jobseeker payment;

304 Section 1217 (table item 15)

Omit "Newstart allowance", substitute "Jobseeker payment".

305 Subsection 1218A(1)

Omit "newstart allowance", substitute "jobseeker payment".

306 Subparagraph 1223(7)(b)(iv)

Omit "newstart allowance", substitute "jobseeker payment".

307 Subparagraph 1223(7)(b)(iv)

Omit "new start allowance", substitute "jobseeker payment".

Social Security (Administration) Act 1999

308 Subsection 37(2)

Omit "newstart allowance", substitute "jobseeker payment".

309 Paragraph 37(2)(a)

Omit "allowance", substitute "payment".

310 Paragraph 37(2)(b)

Omit "the allowance", substitute "the payment".

311 Subparagraph 37(2)(b)(v)

Omit "newstart allowance", substitute "jobseeker payment".

312 Paragraph 37(4)(c)

Repeal the paragraph, substitute:

(c) jobseeker payment;

313 Paragraph 37(5)(a)

Omit "newstart allowance", substitute "jobseeker payment".

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314 Paragraphs 37(5)(a) and (b)

Omit "the allowance" (wherever occurring), substitute "the payment".

315 Sections 42A and 42E

Omit "newstart allowance", substitute "jobseeker payment".

316 Subparagraph 63(1)(c)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

317 Subparagraph 63(3)(a)(iv)

Repeal the subparagraph, substitute:

(iv) jobseeker payment;

318 Paragraph 63(3)(b)

Omit "newstart allowance", substitute "jobseeker payment".

319 Subsection 80(3A)

Omit "newstart allowance", substitute "jobseeker payment".

320 Paragraph 80(4)(b)

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

321 Paragraph 81(1)(a)

Omit "newstart allowance", substitute "jobseeker payment".

322 Subsection 81(1)

Omit "the payment", substitute "the social security payment".

323 Subsection 106B(4) (subparagraph (a)(ii) of the definition of *listed automatic issue health care card*)

Repeal the subparagraph, substitute:

(ii) jobseeker payment;

324 Paragraph 110A(1)(a)

Omit "newstart allowance", substitute "jobseeker payment".

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325 Paragraph 118(12C)(a)

Omit "newstart allowance", substitute "jobseeker payment".

326 Section 123TC (paragraph (b) of the definition of *category E welfare payment*)

Repeal the paragraph, substitute:

(b) jobseeker payment; or

327 Subparagraph 123UGC(1)(b)(ii)

Omit "newstart allowance", substitute "jobseeker payment".

328 Section 140A (paragraph (c) of the definition of *employment pathway plan decision*)

Omit "Newstart", substitute "Jobseeker".

329 Subclause 1(1) of Schedule 1 (paragraph (a) of the definition of *participation payment*)

Repeal the paragraph, substitute:

(a) jobseeker payment;

330 Paragraph 4(6)(a) of Schedule 2

Omit "newstart allowance", substitute "jobseeker payment".

331 Subclause 4(6) of Schedule 2

Omit "qualified for a newstart allowance", substitute "qualified for a jobseeker payment".

332 Subclause 5(2) of Schedule 2 (paragraph (e) of the definition of *exclusion period*)

Omit "newstart allowance", substitute "jobseeker payment".

333 Clause 15 of Schedule 2 (heading)

Repeal the heading, substitute:

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15 Certain persons subject to cancellation of austudy payment, jobseeker payment, youth allowance or special benefit

334 Paragraphs 15(a) and (d) of Schedule 2

Omit "newstart allowance", substitute "jobseeker payment".

335 Clause 28 of Schedule 2 (heading)

Repeal the heading, substitute:

28 Jobseeker payment—claimant for disability support pension

336 Clause 28 of Schedule 2

Omit "newstart allowance" (wherever occurring), substitute "jobseeker payment".

Veterans' Entitlements Act 1986

337 Subparagraph 5H(8)(v)(i)

Omit "newstart allowance", substitute "jobseeker payment".

338 Section 36C (note)

Omit "newstart allowance", substitute "jobseeker payment".

339 Section 37C (note)

Omit "newstart allowance", substitute "jobseeker payment".

340 Subsection 38C(1) (note)

Omit "newstart allowance", substitute "jobseeker payment".

341 Subsection 118ND(4) (paragraph (j) of the definition of *bereavement payment provisions*)

Omit "newstart", substitute "jobseeker payment".

342 Transitional provisions—jobseeker payment

(1) If a notice, determination or other instrument relating to newstart allowance that was made or given under the *Social Security Act 1991* or the *Social Security (Administration) Act 1999* was in force immediately before the commencement of this item, that notice, determination or

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other instrument continues in force, subject to those Acts, on and after that commencement as if it were made or given in relation to jobseeker payment.

(2) If:

(a) a person lodged a claim under the *Social Security (Administration) Act 1999* for newstart allowance before the commencement of this item; and

(b) the claim was not determined before that commencement;

the claim has effect on and after that commencement as if it were:

(c) a claim for newstart allowance in respect of days occurring before that commencement; and

(d) a claim for jobseeker payment in respect of days occurring on or after that commencement.

(3) If, immediately before the commencement of this item, a person was subject to one of the following periods in relation to newstart allowance, then, on and after that commencement, the person is taken to be subject to that period in relation to jobseeker payment:

(a) a liquid assets test waiting period;

(b) an ordinary waiting period;

(c) a newly arrived resident's waiting period;

(d) a seasonal work preclusion period;

(e) a lump sum preclusion period under Division 3 of Part 3.14 of the *Social Security Act 1991*;

(f) an income maintenance period.

(4) If a Newstart Employment Pathway Plan was in force in relation to a person immediately before the commencement of this item, the plan has effect on and after that commencement as if it were a Jobseeker Employment Pathway Plan in relation to the person.

343 Transitional provision—*A New Tax System (Family Assistance) Act 1999*

Subparagraph 85CK(3)(a)(ii) of the *A New Tax System (Family Assistance) Act 1999* applies on and after the commencement of this item as if the reference to jobseeker payment included a reference to newstart allowance.

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344 Saving provision—*Farm Household Support Act 2014*

Despite the amendments made by this Part, section 93 of the *Farm Household Support Act 2014*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of farm household allowance in relation to days before that commencement.

345 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Part, item 19.1 of the table in section 52-10 and sections 52-15 and 52-30 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of newstart allowance under Part 2.12 of the *Social Security Act 1991* before, on or after that commencement.

346 Saving provisions—definitions

(1) Despite the amendments made by this Part, paragraph 5(20A)(c) and subparagraph 5F(e)(iii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out if a person was the principal carer of a child, or was a secondary pupil child of another person, at a time before that commencement.

(2) Despite the amendments made by this Part, subsections 7(6), (6AA) and (7) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person has a qualifying residence exemption, or is exempt from the residence requirement, for newstart allowance in relation to days before that commencement.

(3) Despite the amendments made by this Part, section 14A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a claim for newstart allowance made before that commencement.

(4) Despite the amendments made by this Part, section 16A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out a person's seasonal work preclusion period under that

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section if the person made a claim for newstart allowance before the commencement of this item.

(5) Despite the amendments made by this Part, sections 19C and 19D of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was in severe financial hardship in relation to days before that commencement.

347 Saving provisions—qualification for payments

(1) Despite the amendments made by this Part, subsections 94(6) and 95(2) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was qualified for a disability support pension in relation to days before that commencement.

(2) Despite the amendments made by this Part, subparagraph 543B(1)(b)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person was qualified for youth allowance in relation to days before that commencement.

(3) Despite the amendments made by this Part, Parts 2.12 and 3.6 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the rate of, newstart allowance in respect of days occurring before that commencement.

(4) Despite the amendments made by this Part, Division 6 of Part 2.13A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for an education entry payment before that commencement.

(5) Despite the amendments made by this Part, subsections 666(9), 667(5) and 686(1) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the

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payability of, sickness allowance in relation to days before that commencement.

(6) Despite the amendments made by this Part, sections 729 and 746 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was qualified for, or working out the rate of, a special benefit in relation to days before that commencement.

(7) Despite the amendments made by this Part, sections 771HA and 771KE of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out if a person was qualified for, or working out the rate of, a partner allowance in relation to a period before that commencement.

(8) If before the commencement of this item:

(a) a person was receiving partner allowance; and

(b) the person's partner died; and

(c) immediately before the deceased partner died, the deceased partner was receiving newstart allowance;

then Division 9 of Part 2.15A of the *Social Security Act 1991*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to that death as if the amendments made by this Part had not been made.

(9) Despite the amendments made by this Part, sections 1035 and 1035A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out if a person was qualified for, or working out the rate of, a mobility allowance in relation to days before that commencement.

(10) Despite the amendments made by this Part, section 1046 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out, at a time before that commencement, whether a person continued to be qualified for mobility allowance as mentioned in subsection 1046(3) of that Act.

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(11) Despite the amendments made by this Part, Part 2.24A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a pensioner education supplement in relation to days before that commencement.

(12) Paragraph 1061PJ(2BA)(b) and subparagraphs 1061PJ(2BA)(f)(i) and (2D)(b)(iii) of the *Social Security Act 1991* apply on and after the commencement of this item as if a reference to jobseeker payment included a reference to newstart allowance.

(13) Despite the amendments made by this Part, subsections 1061Q(2A), (2B), (3), (3A) and (3D) to (3H) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a telephone allowance before, on or after that commencement.

348 Saving provision—language, literacy and numeracy supplement

Despite the amendments made by this Part, Part 2.21A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a fortnight beginning before that commencement.

349 Saving provisions—advances

(1) Despite the amendments made by this Part, Division 7 of Part 2.22 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an advance payment, or an instalment of an advance payment, of newstart allowance paid before that commencement.

(2) Despite the amendments made by this Part, Division 7 of Part 2.22A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a special employment advance, or an instalment of a special employment advance, paid before that commencement in respect of newstart allowance.

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350 Saving and transitional provisions—rates of payments

(1) Despite the amendments made by this Part, section 1061JU of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the amount of a crisis payment in relation to days before that commencement.

(2) Despite the amendments made by this Part, section 1061KC of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of a person's Disaster Recovery Allowance in relation to days before that commencement.

(3) Despite the amendments made by this Part, paragraphs 1067G-D2(b) and 1067G-H26(b) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of youth allowance for days occurring before that commencement.

(4) Despite the amendments made by this Part, table item 23 of Module L of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to:

(a) working out if a person is a family member in relation to another person for the purposes of Part 2.11 of that Act and that Rate Calculator in relation to days before that commencement; or

(b) working out if a person is exempt from the parental income test for the purposes of that Rate Calculator in relation to days before that commencement.

(5) Despite the amendments made by this Part, paragraph 1067L-D25(b) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of austudy payment for days occurring before that commencement.

(6) Despite the amendments made by this Part, paragraph 1068B-D22(b) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that

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commencement in relation to working out the rate of benefit PP (partnered) for days occurring before that commencement.

(7) Despite the amendments made by this Part, paragraph 1070(e) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of rent assistance in relation to newstart allowance for days occurring before that commencement.

(8) If:

(a) section 1073K of the *Social Security Act 1991* applies to a person in the 2018-19 financial year; and

(b) in relation to the person, the last day of the 12-month period referred to in paragraph 1073K(2)(c) of that Act is on or after 20 March 2020;

then, for the purposes of working out the rate of jobseeker payment for the person, the amount of $5,000 referred to in subsection 1073K(2) of that Act is reduced by the amount of ordinary income disregarded in relation to the person and that period in working out the rate of newstart allowance for the person.

351 Saving provisions—concession cards

(1) Despite the amendments made by this Part, sections 1061ZA, 1061ZD and 1061ZDA of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a pensioner concession card in relation to days before that commencement.

(2) Despite the amendments made by this Part, paragraph 1061ZK(5)(c) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to days before that commencement.

(3) Despite the amendments made by this Part, point 1071A-4 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person satisfies the health care card income test at a time before that commencement.

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352 Saving and transitional provisions—other *Social Security Act 1991* provisions

(1) Despite the amendments made by this Part, subparagraph 8(8)(r)(i) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment made before, on or after that commencement that includes an amount calculated by reference to a rate of newstart allowance.

(1A) If:

(a) immediately before the commencement of this item, a person was receiving newstart allowance under the *Social Security Act 1991*; and

(b) at the commencement of this item, the person starts to receive jobseeker payment;

then, while the person continuously receives that jobseeker payment on and after that commencement, the reference in subsection 603AA(2) of that Act to jobseeker payment is taken to be a reference to newstart allowance.

(2) Subparagraphs 1067F(1)(d)(i) and 1067K(1)(d)(i) of the *Social Security Act 1991* apply on and after the commencement of this item as if a reference to jobseeker payment included a reference to newstart allowance.

(3) Despite the amendments made by this Part, sections 1157E, 1157F, 1157JA and 1157JC of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether fringe benefits are assessable fringe benefits in connection with a person's receipt of newstart allowance before, on or after that commencement.

(4) Despite the amendments made by this Part, Part 3.14 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to payments of newstart allowance before, on or after that commencement.

(5) Despite the amendments made by this Part, subparagraph 1187(1A)(a)(ii) of the *Social Security Act 1991*, as in

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force immediately before the commencement of this item, continues to apply on and after that commencement in relation to newstart allowance payable to a person in respect of days occurring before that commencement.

(6) Despite the amendments made by this Part, Divisions 2 and 3 of Part 3.15A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person qualified for newstart allowance, or to a person to whom newstart allowance was payable, in respect of days occurring before that commencement.

(7) Despite the amendments made by this Part, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of newstart allowance made before, on or after that commencement.

353 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Part, Part 3 of, and Schedule 2 to, the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to the following:

(a) the making of claims for newstart allowance in respect of days occurring before that commencement;

(b) making a payment of newstart allowance in respect of days occurring before that commencement;

(c) a determination or requirement made under Part 3 of that Act before that commencement, or the making of a determination or requirement under Part 3 of that Act on or after that commencement, in relation to newstart allowance.

(2) Despite the amendments made by this Part, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of newstart allowance made before, on or after that commencement.

(3) Despite the amendments made by this Part, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the

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commencement of this item, continue to apply on and after that commencement in relation to a decision under the social security law, in relation to newstart allowance, made before, on or after that commencement.

(4) The amendments made by this Part do not affect the validity of a cancellation under subsection 106B(1) of the *Social Security (Administration) Act 1999* before the commencement of this item.

354 Saving provisions—*Veterans' Entitlements Act 1986*

(1) Despite the amendments made by this Part, subparagraph 5H(8)(v)(i) of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment made before, on or after that commencement that includes an amount calculated by reference to a rate of newstart allowance.

(2) Despite the amendments made by this Part, sections 118ND and 118NE of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of newstart allowance in respect of days occurring before that commencement.

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Part 2—Amendments relating to cessation of widow allowance

Social Security Act 1991

355 Paragraphs 603AC(1)(a) and (d)

Omit "newstart allowance", substitute "jobseeker payment".

356 Subsection 603AC(2)

Omit "newstart allowance", substitute "jobseeker payment".

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Part 3—Amendments relating to start day for some participation payments

Social Security (Administration) Act 1999

357 Subclause 3(1) of Schedule 2 (note)

Omit "newstart allowance", substitute "jobseeker payment".

358 Clause 4A of Schedule 2 (heading)

Repeal the heading, substitute:

4A Start day for jobseeker payment and youth allowance if claimant required to attend interview

359 Paragraph 4A(1)(a) of Schedule 2

Omit "newstart allowance", substitute "jobseeker payment".

360 Subclause 4A(6) of Schedule 2

Omit "allowance on the day that would, but for this subclause, be the person's start day, the person's start day is the first day, after what would otherwise (under subclause (4) or (5)) be the person's start day, on which the person is qualified for the allowance", substitute "payment or allowance on the day that would, but for this subclause, be the person's start day, the person's start day is the first day, after what would otherwise (under subclause (4) or (5)) be the person's start day, on which the person is qualified for the payment or allowance".

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Part 5—Amendments relating to targeted compliance framework

Social Security (Administration) Act 1999

373 Section 42AA

Omit "newstart allowance", substitute "jobseeker payment".

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Part 6—Amendments relating to enhanced residency requirements for pensioners

Social Security Act 1991

374 Subparagraph 43A(3)(a)(ii)

Omit "newstart allowance,", substitute "jobseeker payment, newstart allowance under this Act as previously in force,".

375 Subparagraph 95A(3)(a)(ii)

Omit "newstart allowance,", substitute "jobseeker payment, newstart allowance under this Act as previously in force,".

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Schedule 2—Cessation of widow B pension

Income Tax Assessment Act 1936

1 Paragraph 202EA(5)(f)

Repeal the paragraph.

2 Subparagraph 202EB(5)(a)(vi)

Repeal the subparagraph.

Income Tax Assessment Act 1997

3 Section 52-10 (table items 29.1 and 33.1)

Repeal the items.

4 Section 52-15 (table item 1)

Omit:

> Special needs widow B pension

5 Section 52-15 (table item 1)

Omit:

> Widow B pension

6 Section 52-40 (table items 29 and 33)

Repeal the items.

Social Security Act 1991

7 Paragraph 7(4)(b)

Omit “and”.

8 Paragraph 7(4)(e)

Repeal the paragraph.

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9 Subsection 12C(5) (paragraph (b) of the definition of *couple's assets deeming provisions*)

Repeal the paragraph.

10 Subsection 19D(5) (paragraph (c) of the definition of *maximum payment rate*)

Repeal the paragraph.

11 Subsection 23(1) (paragraph (f) of the definition of *social security entitlement*)

Repeal the paragraph.

12 Subsection 23(1) (paragraph (g) of the definition of *social security pension*)

Repeal the paragraph.

13 Subsection 23(1) (paragraph (h) of the definition of *special employment advance qualifying entitlement*)

Repeal the paragraph.

14 At the end of section 43

Add:

(4) A woman is qualified for an age pension if:

(a) the woman was receiving a special needs widow B pension under Part 2.16 immediately before 20 March 2020; and

(b) the woman is not otherwise qualified for an age pension.

15 Part 2.8

Repeal the Part.

16 Division 3 of Part 2.13A

Repeal the Division.

17 Section 771PA

Omit ", a special needs disability pension or a special needs widow B pension", substitute "or special needs disability pension".

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18 Sections 778A and 778

Repeal the sections.

19 Paragraph 796(1)(c)

Omit "pension; or", substitute "pension.".

20 Paragraph 796(1)(e)

Repeal the paragraph.

21 Subsection 796(4)

Omit "or widow B".

22 Point 796-B8

Repeal the point.

23 Subsection 1061A(3) (heading)

Omit "*and widow B*".

24 Subsection 1061A(3)

Omit ", carer payment or widow B pension", substitute "or carer payment".

25 Section 1061ECA (heading)

Omit "**and widow B**".

26 Paragraph 1061ECA(1)(d)

Omit "payment;", substitute "payment.".

27 Paragraph 1061ECA(1)(e)

Repeal the paragraph.

28 Subsection 1061JU(4) (paragraph (c) of the definition of *maximum basic rate*)

Repeal the paragraph.

29 Subparagraph 1061PE(4)(e)(i)

Repeal the subparagraph.

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30 Paragraph 1061PJ(2)(e)

Repeal the paragraph.

31 Subparagraph 1061T(1)(a)(ii)

Omit ", a widow B pension".

32 Part 3.4

Repeal the Part.

33 Section 1067G (table item 18 in Module L of the Youth Allowance Rate Calculator)

Repeal the item.

34 Paragraph 1070(b)

Repeal the paragraph.

35 Paragraph 1070A(b)

Omit ", C".

36 Section 1070E (heading)

Repeal the heading, substitute:

1070E Specific requirement (certain parenting payments)

37 Paragraph 1070E(a)

Omit "Pension Rate Calculator C or".

38 Section 1070M (heading)

Repeal the heading, substitute:

1070M Rate for certain parenting payments

39 Subsection 1070M(1)

Omit "Pension Rate Calculator C or".

40 Subsection 1070T(1)

Omit "Pension Rate Calculator C or".

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41 Paragraph 1073AA(1)(a)

Omit "or Pension Rate Calculator C at the end of section 1066".

42 Subsections 1073AA(6) and (8)

Omit "or point 1066-E2 (whichever is relevant)".

43 Paragraph 1130(8)(b)

Omit "sections 1064 and 1066", substitute "section 1064".

44 Subparagraph 1133(1)(a)(v)

Repeal the subparagraph.

45 Subparagraph 1187(1)(a)(va)

Repeal the subparagraph.

46 Subparagraph 1188C(1)(a)(vii)

Repeal the subparagraph.

47 Subsection 1188C(5) (table item 10)

Repeal the item.

48 Subparagraph 1188D(2)(a)(vii)

Repeal the subparagraph.

49 Subparagraph 1188F(2)(b)(vii)

Repeal the subparagraph.

50 Section 1190 (table item 1AAA)

Omit "[Pension Rate Calculator C—point 1066-B1—the annual rate]".

51 Section 1190 (table item 20)

Omit "[Pension Rate Calculator C—point 1066-E4—Table E—column 1]".

52 Section 1190 (table item 24)

Omit "[Pension Rate Calculator C—point 1066-G3—Table G—column 3A—item 1]".

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53 Section 1190 (table item 25)

Omit "[Pension Rate Calculator C—point 1066-G3—Table G—column 3B—item 1]".

54 Section 1190 (table item 26)

Omit "[Pension Rate Calculator C—point 1066-G3—Table G—column 3A—items 2 and 3]".

55 Section 1190 (table item 27)

Omit "[Pension Rate Calculator C—point 1066-G3—Table G—column 3B—items 2 and 3]".

56 Subsection 1210(4) (table item 2)

Repeal the item.

57 Section 1212 (definition of *entitled person*)

Repeal the definition.

58 Section 1217 (table items 8 and 9)

Repeal the items.

59 Paragraph 1218(1)(b)

Omit "widow B pension,".

60 Subsection 1218(2)

Omit "widow B pension,".

61 Section 1220A

Before "A", insert "(1)".

62 At the end of section 1220A

Add:

(2) Subsection (1) does not apply to a woman if, immediately before 20 March 2020, subsection 1221(1) did not apply to the woman because of subsection 1221(2).

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(3) Subsection (1) does not apply to a woman if, immediately before 20 March 2020, subsection 796(2) did not apply to the woman because of subsection 796(4).

(4) Subsection (1) does not apply to a woman if:

(a) immediately before 20 March 2020, the woman was receiving a widow B pension mentioned in subclause 128A(2) of Schedule 1A; and

(b) immediately before 20 March 2020, subclause 128A(5) of Schedule 1A applied to the woman in relation to that pension.

63 Section 1221

Repeal the section (not including the Pension Portability Rate Calculator), substitute:

1221 Pension Portability Rate Calculator

This section sets out the Pension Portability Rate Calculator for the purposes of this Part.

64 Section 1221 (at the end of Module A of the Pension Portability Rate Calculator)

Add:

Former recipients of widow B pension

1221-A3 If:

(a) immediately before 20 March 2020, a woman was receiving a widow B pension under Part 2.8; and

(b) the woman had become qualified for the widow B pension because of the woman's partner's death; and

(c) on a day on or after 20 March 2020, the woman's rate of age pension is worked out as mentioned in section 1220A; and

(d) on that day, that partner's period of Australian working life residence (immediately before that partner's death) exceeds the woman's period of Australian working life residence on that day; and

(e) on that day, the woman is not a member of a couple;

then, for the purposes of working out that rate of age pension, the woman's period of Australian working life residence is taken to be

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equal to that partner's period of Australian working life residence (immediately before that partner's death).

65 Subparagraph 1228B(1)(b)(iv)

Repeal the subparagraph.

66 Subclause 128A(2) of Schedule 1A

Repeal the subclause, substitute:

(2) This subclause applies to a person if:

(a) the person has become qualified to receive a disability support pension because of the 1986 Agreement; and

(b) the person became qualified to receive the pension because he or she became unable to work or became permanently blind, as the case may be, while he or she was in Australia or was temporarily absent from Australia.

67 Subclause 128A(5) of Schedule 1A

Omit "or widow B pension".

68 Subparagraph 146(1)(a)(vi) of Schedule 1A

Repeal the subparagraph.

69 Subclause 146(2) of Schedule 1A

Omit ", 1065-A1 or 1066-A1", substitute "or 1065-A1".

70 Subclause 146(3) of Schedule 1A (note)

Omit "whichever of points 1064-A1 and 1066-A1 is relevant", substitute "point 1064-A1".

71 Subclause 146(4) of Schedule 1A (note 1)

Omit "points 1064-A1 and 1066-A1", substitute "point 1064-A1".

Social Security (Administration) Act 1999

72 Paragraph 52(1)(i)

Repeal the paragraph.

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73 Paragraphs 66(1)(h) and (k)

Repeal the paragraphs.

74 Subsection 124PD(1) (subparagraph (b)(v) of the definition of *trigger payment*)

Repeal the subparagraph.

75 Subclause 1(1) of Schedule 1 (paragraph (f) of the definition of *social security bereavement payment*)

Repeal the paragraph.

Social Security (International Agreements) Act 1999

76 Section 21 (heading)

Omit "**or widow B pension**".

77 Paragraph 21(a)

Omit "or widow B pension".

Veterans' Entitlements Act 1986

78 Subsection 5F(1) (paragraph (g) of the definition of *child*)

Repeal the paragraph.

79 Subsection 118ND(4) (paragraph (f) of the definition of *bereavement payment provisions*)

Repeal the paragraph.

80 Subsection 118NE(2) (paragraph (c) of the definition of *remote area allowance provisions*)

Repeal the paragraph.

81 Subparagraph 30(1)(a)(ii) of Schedule 5

Omit ", widow B pension".

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82 Saving and transitional provisions—widow B pension and special needs widow B pension

Widow B pension

(1) Despite the amendments made by this Schedule, Parts 2.8 and 3.4 of, and clauses 128A and 146 of Schedule 1A to, the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the rate of, widow B pension in respect of days occurring before that commencement.

Note: Clause 128 of Schedule 1A to the *Social Security Act 1991* may also apply to working out the rate of widow B pension in respect of days occurring before that commencement.

(2) If before the commencement of this item:

(a) a person receiving widow B pension died; and

(b) in relation to that death, an amount had not been paid to a person under section 407 of the *Social Security Act 1991*;

then that section, as in force immediately before that commencement, continues to apply on and after that commencement in relation to that death as if the amendments made by this Schedule had not been made.

(3) No payment of widow B pension is to be made in accordance with Part 4.2 of the *Social Security Act 1991* on or after the commencement of this item in relation to a day on or after that commencement.

Special needs widow B pension

(4) Despite the amendments made by this Schedule, Part 2.16 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for, or the rate of, special needs widow B pension in respect of days occurring before that commencement.

(5) If before the commencement of this item:

(a) a person receiving special needs widow B pension died; and

(b) in relation to that death, an amount had not been paid to a person under section 830 of the *Social Security Act 1991*;

then that section, as in force immediately before that commencement, continues to apply on and after that commencement in relation to that death as if the amendments made by this Schedule had not been made.

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(6) Subject to subitem (5), no payment of special needs widow B pension is to be made in accordance with Part 2.16 of the *Social Security Act 1991* on or after the commencement of this item in relation to a day on or after that commencement.

83 Saving provision—*Income Tax Assessment Act 1936*

Despite the amendments made by this Schedule, paragraph 202EA(5)(f) and subparagraph 202EB(5)(a)(vi) of the *Income Tax Assessment Act 1936*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person receiving widow B pension under Part 2.8 of the *Social Security Act 1991* before, on or after that commencement.

84 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Schedule, items 29.1 and 33.1 of the table in section 52-10 and section 52-15 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of widow B pension under Part 2.8, or special needs widow B pension under Part 2.16, of the *Social Security Act 1991* before, on or after that commencement.

85 Saving provisions—definitions

(1) Despite the amendments made by this Schedule, subsection 7(4) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person was an Australian resident for the purposes of Part 2.8 of that Act in relation to days before that commencement.

(2) Despite the amendments made by this Schedule, section 12C of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the value of a person's assets for the purposes of Part 2.8 of that Act in relation to days before that commencement.

(3) Despite the amendments made by this Schedule, section 19D of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that

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commencement in relation to working out whether a person was in severe financial hardship in relation to days before that commencement.

86 Saving provisions—qualification for payments

(1) Despite the amendments made by this Schedule, Division 3 of Part 2.13A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for an education entry payment before that commencement.

(2) Despite the amendments made by this Schedule, subparagraph 1061PE(4)(e)(i) and paragraph 1061PJ(2)(e) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a pensioner education supplement in relation to days before that commencement.

(3) Despite the amendments made by this Schedule, subparagraph 1061T(1)(a)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for utilities allowance in relation to days before that commencement.

87 Saving provisions—rates of payments

(1) Despite the amendments made by this Schedule, section 1061JU of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the amount of a crisis payment in relation to days before that commencement.

(2) Despite the amendments made by this Schedule, table item 18 in Module L of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to:

(a) working out if a person is a family member in relation to another person for the purposes of Part 2.11 of that Act and that Rate Calculator in relation to days before that commencement; or

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(b) working out if a person is exempt from the parental income test for the purposes of that Rate Calculator in relation to days before that commencement.

(3) Despite the amendments made by this Schedule, paragraph 1070(b) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of rent assistance in relation to widow B pension for days occurring before that commencement.

88 Saving and transitional provisions—advances

(1) If, before the commencement of this item a person had made an application under Division 2 of Part 2.22 of the *Social Security Act 1991* for an advance payment of a widow B pension but the application had not been decided before that commencement, then the application is taken to have been refused.

(2) Despite the amendments made by this Schedule, Division 7 of Part 2.22 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an advance payment, or an instalment of an advance payment, of widow B pension paid before that commencement.

(3) If, before the commencement of this item a person had made a claim for a special employment advance under Part 2.22A of the *Social Security Act 1991* on the basis of being qualified for widow B pension but the claim had not been decided before that commencement, then the claim is taken to have been refused.

(4) Despite the amendments made by this Schedule, Division 7 of Part 2.22A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a special employment advance, or an instalment of a special employment advance, paid before that commencement in respect of widow B pension.

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89 Saving and transitional provisions—pension loans scheme

(1) If, before the commencement of this item a person had made a request under section 1136 of the *Social Security Act 1991* in relation to widow B pension but the request had not been decided before that commencement, then the request is taken to have been refused.

(2) Despite the amendments made by this Schedule, Division 4 of Part 3.12 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of widow B pension made before, on or after that commencement.

90 Saving provisions—other *Social Security Act 1991* provisions

(1) Despite the amendments made by this Schedule, subparagraph 1187(1)(a)(va) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to widow B pension payable to a person in respect of days occurring before that commencement.

(2) Despite the amendments made by this Schedule, Divisions 2 and 3 of Part 3.15A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person qualified for widow B pension, or to a person to whom widow B pension was payable, in respect of days occurring before that commencement.

(3) Despite the amendments made by this Schedule, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of widow B pension, or special needs widow B pension, made before, on or after that commencement.

91 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Schedule, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the

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commencement of this item, continues to apply on and after that commencement in relation to the following:

(a) making a payment of widow B pension, or special needs widow B pension, in respect of days occurring before that commencement;

(b) a determination or requirement made under that Part before that commencement, or the making of a determination or requirement under that Part on or after that commencement, in relation to widow B pension or special needs widow B pension.

(2) Despite the amendments made by this Schedule, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of widow B pension or special needs widow B pension, or of a social security bereavement payment in relation to widow B pension or special needs widow B pension, made before, on or after that commencement.

(3) Despite the amendments made by this Schedule, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision under the social security law, in relation to widow B pension or special needs widow B pension, made before, on or after that commencement.

92 Saving provision—*Social Security (International Agreements) Act 1999*

Despite the amendments made by this Schedule, section 21 of the *Social Security (International Agreements) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of widow B pension in respect of days occurring before that commencement.

93 Saving provisions—*Veterans' Entitlements Act 1986*

(1) Despite the amendments made by this Schedule, sections 118ND and 118NE of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of widow B pension, or special needs widow B pension, in respect of days occurring before, on or after that commencement.

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(2) Despite the amendments made by this Schedule, clause 30 of Schedule 5 to the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of service pension or income support supplement in respect of days occurring before that commencement.

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Schedule 3—Cessation of wife pension

A New Tax System (Family Assistance) Act 1999

1 Paragraph 7(b) of Schedule 3

Repeal the paragraph.

Child Support (Assessment) Act 1989

2 Subsection 5(1) (paragraph (b) of the definition of *tax free pension or benefit*)

Repeal the paragraph.

Income Tax Assessment Act 1936

3 Paragraph 202EA(5)(c)

Repeal the paragraph.

4 Subparagraph 202EB(5)(a)(iii)

Repeal the subparagraph.

Income Tax Assessment Act 1997

5 Section 52-10 (table items 34.1 to 34.4)

Repeal the items.

6 Section 52-15 (table item 1)

Omit:

> Wife pension

7 Subsection 52-25(1) (table)

Omit:

> Wife pension

8 Section 52-40 (table item 34)

Repeal the item.

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Social Security Act 1991

9 Subsection 17(1) (paragraph (e) of the definition of *compensation affected payment*)

Repeal the paragraph.

10 Subsection 17(1) (definition of *disability support wife pension*)

Repeal the definition.

11 Subsection 19D(5) (subparagraph (a)(iv) of the definition of *maximum payment rate*)

Repeal the subparagraph.

12 Subsection 21(1) (definition of *partner bereavement payment*)

Omit "189,".

13 Subsection 23(1) (definition of *disability support wife pension*)

Repeal the definition.

14 Subsection 23(1) (paragraph (c) of the definition of *social security entitlement*)

Repeal the paragraph.

15 Subsection 23(1) (paragraph (c) of the definition of *social security pension*)

Repeal the paragraph.

16 Subsection 23(1) (paragraph (j) of the definition of *special employment advance qualifying entitlement*)

Repeal the paragraph.

17 Paragraph 23(4A)(g)

Repeal the paragraph, substitute:

(g) the person continues to be qualified for the pension or benefit on and from the cessation day;

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18 After subsection 43(1A)

Insert:

(1B) A woman is qualified for an age pension if:

(a) immediately before 20 March 2020:

(i) the woman was receiving a wife pension under Part 2.4; or

(ii) the woman was receiving a wife pension under a scheduled international social security agreement; and

(b) immediately before 20 March 2020, the woman was not receiving carer allowance under Part 2.19; and

(c) the woman has reached pension age; and

(d) the woman is not otherwise qualified for an age pension.

Note: For ***pension age*** see subsections 23(5A), (5B) (5C) and (5D).

19 Part 2.4

Repeal the Part.

20 At the end of subsection 197A(1)

Add:

; (j) section 198AD (wife pension and carer allowance recipient).

21 After section 198AC

Insert:

198AD Qualification—wife pension and carer allowance recipient

A woman is qualified for a carer payment if:

(a) immediately before 20 March 2020, the woman was receiving a wife pension under Part 2.4; and

(b) immediately before 20 March 2020, the woman was receiving carer allowance under Part 2.19; and

(c) on and after 20 March 2020, the woman continuously receives carer allowance under Part 2.19; and

(d) the woman is not otherwise qualified for a carer payment.

Note: The effect of paragraph (c) is that once the woman stops receiving carer allowance, the woman will not be able to again qualify for a carer payment under this section.

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22 Subsection 202(6)

Repeal the subsection.

23 Subsection 611(1)

Omit "A", substitute "Subject to section 654, a".

24 Section 643

Omit "A", substitute "Subject to this Division, a".

25 At the end of Division 4 of Part 2.12

Add:

654 Rate of jobseeker payment for former recipients of wife pension

(1) This section applies if:

(a) a woman was receiving wife pension under Part 2.4 immediately before 20 March 2020; and

(b) the Secretary makes a determination under section 12 of the Administration Act that the woman is taken to have made a claim for jobseeker payment because the woman became qualified for that payment immediately after ceasing to receive wife pension.

(2) The Secretary must, in determining the claim, disregard section 611.

(3) Subject to this section, if:

(a) the Secretary determines that the claim is to be granted; and

(b) as a result of that determination and disregarding section 611, jobseeker payment is payable to the woman on a day (a ***transition day***) on or after 20 March 2020;

the woman's jobseeker payment rate on the transition day is worked out in accordance with the following method statement:

Method statement	
Step 1.	Work out the woman's jobseeker payment rate on the transition day in accordance with sections 643 and 644AAA.

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Step 2.	Work out the woman's wife pension transition rate on the transition day.
Note:	See subsection (4) for the wife pension transition rate.
Step 3.	If the rate at step 2 exceeds the rate at step 1, the woman's jobseeker payment rate on the transition day is the rate at step 2.
Step 4.	If the rate at step 2 does not exceed the rate at step 1, the woman's jobseeker payment rate on the transition day is the rate at step 1.

(4) The woman's wife pension transition rate on a transition day is the rate worked out in accordance with section 655 or 656.

(5) If, for a period of 42 consecutive days, the following apply:

(a) the woman's jobseeker payment rate is the rate at step 1 of the method statement in subsection (3);

(b) if section 611 had applied in relation to the woman throughout that period, the value of the woman's assets throughout that period is less than or equal to the woman's asset value limit under that section;

then for any day after the end of that period:

(c) section 611 applies in relation to the woman; and

(d) the woman's jobseeker payment rate is to be worked out in accordance with sections 643 and 644AAA (and not under this section).

(6) If, on a day (the ***cessation day***) on or after 20 March 2020, the woman would not have qualified for a wife pension if Part 2.4 (as in force immediately before 20 March 2020) were still in force on the cessation day, then on and after the cessation day:

(a) section 611 applies in relation to the woman; and

(b) the woman's jobseeker payment rate is to be worked out in accordance with sections 643 and 644AAA (and not under this section).

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655 Wife pension transition rate—method 1

(1) A woman's wife pension transition rate on a day is worked out in accordance with this section if:

(a) on 19 March 2020, there was no reduction under step 5 of the method statement in point 1064-A1, and there was no reduction under step 9 of that method statement, in relation to the woman's rate of wife pension on that day; and

(b) assuming the woman were receiving newstart allowance on each day in the period starting on 6 February 2020 and ending at the end of 19 March 2020, there would have been no reduction under step 5 of the method statement in point 1068-A1 on any day in that period.

(2) The woman's wife pension transition rate on a day is the rate that would have been the woman's rate of wife pension on that day under Module A of the Pension Rate Calculator A in section 1064 if the woman had been receiving wife pension on that day.

(3) However, subsection (2) applies with the following modifications:

(a) in working out the amount at step 1 of the method statement in point 1064-A1, assume each amount in the table in point 1064-B1 were that amount as at 19 March 2020;

(b) in working out the amount at step 1A of the method statement in point 1064-A1:

(i) assume the combined couple rate of pension supplement were that amount as at 19 March 2020; and

(ii) assume the combined couple rate of minimum pension supplement were that amount as at 19 March 2020;

(c) assume the amount at step 5 of the method statement in point 1064-A1 were the amount worked out at step 5 of the method statement in point 1068-A1, multiplied by 26;

(d) in working out the amount at step 9 of the method statement in point 1064-A1, assume each amount in the table in point 1064-G3 were that amount as at 19 March 2020.

656 Wife pension transition rate—method 2

(1) A woman's wife pension transition rate on a day is worked out in accordance with this section if:

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(a) on 19 March 2020, there was a reduction under either or both of steps 5 and 9 of the method statement in point 1064-A1 in relation to the woman's rate of wife pension on that day; or

(b) assuming the woman were receiving newstart allowance on each day in the period starting on 6 February 2020 and ending at the end of 19 March 2020, there would have been a reduction under step 5 of the method statement in point 1068-A1 on at least one day in that period.

(2) The woman's wife pension transition rate on a day is the rate that would have been the woman's rate of wife pension on that day under Module A of the Pension Rate Calculator A in section 1064 if the woman had been receiving wife pension on that day.

(3) However, subsection (2) applies with the following modifications:

(a) in working out the amount at step 1 of the method statement in point 1064-A1, assume each amount in the table in point 1064-B1 were that amount as at 19 March 2020;

(b) in working out the amount at step 1A of the method statement in point 1064-A1:

(i) assume the combined couple rate of pension supplement were that amount as at 19 March 2020; and

(ii) assume the combined couple rate of minimum pension supplement were that amount as at 19 March 2020;

(c) in working out the amount at step 5 of the method statement in point 1064-A1, assume each amount in the table in point 1064-E4 were that amount as at 19 March 2020;

(d) in working out the amount at step 9 of the method statement in point 1064-A1, assume each amount in the table in point 1064-G3 were that amount as at 19 March 2020.

(4) For the purposes of this section, take into account clause 146 of Schedule 1A as in force immediately before 20 March 2020. However, in taking that clause into account, assume each amount referred to in subparagraph 146(4)(a)(i) of Schedule 1A were that amount as at 19 March 2020.

26 Division 10 of Part 2.13A

Repeal the Division.

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27 Subsection 992X(2) (table item 4)

Repeal the item.

28 Subsection 992X(3A) (heading)

Repeal the heading, substitute:

Effect of nil rates of carer payment, partner service pension and carer service pension

29 Subparagraph 992X(3A)(a)(i)

Omit "or wife pension".

30 Subparagraph 992X(3A)(a)(i)

Omit "or pension".

31 Subsection 1061A(3) (heading)

Omit "*, disability support, wife*", substitute "*and disability support*".

32 Subsection 1061A(3)

Omit ", wife pension".

33 Section 1061ECA (heading)

Omit "**, disability support, wife**", substitute "**and disability support**".

34 Paragraph 1061ECA(1)(c)

Repeal the paragraph.

35 Subsection 1061JU(4) (subparagraph (a)(iv) of the definition of *maximum basic rate*)

Repeal the subparagraph.

36 Paragraph 1061PJ(2)(b)

Repeal the paragraph.

37 Subparagraph 1061T(1)(a)(ii)

Omit ", a carer payment, a wife pension", substitute "or a carer payment".

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38 After subsection 1061ZA(2D)

Insert:

(2E) Subject to subsection (3), a woman is qualified for a pensioner concession card on a day if, on that day:

(a) the woman is receiving a jobseeker payment; and

(b) the woman's jobseeker payment rate is worked out under section 654.

39 Subsection 1061ZA(3)

Omit "and (2D)", substitute ", (2D) and (2E)".

40 Section 1061ZE

Repeal the section.

41 Subsection 1061ZEA(1)

Omit ", 1061ZE".

42 Subparagraph 1061ZEA(2)(ga)(i)

Repeal the subparagraph.

43 Subsection 1061ZK(5)

Omit "or (2D)", substitute ", (2D) or (2E)".

44 Subparagraph 1061ZUC(1)(a)(i)

Omit "1061ZE,".

45 Section 1064 (heading)

Repeal the heading, substitute:

1064 Rate of age and disability support pensions and carer payment (people who are not blind)

46 Paragraph 1064(1)(c)

Repeal the paragraph.

47 Subparagraph 1064(5)(b)(iii)

Repeal the subparagraph.

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48 Subparagraph 1064(7)(b)(iii)

Repeal the subparagraph.

49 Paragraph 1064-E3(a)

Omit "wife pension,".

50 Subparagraph 1067F(1)(d)(vi)

Repeal the subparagraph.

51 Section 1067G (table items 6 and 21 in Module L of the Youth Allowance Rate Calculator)

Repeal the items.

52 Subparagraph 1067K(1)(d)(v)

Repeal the subparagraph.

53 Paragraph 1070(a)

Omit ", disability support and wife pensions", substitute "and disability support pensions".

54 Section 1070D (heading)

Repeal the heading, substitute:

1070D Specific requirement (carer payments and certain age and disability support pensions)

55 Section 1070L (heading)

Repeal the heading, substitute:

1070L Rate for carer payments and certain age and disability support pensions

56 Subsection 1073J(1)

Omit "(1)".

57 Subsection 1073J(2)

Repeal the subsection.

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58 Subparagraph 1133(2)(a)(iii)

Repeal the subparagraph.

59 Subsection 1161(1)

Omit "to (7)", substitute "to (6A)".

60 Subsection 1161(7)

Repeal the subsection.

61 Subsection 1185(5) (paragraph (a) of the definition of *dependency-based payment*)

Repeal the paragraph.

62 Subparagraph 1187(1)(a)(ii)

Repeal the subparagraph.

63 Subparagraph 1187(2)(c)(i)

Repeal the subparagraph.

64 Subparagraph 1188C(1)(a)(iii)

Repeal the subparagraph.

65 Subsection 1188C(5) (table item 5)

Repeal the item.

66 Subparagraph 1188D(2)(a)(iii)

Repeal the subparagraph.

67 Subparagraph 1188F(2)(b)(iii)

Repeal the subparagraph.

68 Section 1217 (table items 4 and 5)

Repeal the items.

69 Paragraph 1218(1)(b)

Omit "wife pension,".

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70 Subsection 1218(2)

Omit "wife pension,".

71 At the end of section 1220A

Add:

(5) Subsection (1) does not apply to a woman if:

(a) immediately before 20 March 2020, the woman was receiving a wife pension under Part 2.4; and

(b) immediately before 20 March 2020, clause 128 of Schedule 1A applied to the woman in relation to that pension.

72 Section 1221 (at the end of Module A of the Pension Portability Rate Calculator)

Add:

Former recipients of wife pension

1221-A4 If immediately before 20 March 2020:

(a) either:

(i) a woman was receiving a wife pension under Part 2.4; or

(ii) a woman was receiving a wife pension under a scheduled international social security agreement; and

(b) the woman was a member of a couple; and

(c) the rate of the woman's wife pension was required to be worked out having regard to the woman's period of Australian working life residence; and

(d) the woman's period of Australian working life residence was taken to be equal to the period of Australian working life residence of the woman's partner;

then, for a day on or after 20 March 2020, the woman's period of Australian working life residence is taken to be equal to the period of Australian working life residence of the woman's partner if the following apply on that day:

(e) the woman is a member of that same couple;

(f) the woman's rate of age pension is worked out as mentioned in section 1220A.

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73 Subparagraph 1223ABC(1)(b)(ii)

Repeal the subparagraph.

74 Subparagraph 1223ABD(1)(b)(ii)

Repeal the subparagraph.

75 Subparagraph 1228B(1)(b)(iii)

Repeal the subparagraph.

76 Subparagraph 146(1)(a)(iii) of Schedule 1A

Repeal the subparagraph.

Social Security (Administration) Act 1999

77 Paragraph 52(1)(j)

Repeal the paragraph.

78 Subsection 53(3)

Repeal the subsection.

79 Paragraph 66(1)(l)

Repeal the paragraph.

80 Paragraph 96(6)(b)

Omit "wife pension or".

81 Subsection 96(6)

Omit "wife pension or carer payment, as the case may be,", substitute "carer payment".

82 Paragraph 97(2)(b)

Omit "wife pension or".

83 Subsection 97(2)

Omit "wife pension or carer payment, as the case may be,", substitute "carer payment".

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84 Paragraph 97(4)(b)

Omit "wife pension or".

85 Subsection 97(4)

Omit "wife pension or carer payment, as the case may be,", substitute "carer payment".

86 Paragraph 97A(5)(b)

Omit "wife pension or".

87 Subsection 97A(5)

Omit "wife pension or carer payment, as the case may be,", substitute "carer payment".

88 Paragraph 97B(4)(b)

Omit "wife pension or".

89 Subsection 97B(4)

Omit "wife pension or carer payment, as the case may be,", substitute "carer payment".

90 Subsection 124PD(1) (at the end of subparagraph (b)(iv) of the definition of *trigger payment*)

Add "or".

91 Subsection 124PD(1) (subparagraph (b)(vi) of the definition of *trigger payment*)

Repeal the subparagraph.

92 Subclause 1(1) of Schedule 1 (paragraph (c) of the definition of *social security bereavement payment*)

Repeal the paragraph.

Veterans' Entitlements Act 1986

93 Subsection 5F(1) (paragraph (d) of the definition of *child*)

Repeal the paragraph.

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94 Paragraph 45N(1)(bb)

Repeal the paragraph.

95 Subsections 45N(3) and (4)

Omit "or (bb)".

96 Subsection 118ND(4) (paragraph (c) of the definition of *bereavement payment provisions*)

Repeal the paragraph.

97 Subparagraph 30(1)(a)(ii) of Schedule 5

Omit "wife pension,".

98 Saving and transitional provisions—wife pension

(1) Despite the amendments made by this Schedule, Parts 2.4 and 3.2 of, and clause 146 of Schedule 1A to, the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the rate of, wife pension in respect of days occurring before that commencement.

(2) If before the commencement of this item:

(a) a woman was receiving wife pension; and

(b) the woman's partner died;

then Division 9 of Part 2.4 of the *Social Security Act 1991*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to the woman as if the amendments made by this Schedule had not been made.

(3) No payment of wife pension is to be made in accordance with Part 4.2 of the *Social Security Act 1991* on or after the commencement of this item in relation to a day on or after that commencement.

(4) A person is not qualified for an age pension under Part 2.2 of the *Social Security Act 1991* in respect of a day on or after the commencement of this item if the person receives wife pension in respect of that day.

(5) If:

(a) on or after the commencement of this item, the Secretary makes a determination under section 12 of the *Social Security*

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(Administration) Act 1999 that a woman is taken to have made a claim for carer payment; and

(b) the Secretary makes the determination on the basis that the woman is qualified for the payment under section 198AD of the *Social Security Act 1991*;

then section 203 of the *Social Security Act 1991* does not apply in relation to that claim.

99 Saving provision—*A New Tax System (Family Assistance) Act 1999*

Despite the amendments made by this Schedule, paragraph 7(b) of Schedule 3 to the *A New Tax System (Family Assistance) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of wife pension under Part 2.4 of the *Social Security Act 1991* before, on or after that commencement.

100 Saving provision—*Child Support (Assessment) Act 1989*

Despite the amendments made by this Schedule, a payment of wife pension under Part 2.4 of the *Social Security Act 1991* before, on or after the commencement of this item is a tax free pension or benefit for the purposes of the *Child Support (Assessment) Act 1989*.

101 Saving provision—*Income Tax Assessment Act 1936*

Despite the amendments made by this Schedule, paragraph 202EA(5)(c) and subparagraph 202EB(5)(a)(iii) of the *Income Tax Assessment Act 1936*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person receiving wife pension under Part 2.4 of the *Social Security Act 1991* before, on or after that commencement.

102 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Schedule, items 34.1 to 34.4 of the table in section 52-10 and sections 52-15 and 52-25 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of wife pension under Part 2.4 of the *Social Security Act 1991* before, on or after that commencement.

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103 Saving provisions—definitions

(1) Despite the amendments made by this Schedule, section 19D of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person was in severe financial hardship in relation to days before that commencement.

(2) Despite the amendments made by this Schedule, paragraph 23(4A)(g) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out if a woman is receiving wife pension at a time before, on or after that commencement.

104 Saving provisions—qualification for payments

(1) Despite the amendments made by this Schedule, subsection 202(6) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out if carer payment is payable to a person in respect of days occurring before that commencement.

(2) Despite the amendments made by this Schedule, Division 10 of Part 2.13A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for an education entry payment before, on or after that commencement.

(3) Despite the amendments made by this Schedule, paragraph 1061PJ(2)(b) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a pensioner education supplement before, on or after that commencement.

(4) Despite the amendments made by this Schedule, subparagraph 1061T(1)(a)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for utilities allowance in relation to days before, on or after that commencement.

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105 Saving provisions—rates of payments

(1) Despite the amendments made by this Schedule, subsections 992X(2) and (3A) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the amount of carer supplement at a time before, on or after that commencement.

(2) Despite the amendments made by this Schedule, section 1061JU of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the amount of a crisis payment in relation to days before that commencement.

(3) Despite the amendments made by this Schedule, table items 6 and 21 in Module L of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to:

(a) working out if a person is a family member in relation to another person for the purposes of Part 2.11 of that Act and that Rate Calculator in relation to days before that commencement; or

(b) working out if a person is exempt from the parental income test for the purposes of that Rate Calculator in relation to days before that commencement.

(4) Despite the amendments made by this Schedule, paragraph 1070(a) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of rent assistance in relation to wife pension for days in respect of which wife pension is payable to a person.

(5) Despite the amendments made by this Schedule, Divisions 2 and 3 of Part 3.15A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to wife pension payable to a person in respect of days occurring before, on or after that commencement.

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106 Saving provision—concession cards

Despite the amendments made by this Schedule, section 1061ZE of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who ceased to be qualified for wife pension, or in respect of whom wife pension ceased to be payable, before that commencement.

107 Saving and transitional provisions—advances

(1) If, before the commencement of this item a person had made an application under Division 2 of Part 2.22 of the *Social Security Act 1991* for an advance payment of a wife pension but the application had not been decided before that commencement, then the application is taken to have been refused.

(2) Despite the amendments made by this Schedule, Division 7 of Part 2.22 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an advance payment, or an instalment of an advance payment, of wife pension paid before that commencement.

(3) If, before the commencement of this item a person had made a claim for a special employment advance under Part 2.22A of the *Social Security Act 1991* on the basis of being qualified for wife pension but the claim had not been decided before that commencement, then the claim is taken to have been refused.

(4) Despite the amendments made by this Schedule, Division 7 of Part 2.22A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a special employment advance, or an instalment of a special employment advance, paid before that commencement in respect of wife pension.

108 Saving and transitional provisions—pension loans scheme

(1) If, before the commencement of this item a person had made a request under section 1136 of the *Social Security Act 1991* in relation to wife pension but the request had not been decided before that commencement, then the request is taken to have been refused.

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(2) Despite the amendments made by this Schedule, Division 4 of Part 3.12 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of wife pension made before, on or after that commencement.

109 Saving provisions—other *Social Security Act 1991* provisions

(1) Despite the amendments made by this Schedule, subparagraphs 1067F(1)(d)(vi) and 1067K(1)(d)(v) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out if a person is a long term income support student at a time before, on or after that commencement.

(2) Despite the amendments made by this Schedule, Part 3.14 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to payments of wife pension before, on or after that commencement.

(3) Despite the amendments made by this Schedule, subparagraphs 1187(1)(a)(ii) and (2)(c)(i) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to wife pension payable to a person in respect of days occurring before, on or after that commencement.

(4) Despite the amendments made by this Schedule, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of wife pension made before, on or after that commencement.

110 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Schedule, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:

(a) making a payment of wife pension in respect of days for which wife pension is payable to a person;

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(b) a determination or requirement made under that Part before that commencement, or the making of a determination or requirement under that Part on or after that commencement, in relation to wife pension.

(2) Despite the amendments made by this Schedule, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of wife pension, or of a social security bereavement payment in relation to wife pension, made before, on or after that commencement.

(3) Despite the amendments made by this Schedule, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision under the social security law, in relation to wife pension, made before, on or after that commencement.

111 Saving provisions—*Veterans' Entitlements Act 1986*

(1) Despite the amendments made by this Schedule, section 45N of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person in receipt of wife pension under Part 2.4 of the *Social Security Act 1991* before, on or after that commencement.

(2) Despite the amendments made by this Schedule, sections 118ND and 118NE of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of wife pension in respect of days occurring before, on or after that commencement.

(3) Despite the amendments made by this Schedule, clause 30 of Schedule 5 to the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of service pension or income support supplement in respect of days occurring before that commencement.

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Schedule 4—Cessation of bereavement allowance

Income Tax Assessment Act 1997

1 Section 52-10 (table item 3.1)

Repeal the item.

2 Section 52-15 (table item 1)

Omit:

Bereavement allowance

3 Subsection 52-20(3) (table item 5A)

Omit "paragraph 567(1)(f)", substitute "subsection 567(1) or section 567FA".

4 Subsection 52-20(3) (table item 6)

Omit "Subdivision AA of".

5 Subsection 52-20(3) (table item 6)

Omit "paragraph 660LA(1)(f)", substitute "subsection 660LA(1) or section 660LH".

6 Section 52-40 (table item 3)

Repeal the item.

7 Section 52-40 (table item 35)

Omit "Section 567B", substitute "Sections 567B and 567FA".

Social Security Act 1991

8 Paragraph 7(4)(d)

Repeal the paragraph.

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9 Subsection 23(1) (paragraph (f) of the definition of *social security pension*)

Repeal the paragraph.

10 Part 2.7

Repeal the Part.

11 Section 501E (heading)

Repeal the heading, substitute:

501E Parenting Payment Employment Pathway Plans—suspension of plans

12 Section 501E

After "section", insert "502BA,".

13 Before section 502C

Insert:

502BA Death of person's partner

Claimants

(1) If:

(a) a person makes a claim for parenting payment on or after the commencement of this section; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

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whichever ends later;

then the person is covered by a participation exemption under this Division in respect of the period applicable under paragraph (c) or (d).

Recipients

(2) If:

(a) a person is receiving parenting payment on or after the commencement of this section; and

(b) while the person is receiving parenting payment, the person's partner dies on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person notifies the Secretary of the person's partner's death in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person notifies the Secretary of the person's partner's death:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(e) the person is receiving parenting payment on the day of the notification;

then the person is covered by a participation exemption under this Division in respect of the period applicable under paragraph (c) or (d).

14 After paragraph 542(c)

Insert:

(ca) the person has a death of partner exemption under section 542EA; or

15 After section 542E

Insert:

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542EA Relief from activity test—death of person's partner

Claimants

(1) If:

(a) a person makes a claim for youth allowance on or after the commencement of this section; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later;

then the person has a death of partner exemption in respect of the period applicable under paragraph (c) or (d).

Recipients

(2) If:

(a) a person is receiving youth allowance on or after the commencement of this section; and

(b) while the person is receiving youth allowance, the person's partner dies on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person notifies the Secretary of the person's partner's death in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person notifies the Secretary of the person's partner's death:

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(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(e) the person is receiving youth allowance on the day of the notification;

then the person has a death of partner exemption in respect of the period applicable under paragraph (c) or (d).

16 After paragraph 544A(2)(b)

Insert:

(baa) has a death of partner exemption under section 542EA; or

17 Before paragraph 544E(a)

Insert:

(aa) has a death of partner exemption under section 542EA; or

18 At the end of section 549A

Add:

Exception—death of person's partner

(7) Subsection (1) does not apply to a person if:

(a) the person makes a claim for youth allowance on or after the commencement of this subsection; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this subsection; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

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(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later.

19 Subsection 549CA(2)

Omit "subsection (3)", substitute "subsections (3) and (5)".

20 At the end of section 549CA

Add:

(5) Subsection (2) does not apply to a person if:

(a) the person makes a claim for youth allowance on or after the commencement of this subsection; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this subsection; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later.

21 At the end of section 553C

Add:

Exemption for death of person's partner

(6) Subsection (2) does not apply to a person if:

(a) the person makes a claim for youth allowance on or after the commencement of this subsection; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this subsection; and

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(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later.

22 Subdivision A of Division 10 of Part 2.11 (heading)

Repeal the heading, substitute:

Subdivision A—Ongoing payments for death of partner

23 Section 567 (heading)

Repeal the heading, substitute:

567 Qualification for payments under this Subdivision

24 Paragraph 567(1)(f)

Omit "Division", substitute "Subdivision".

25 Subsection 567(1)

Omit "Division" (last occurring), substitute "Subdivision".

26 Subsection 567(2)

Omit "Division" (wherever occurring), substitute "Subdivision".

27 At the end of subsection 567(2)

Add:

Note: By making such a choice, the person may qualify for a payment under Subdivision AA.

28 Paragraph 567(3)(b)

Omit "Division", substitute "Subdivision".

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29 Subsection 567(4)

Omit "Division", substitute "Subdivision".

30 Section 567A

Omit "Division", substitute "Subdivision".

31 Paragraph 567B(a)

Omit "Division", substitute "Subdivision".

32 Section 567C

Omit "Division" (wherever occurring), substitute "Subdivision".

33 Section 567D (heading)

Repeal the heading, substitute:

567D Effect of death of person entitled to payments under this Subdivision

34 Paragraph 567D(a)

Omit "Division", substitute "Subdivision".

35 Section 567E (heading)

Repeal the heading, substitute:

567E Matters affecting payments under this Subdivision

36 Paragraphs 567E(1)(a), (d) and (e)

Omit "Division", substitute "Subdivision".

37 Paragraph 567E(2)(a)

Omit "Division", substitute "Subdivision".

38 Section 567F

Omit "Division", substitute "Subdivision".

39 After Subdivision A of Division 10 of Part 2.11

Insert:

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Subdivision AA—One-off payment for death of partner

567FA Qualification for payment under this Subdivision

A person is qualified for a lump sum payment under this Subdivision if:

(a) the person is qualified for youth allowance on a day (the ***relevant day***); and

(b) youth allowance is payable to the person on the relevant day; and

(c) on or before the relevant day but after the commencement of this section, the person was a member of a couple and stopped being a member of a couple because the person's partner died; and

(d) the person is not a member of a couple on the relevant day; and

(e) when the person's partner died, both the person and the person's partner were Australian residents; and

(f) if the person is a man or a woman who was not pregnant when her partner died—the relevant day occurs in the period of 14 weeks starting on the day of the death of the partner; and

(g) if the person is a woman who was pregnant when her partner died—the relevant day occurs:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period (the ***relevant period***) starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(h) the relevant day is the day that the person first notifies the Secretary of the person's partner's death; and

(i) if the person is qualified for payments under section 567 in respect of the person's partner's death—the person has made a choice under subsection 567(2).

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567FB Amount of payment

(1) The amount of the person's payment is worked out using the following formula (except if paragraph 567FA(g) applies in relation to the person):

$$\text{Daily rate of person's youth allowance on the relevant day} \times 14 \times 7$$

(2) If subparagraph 567FA(g)(i) applies in relation to the person, the amount of the person's payment is worked out using the following formula:

$$\left[\text{Daily rate of person's youth allowance on the relevant day} \times 14 \times 3\right] + \$2{,}000$$

(3) If subparagraph 567FA(g)(ii) applies in relation to the person, the amount of the person's payment is worked out using the following formula:

$$\left[\text{Daily rate of person's youth allowance on the relevant day} \times 14 \times 3\right] + \text{Additional amount}$$

where:

additional amount means the amount worked out in accordance with the following table:

Additional amount

Item	If the relevant period is:	the additional amount is:
1	More than 14 weeks but not more than 16 weeks	$2,250
2	More than 16 weeks but not more than 18 weeks	$2,700
3	More than 18 weeks but not more than 20 weeks	$3,150
4	More than 20 weeks but not more than 22 weeks	$3,550
5	More than 22 weeks but not more than 24 weeks	$4,000
6	More than 24 weeks but not more than 26 weeks	$4,450

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Additional amount		
Item	**If the relevant period is:**	**the additional amount is:**
7	More than 26 weeks but not more than 28 weeks	$4,900
8	More than 28 weeks but not more than 30 weeks	$5,350
9	More than 30 weeks but not more than 32 weeks	$5,800
10	More than 32 weeks	$6,250

40 Subsection 598(1)

Omit "and (8)", substitute ", (8) and (8B)".

41 After subsection 598(8A)

Insert:

(8B) Subsection (1) does not apply to a person if:

(a) the person makes a claim for jobseeker payment on or after the commencement of this subsection; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this subsection; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later.

42 Subsection 601(1) (notes 1 and 2)

Repeal the notes, substitute:

Note 1: See subsections (2A) and (2B) on what paid work is unsuitable.

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Note 2: This Subdivision and Subdivision BA set out situations in which a person is taken to satisfy, or is not required to satisfy, the activity test.

43 Subsection 601(5) (note)

Repeal the note.

44 After section 602A

Insert:

602AA Relief from activity test—death of person's partner

Claimants

(1) If:

(a) a person makes a claim for jobseeker payment on or after the commencement of this section; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later;

then the person is not required to satisfy the activity test in respect of the period applicable under paragraph (c) or (d).

Recipients

(2) If:

(a) a person is receiving jobseeker payment on or after the commencement of this section; and

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(b) while the person is receiving jobseeker payment, the person's partner dies on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person notifies the Secretary of the person's partner's death in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person notifies the Secretary of the person's partner's death:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(e) the person is receiving jobseeker payment on the day of the notification;

then the person is not required to satisfy the activity test in respect of the period applicable under paragraph (c) or (d).

45 Subsection 605(2C)

After "section", insert "602AA,".

46 Section 607C (heading)

Omit "**in cases of domestic violence etc.**".

47 Section 607C

After "section", insert "602AA,".

48 Subsection 620(1)

Omit "subsection (2)", substitute "subsections (2) and (4)".

49 At the end of section 620

Add:

(4) Subsection (1) does not apply to a person if:

(a) the person makes a claim for jobseeker payment on or after the commencement of this subsection; and

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(b) the person makes the claim after the death of the person's partner on or after the commencement of this subsection; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later.

50 At the end of section 633

Add:

(6) Subsection (2) does not apply to a person if:

(a) the person makes a claim for jobseeker payment on or after the commencement of this subsection; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this subsection; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later.

51 Subdivision AA of Division 9 of Part 2.12 (heading)

Repeal the heading, substitute:

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Subdivision AA—Ongoing payments for death of partner

52 At the end of subsection 660LA(2)

Add:

Note: By making such an election, the person may qualify for a payment under Subdivision A.

53 Section 660LG

Omit "Division", substitute "Subdivision".

54 After Subdivision AA of Division 9 of Part 2.12

Insert:

Subdivision A—One-off payment for death of partner

660LH Qualification for payment under this Subdivision

A person is qualified for a lump sum payment under this Subdivision if:

(a) the person is qualified for jobseeker payment on a day (the ***relevant day***); and

(b) jobseeker payment is payable to the person on the relevant day; and

(c) on or before the relevant day but after the commencement of this section, the person was a member of a couple and stopped being a member of a couple because the person's partner died; and

(d) the person is not a member of a couple on the relevant day; and

(e) when the person's partner died, both the person and the person's partner were Australian residents; and

(f) if the person is a man or a woman who was not pregnant when her partner died—the relevant day occurs in the period of 14 weeks starting on the day of the death of the partner; and

(g) if the person is a woman who was pregnant when her partner died—the relevant day occurs:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

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(ii) in the period (the ***relevant period***) starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(h) the relevant day is the day that the person first notifies the Secretary of the person's partner's death; and

(i) if the person is qualified for payments under section 660LA in respect of the person's partner's death—the person has made an election under subsection 660LA(2).

660LI Amount of payment

(1) The amount of the person's payment is worked out using the following formula (except if paragraph 660LH(g) applies in relation to the person):

$$\text{Daily rate of person's jobseeker payment on the relevant day} \times 14 \times 4.5$$

(2) If subparagraph 660LH(g)(i) applies in relation to the person, the amount of the person's payment is worked out using the following formula:

$$\left[\text{Daily rate of person's jobseeker payment on the relevant day} \times 14 \times 3\right] + \$1{,}000$$

(3) If subparagraph 660LH(g)(ii) applies in relation to the person, the amount of the person's payment is worked out using the following formula:

$$\left[\text{Daily rate of person's jobseeker payment on the relevant day} \times 14 \times 3\right] + \text{Additional amount}$$

where:

additional amount means the amount worked out in accordance with the following table:

Additional amount

Item	If the relevant period is:	the additional amount is:
1	More than 14 weeks but not more than 16 weeks	$1,150

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Additional amount		
Item	**If the relevant period is:**	**the additional amount is:**
2	More than 16 weeks but not more than 18 weeks	$1,500
3	More than 18 weeks but not more than 20 weeks	$1,850
4	More than 20 weeks but not more than 22 weeks	$2,150
5	More than 22 weeks but not more than 24 weeks	$2,500
6	More than 24 weeks but not more than 26 weeks	$2,850
7	More than 26 weeks but not more than 28 weeks	$3,200
8	More than 28 weeks but not more than 30 weeks	$3,550
9	More than 30 weeks but not more than 32 weeks	$3,900
10	More than 32 weeks	$4,250

55 After section 731D

Insert:

731DAA Relief from activity test—death of person's partner

Claimants

(1) If:

(a) a person makes a claim for special benefit on or after the commencement of this section; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

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(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later;

then the person is not required to satisfy the activity test in respect of the period applicable under paragraph (c) or (d).

Recipients

(2) If:

(a) a person is receiving special benefit on or after the commencement of this section; and

(b) while the person is receiving special benefit, the person's partner dies on or after the commencement of this section; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person notifies the Secretary of the person's partner's death in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person notifies the Secretary of the person's partner's death:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(e) the person is receiving special benefit on the day of the notification;

then the person is not required to satisfy the activity test in respect of the period applicable under paragraph (c) or (d).

56 Subsection 731L(3)

After "section", insert "731DAA,".

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57 Section 731R (heading)

Repeal the heading, substitute:

731R Special Benefit Employment Pathway Plans—suspension of plans

58 Section 731R

After "section", insert "731DAA,".

59 Subparagraph 1061T(1)(a)(ii)

Omit "or a bereavement allowance".

60 Subparagraph 1067F(1)(d)(viii)

Repeal the subparagraph.

61 After point 1067G-H12

Insert:

Exception to points 1067G-H11 and 1067G-H12

1067G-H12A Point 1067G-H11 or 1067G-H12 does not apply in relation to a person's entitlement referred to in paragraph 1067G-H11(c) or in relation to a person's termination payment referred to in paragraph 1067G-H12(b) if:

(a) the person makes a claim for youth allowance on or after the commencement of this point; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this point; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

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whichever ends later; and

(e) the entitlement referred to in paragraph 1067G-H11(c) arose, or the termination payment referred to in paragraph 1067G-H12(b) was paid, in the period applicable under paragraph (c) or (d) of this point.

62 Section 1067G (table item 5 in Module L of the Youth Allowance Rate Calculator)

Repeal the item.

63 Subparagraph 1067K(1)(d)(vii)

Repeal the subparagraph.

64 After point 1068-G7AH

Insert:

Exception to points 1068-G7AG and 1068-G7AH

1068-G7AI Point 1068-G7AG or 1068-G7AH does not apply in relation to a person's entitlement referred to in paragraph 1068-G7AG(c) or in relation to a person's termination payment referred to in paragraph 1068-G7AH(b) if:

(a) the person makes a claim for jobseeker payment on or after the commencement of this point; and

(b) the person makes the claim after the death of the person's partner on or after the commencement of this point; and

(c) if the person is a man or a woman who was not pregnant when her partner died—the person makes the claim in the period of 14 weeks starting on the day of the death of the partner; and

(d) if the person is a woman who was pregnant when her partner died—the person makes the claim:

(i) in the period of 14 weeks starting on the day of the death of the partner; or

(ii) in the period starting on the day of the death of the partner and ending when the child is born or the woman otherwise stops being pregnant;

whichever ends later; and

(e) the entitlement referred to in paragraph 1068-G7AG(c) arose, or the termination payment referred to in

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paragraph 1068-G7AH(b) was paid, in the period applicable under paragraph (c) or (d) of this point.

65 Subparagraph 1133(1)(a)(iii)

Omit "payment; or", substitute "payment; and".

66 Subparagraph 1133(1)(a)(vi)

Repeal the subparagraph.

67 Paragraph 1133(1)(b)

Omit "or allowance".

68 Section 1134 (heading)

Repeal the heading, substitute:

1134 Effect of participation in pension loans scheme—pension rate

69 Paragraph 1134(1)(e)

Omit "or allowance".

70 Subsection 1134(2)

Omit "or allowance".

71 Subsection 1135(1)

Omit "or allowance".

72 Subsection 1135(3) (method statement, steps 1 and 3)

Omit "or allowance".

73 Paragraph 1136(1A)(c)

Omit "or allowance".

74 Section 1137 (heading)

Repeal the heading, substitute:

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1137 Need for a request to later nominate or change guaranteed amount or rate of pension

75 Paragraphs 1137(1)(b) and (d)

Omit "or allowance".

76 Section 1141

Omit "or allowance".

77 Subsection 1142(1)

Omit "or allowance".

78 Subparagraph 1187(1)(a)(v)

Repeal the subparagraph.

79 Subparagraph 1188C(1)(a)(vi)

Repeal the subparagraph.

80 Subsection 1188C(5) (table items 8 and 9)

Repeal the items.

81 Subparagraph 1188D(2)(a)(vi)

Repeal the subparagraph.

82 Subparagraph 1188F(2)(b)(vi)

Repeal the subparagraph.

83 Section 1217 (table item 7)

Repeal the item.

84 Subparagraph 1220(1)(d)(ii)

Omit "or", substitute "and".

85 Subparagraph 1220(1)(d)(iii)

Repeal the subparagraph.

86 Paragraph 1220(1)(e)

Omit "or allowance" (first occurring).

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87 Paragraph 1220(1)(e)

Omit "or allowance, as the case may be".

88 Subsection 1220(1)

Omit "or allowance" (last occurring).

89 Subparagraph 1220(2)(d)(ii)

Omit "or", substitute "and".

90 Subparagraph 1220(2)(d)(iii)

Repeal the subparagraph.

91 Paragraph 1220(2)(e)

Omit "or allowance" (first occurring).

92 Paragraph 1220(2)(e)

Omit "or allowance, as the case may be".

93 Subsection 1220(2)

Omit "or allowance" (last occurring).

94 Subparagraph 146(1)(a)(v) of Schedule 1A

Repeal the subparagraph.

Social Security (Administration) Act 1999

95 Paragraph 52(1)(b)

Repeal the paragraph.

96 Paragraph 66(1)(b)

Repeal the paragraph.

97 Subsection 124PD(1) (subparagraph (b)(ii) of the definition of *trigger payment*)

Repeal the subparagraph.

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98 Subclause 1(1) of Schedule 1 (paragraph (e) of the definition of *social security bereavement payment*)

Repeal the paragraph.

99 Subclause 1(1) of Schedule 1 (paragraph (h) of the definition of *social security bereavement payment*)

After "Subdivision A", insert "or AA".

100 Subclause 1(1) of Schedule 1 (paragraph (j) of the definition of *social security bereavement payment*)

After "Subdivision AA", insert "or A".

Social Security (International Agreements) Act 1999

101 Section 21 (heading)

Omit "**, bereavement allowance**".

102 Paragraph 21(a)

Omit ", bereavement allowance".

103 Paragraph 21(b)

Omit "or allowance".

Veterans' Entitlements Act 1986

104 Subsection 118ND(4) (paragraph (e) of the definition of *bereavement payment provisions*)

Repeal the paragraph.

105 Saving provisions—bereavement allowance

(1) If, immediately before the commencement of this item, a person was receiving bereavement allowance under Part 2.7 of the *Social Security Act 1991* in relation to the death of the person's partner, then the *Social Security Act 1991* and the *Social Security (Administration) Act 1999*, as in force immediately before that commencement, continue to apply on and after that commencement in relation to that bereavement allowance.

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(2) If, before the commencement of this item, a person qualified for a bereavement allowance under section 315 of the *Social Security Act 1991*, then the *Social Security Act 1991* and the *Social Security (Administration) Act 1999*, as in force immediately before that commencement, continue to apply on and after that commencement in relation to that qualification.

106 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Schedule, item 3.1 of the table in section 52-10 and section 52-15 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of bereavement allowance under Part 2.7 of the *Social Security Act 1991* before, on or after that commencement.

107 Saving and transitional provisions—*Social Security Act 1991*

(1) Despite the amendments made by this Schedule, subsection 7(4) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person is an Australian resident for the purposes of Part 2.7 of that Act in relation to days before, on or after that commencement.

(2) Despite the amendments made by this Schedule, subparagraph 1061T(1)(a)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for utilities allowance in relation to days before, on or after that commencement.

(3) Despite the amendments made by this Schedule, subparagraphs 1067F(1)(d)(viii) and 1067K(1)(d)(vii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out if a person is a long term income support student at a time before, on or after that commencement.

(4) Despite the amendments made by this Schedule, table item 5 in Module L of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991*, as in force immediately before the

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commencement of this item, continues to apply on and after that commencement in relation to:

(a) working out if a person is a family member in relation to another person for the purposes of Part 2.11 of that Act and that Rate Calculator in relation to days before, on or after that commencement; or

(b) working out if a person is exempt from the parental income test for the purposes of that Rate Calculator in relation to days before, on or after that commencement.

(5) Paragraph 1070(b) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for, or the rate of, rent assistance in relation to bereavement allowance for days occurring before, on or after that commencement.

(6) If, before the commencement of this item a person had made a request under section 1136 of the *Social Security Act 1991* in relation to bereavement allowance but the request had not been decided before that commencement, then the request is taken to have been refused.

(7) Despite the amendments made by this Schedule, Division 4 of Part 3.12 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of bereavement allowance made before, on or after that commencement.

(8) Despite the amendments made by this Schedule, subparagraph 1187(1)(a)(v) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to bereavement allowance payable to a person in respect of days occurring before, on or after that commencement.

(9) Despite the amendments made by this Schedule, Divisions 2 and 3 of Part 3.15A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to bereavement allowance payable to a person in respect of days occurring before, on or after that commencement.

(10) Despite the amendments made by this Schedule, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of

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this item, continues to apply on and after that commencement in relation to a payment of bereavement allowance made before, on or after that commencement.

108 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Schedule, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:

(a) the making of claims for bereavement allowance, where a person qualified for bereavement allowance before that commencement;

(b) making a payment of bereavement allowance;

(c) a determination or requirement made under that Part before that commencement, or the making of a determination or requirement under that Part on or after that commencement, in relation to bereavement allowance.

(2) Despite the amendments made by this Schedule, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of bereavement allowance, or of a social security bereavement payment in relation to bereavement allowance, made before, on or after that commencement.

(3) Despite the amendments made by this Schedule, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision under the social security law, in relation to bereavement allowance, made before, on or after that commencement.

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109 Saving provision—*Social Security (International Agreements) Act 1999*

Despite the amendments made by this Schedule, section 21 of the *Social Security (International Agreements) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of bereavement allowance in respect of days occurring before, on or after that commencement.

110 Saving provision—*Veterans' Entitlements Act 1986*

Despite the amendments made by this Schedule, sections 118ND and 118NE of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of bereavement allowance in respect of days occurring before, on or after that commencement.

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Schedule 5—Cessation of sickness allowance

Part 1—Amendments commencing 20 March 2020

Social Security Act 1991

1 Subparagraph 593(1)(a)(ii)

Omit "and", substitute "or".

2 At the end of paragraph 593(1)(a) (before the note)

Add:

(iii) subsection (1A) applies in relation to the person for the period; and

3 Paragraph 593(1)(b)

After "subparagraph (a)(i)", insert "or (iii)".

4 After subsection 593(1)

Insert:

(1A) This subsection applies in relation to a person for a period if:

(a) the person is incapacitated for work or study throughout the period because of sickness or an accident; and

(b) the incapacity is caused wholly or virtually wholly by a medical condition arising from the sickness or accident; and

(c) the incapacity is, or is likely to be, of a temporary nature; and

(d) one of the following applies:

(i) immediately before the incapacity occurred the person was in employment (whether the person was self-employed, or was employed by another person, on a full-time, part-time, casual or temporary basis) and the Secretary is satisfied that, when the incapacity ends, the employment will be again available to the person (whether or not the same kind of work will be available);

(ii) immediately before the incapacity occurred the person was in full-time education and was receiving payments under the ABSTUDY scheme and the Secretary is

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satisfied that the person is committed to resuming full-time study under that scheme when the incapacity ends;

(iii) immediately before the incapacity occurred the person was undertaking qualifying study and receiving austudy payment, and the Secretary is satisfied that the person is committed to resuming qualifying study when the incapacity ends.

(1AA) Subsection (1A) does not apply in relation to a person if the Secretary is satisfied that the incapacity is brought about with a view to obtaining jobseeker payment, youth allowance, austudy payment or disability support pension.

(1AB) In subsection (1A):

work, in relation to a person, means work that the person has contracted to perform under a contract of employment that:

(a) the person had immediately before the person becomes incapacitated; and

(b) continues after the person becomes incapacitated.

5 Subparagraph 598(1)(a)(i)

Before "the day following", insert "if subparagraph 593(1)(a)(iii) does not apply in relation to the person—".

6 After subparagraph 598(1)(a)(i)

Insert:

(ia) if subparagraph 593(1)(a)(iii) applies in relation to the person—the day on which the person becomes incapacitated for work or study; or

7 Subparagraph 598(1)(a)(ii)

Before "the day", insert "in any case—".

8 Subsection 598(3)

Repeal the subsection, substitute:

(3) If the person is not a member of a couple, the liquid assets test waiting period in relation to the claim starts on:

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(a) if subparagraph 593(1)(a)(iii) does not apply in relation to the person—subject to subsection (3AA), the day following the day on which the person ceased work or ceased to be enrolled in a full time course of education or of vocational training; or

(b) if subparagraph 593(1)(a)(iii) applies in relation to the person—subject to subsection (4), the day on which the person became incapacitated for work or study.

9 Subsection 598(3AA)

Omit "Subject to subsection (4), if", substitute "If subparagraph 593(1)(a)(iii) does not apply in relation to the person and".

10 Subsection 598(3A)

Omit "Subject to subsections (3B) and (4), if", substitute "If".

11 Paragraph 598(3A)(a)

Repeal the paragraph, substitute:

(a) either:

(i) if subparagraph 593(1)(a)(iii) does not apply in relation to the person—subject to subsection (3B), the day following the day on which the person ceased work or ceased to be enrolled in a full time course of education or of vocational training; or

(ii) if subparagraph 593(1)(a)(iii) applies in relation to the person—subject to subsection (4), the day on which the person became incapacitated for work or study;

12 Subsection 598(3B)

Omit "Subject to subsection (4), if", substitute "If subparagraph 593(1)(a)(iii) does not apply in relation to the person and".

13 Subsection 598(4)

Repeal the subsection, substitute:

(4) If:

(a) a person becomes qualified for austudy payment; and

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(b) because of paragraph 575(2)(a), austudy payment is not payable to the person while the person is subject to a liquid assets test waiting period; and

(c) within the liquid assets test waiting period referred to in paragraph (b):

(i) the person becomes incapacitated for study; and

(ii) the person claims jobseeker payment; and

(d) subparagraph 593(1)(a)(iii) applies in relation to the person;

the liquid assets test waiting period in relation to the claim for jobseeker payment starts on the day on which the person becomes qualified for austudy payment.

14 Paragraph 598(4A)(a)

Before "the day following", insert "if subparagraph 593(1)(a)(iii) does not apply in relation to the person—".

15 After paragraph 598(4A)(a)

Insert:

(aa) if subparagraph 593(1)(a)(iii) applies in relation to the person—the day on which the person becomes incapacitated for work or study; or

16 Paragraph 598(4A)(b)

Before "the day", insert "in any case—".

17 After section 602C

Insert:

602D Relief from activity test—rehabilitation program

If:

(a) subparagraph 593(1)(a)(iii) applies in relation to a person; and

(b) the person is undertaking a rehabilitation program; and

(c) the program is intended to enhance the person's ability to work; and

(d) the length of the person's participation in the program is, or is likely to be, at least 6 weeks; and

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(e) the person's participation in the program is, or is likely to, end within the period of 208 weeks after the jobseeker payment commenced to be payable to the person;

the person is not required to satisfy the activity test for the duration of the period the person is undertaking the rehabilitation program or for such shorter or longer period determined by the Secretary.

18 Subsection 605(2C)

After "602C", insert ", 602D".

19 Before Division 1 of Part 2.14

Insert:

Division 1A—Time limit on grants of sickness allowance

666A Time limit on grants

(1) Despite anything else in this Part, sickness allowance must not be granted to a person:

(a) unless the person's claim for the allowance is made before 20 March 2020; and

(b) the person is qualified for the allowance, and the allowance is payable to the person, before that day.

Note: A person's claim for sickness allowance may be taken to have been made before 20 March 2020 in accordance with section 12 or 15 of the Administration Act.

(2) This section does not apply in relation to a determination by the Secretary under section 85 of the Administration Act.

20 At the end of section 669

Add:

(8) Despite any other provision of this section, the Secretary must not extend a person's maximum allowance period on or after 20 March 2020.

21 Transitional provisions—sickness allowance

(1) If:

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(a) before 20 March 2020, a person made a claim for sickness allowance; and

(b) immediately before that day, the person was not qualified for the allowance, or the allowance was not payable to the person, because of one or more of the following waiting periods (a ***sickness allowance waiting period***):

(i) a liquid assets test waiting period under section 676 of the *Social Security Act 1991*;

(ii) an ordinary waiting period under sections 693 and 694 of that Act;

(iii) a newly arrived resident's waiting period under sections 696B and 696C of that Act;

then:

(c) the person is taken to have made a claim for jobseeker payment on 20 March 2020; and

(d) any waiting period that the person is subject to under Part 2.12 of that Act that corresponds to a sickness allowance waiting period is taken to have started on the day the sickness allowance waiting period started.

(2) If:

(a) before 20 March 2020, a person's claim for sickness allowance was granted by a determination made by the Secretary in accordance with subsection 37(3) of the *Social Security (Administration) Act 1999*; and

(b) immediately before that day, the person was subject to a seasonal work preclusion period;

then:

(c) the determination has effect as if it were a determination granting jobseeker payment to the person; and

(d) for the purposes of sections 16A and 633 of the *Social Security Act 1991*, the person is taken to have lodged a claim for jobseeker payment on the day the person lodged the claim for sickness allowance.

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Part 2—Amendments commencing 20 September 2020

A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999

22 Paragraph 13(2)(a)

Omit "(c),".

23 Subsection 13(2) (note)

Omit "(c),".

24 Paragraph 14(2)(a)

Omit "(c),".

25 Subsection 14(2) (note)

Omit "(c),".

Income Tax Assessment Act 1936

26 Subsection 160AAA(1) (paragraph (a) of the definition of *rebatable benefit*)

Omit "2.14,".

27 Paragraph 202CB(6)(a)

Omit ", a sickness allowance".

28 Paragraph 202CE(7)(a)

Omit ", a sickness allowance".

29 Subsection 251R(6A)

Omit "(c),".

30 Paragraph 251U(1)(c)

Repeal the paragraph.

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31 Paragraph 251U(3)(b)

Omit "(c),".

Income Tax Assessment Act 1997

32 Section 13-1 (table item headed "sickness benefits")

Repeal the item.

33 Section 13-1 (table item headed "social security and other benefit payments")

Omit:

farm household allowance under the *Farm Household Support Act 2014* see *unemployment, sickness and other benefit payments under the Social Security Act 1991*

substitute:

farm household allowance under the *Farm Household Support Act 2014* see *unemployment and other benefit payments under the Social Security Act 1991*

34 Section 13-1 (table item headed "social security and other benefit payments")

Omit:

unemployment, sickness and other benefit payments under the *Social Security Act 1991* ..... **160AAA(3)**

substitute:

unemployment and other benefit payments under the *Social Security Act 1991* ..... **160AAA(3)**

35 Section 52-10 (table item 23.1)

Repeal the item.

36 Section 52-15 (table item 1)

Omit:

Sickness allowance

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37 Subsection 52-20(3) (table items 5 and 9)

Repeal the items.

38 Subsection 52-30(1) (table)

Omit:

Sickness allowance

39 Section 52-40 (table item 23)

Repeal the item.

Income Tax Rates Act 1986

40 Section 16 (paragraph (c) of the definition of *eligible pensioner*)

Omit "2.14,".

Social Security Act 1991

41 Subsection 4(6A) (table items 8 and 9)

Repeal the items.

42 Subsection 7(6)

Omit "sickness allowance,".

43 Paragraph 7(6AA)(b)

Omit "sickness allowance,".

44 Subsection 7(7)

Omit ", subparagraphs 593(1)(g)(ii) and 593(1D)(b)(ii) and paragraph 666(1)(g)", substitute "and subparagraphs 593(1)(g)(ii) and 593(1D)(b)(ii)".

45 Paragraphs 7(7)(c) and (d)

Omit ", sickness allowance".

46 Paragraph 7(7)(e)

Omit "those allowances", substitute "that allowance".

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47 Subsection 12C(5) (paragraph (e) of the definition of *couple's assets deeming provisions*)

Repeal the paragraph.

48 Subsections 14A(1) and (2)

Omit ", 2.14".

49 Paragraph 14A(3)(a)

Omit ", jobseeker payment or sickness allowance", substitute "or jobseeker payment".

50 Subparagraph 14A(3)(b)(ii)

Omit ", jobseeker payment or sickness allowance", substitute "or jobseeker payment".

51 Subsection 14A(6)

Omit ", 598 or 676", substitute "or 598".

52 Paragraph 16A(3)(b)

Omit "sickness allowance,".

53 Paragraph 16A(4)(b)

Omit "sickness allowance,".

54 Paragraph 19C(2)(d)

Repeal the paragraph.

55 Paragraph 19C(3)(d)

Repeal the paragraph.

56 Paragraph 19C(8)(a)

Repeal the paragraph.

57 Subsection 19C(8) (notes 1 and 2)

Repeal the notes.

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58 Subsection 19D(5) (subparagraph (f)(iii) of the definition of *maximum payment rate*)

Repeal the subparagraph.

59 Subsection 23(1) (definition of *liquid assets test waiting period*)

Omit ", 598 and 676", substitute "and 598".

60 Subsection 23(1) (paragraph (f) of the definition of *newly arrived resident's waiting period*)

Repeal the paragraph.

61 Subsection 23(1) (paragraph (a) of the definition of *ordinary waiting period*)

Omit "621; or", substitute "621.".

62 Subsection 23(1) (paragraph (c) of the definition of *ordinary waiting period*)

Repeal the paragraph.

63 Subsection 23(1) (paragraph (c) of the definition of *social security benefit*)

Repeal the paragraph.

64 Subsection 23(1) (paragraphs (g) and (k) of the definition of *waiting period*)

Repeal the paragraphs.

65 Subsection 23(10B)

Omit ", 598 and 676", substitute "and 598".

66 Subsection 94(6)

Omit "or a sickness allowance".

67 Subsection 95(2)

Omit "or a sickness allowance".

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68 Subsection 500WB(4) (note)

Omit ", jobseeker payment and sickness allowance", substitute "and jobseeker payment".

69 Subsection 549CB(4) (note)

Omit ", jobseeker payment and sickness allowance", substitute "and jobseeker payment".

70 Subsection 621(5) (note)

Omit ", jobseeker payment and sickness allowance", substitute "and jobseeker payment".

71 Part 2.14

Repeal the Part.

72 Subparagraph 771HA(1)(c)(i)

Omit "sickness allowance,".

73 Subsection 771HA(3)

Omit ", jobseeker payment or sickness allowance", substitute "or jobseeker payment".

74 Paragraph 771NU(1)(e)

Omit "sickness allowance,".

75 Paragraph 771NU(3)(c)

Repeal the paragraph.

76 Subsection 771NX(1) (step 4 of the method statement)

Omit "(4),".

77 Subsection 771NX(1) (note at the end of step 4 of the method statement)

Omit "sickness allowance,".

78 Subsection 771NX(4)

Repeal the subsection.

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79 Subsection 1061JU(4) (subparagraph (f)(iii) of the definition of *maximum basic rate*)

Repeal the subparagraph.

80 Paragraph 1061Q(2B)(e)

Omit "or sickness allowance".

81 Paragraph 1061Q(3)(a)

Omit "sickness allowance,".

82 Paragraph 1061Q(3A)(d)

Omit ", jobseeker payment or sickness allowance", substitute "or jobseeker payment".

83 Subparagraph 1061Q(3F)(a)(iv)

Repeal the subparagraph.

84 Subparagraphs 1061Q(3G)(d)(i) and (ii)

Omit "or sickness allowance".

85 Subparagraph 1061ZA(2)(b)(v)

Repeal the subparagraph.

86 Paragraph 1061ZK(5)(g)

Repeal the paragraph.

87 Paragraph 1061ZM(1C)(b)

Omit "sickness allowance,".

88 Subsection 1061ZM(3) (subparagraph (a)(iii) of the definition of *employment-affected person*)

Repeal the subparagraph.

89 Subparagraph 1067F(1)(d)(ii)

Repeal the subparagraph.

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90 Section 1067G (table item 24 in Module L of the Youth Allowance Rate Calculator)

Repeal the item.

91 Subparagraph 1067K(1)(d)(ii)

Repeal the subparagraph.

92 Section 1068 (heading)

Omit "**sickness allowance (18 or over),**".

93 Paragraph 1068(1)(b)

Repeal the paragraph.

94 Point 1068-B1 (table items 3 and 4)

Repeal the items.

95 Point 1068-B1B

Omit ", mature age allowance under Part 2.12B or sickness allowance", substitute "or mature age allowance under Part 2.12B".

96 Point 1068-B2

Omit "3, 4,".

97 Point 1068-C3 (table items 1 and 3)

Omit "3, 4,".

98 Subparagraph 1068-D1(c)(i)

Repeal the subparagraph.

99 Point 1068-G4

Repeal the point, substitute:

Friendly society amounts

1068-G4 The ordinary income of a person to whom, or to whose partner, jobseeker payment is payable and who, or whose partner, under Subdivision BA of Division 1 of Part 2.12, is not required to satisfy the activity test is not to include any amount received by the person or partner from an approved friendly society in respect of the

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incapacity because of which the person or partner is not required to satisfy the activity test.

100 Points 1068-G7AA to 1068-G7AE

Repeal the points.

101 Point 1068-G7AL

Omit "Subject to points 1068-G7AA to 1068-G7AE (inclusive), if", substitute "If".

102 Point 1068-G7AN

Omit "1068-G7AB and 1068-G7AD", substitute "1068-G7AF".

103 Point 1068-G7AQ (definition of *payment fortnight*)

Omit "a sickness allowance or".

104 Point 1068-G7AQ (definition of *payment fortnight*)

Omit ", as the case requires,".

105 Point 1068-G7AR

Omit "1068-G7AA", substitute "1068-G7AG".

106 Paragraph 1068-G8A(a)

Omit ", sickness allowance,".

107 Point 1068B-D4

Repeal the point.

108 Paragraph 1070(e)

Omit ", sickness".

109 Section 1070H (heading)

Omit "**, sickness allowance**".

110 Section 1070Q (heading)

Omit "**, sickness allowance**".

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111 Subsection 1073(1)

Omit "1068-G7AA", substitute "1068-G7AF".

112 Paragraph 1073(2)(b)

Repeal the paragraph.

113 Paragraph 1073J(a)

Omit ", jobseeker payment or sickness allowance", substitute "or jobseeker payment".

114 Subparagraph 1157E(1)(c)(ii)

Omit ", a sickness allowance".

115 Subparagraph 1157E(2)(c)(ii)

Omit "or a sickness allowance".

116 Subparagraph 1157F(1)(c)(iv)

Omit ", a sickness allowance".

117 Subparagraph 1157F(2)(c)(iv)

Omit "or a sickness allowance".

118 Paragraph 1157JA(2)(c)

Omit "or a sickness allowance".

119 Paragraph 1157JC(3)(c)

Omit "or a sickness allowance".

120 Subparagraph 1161(1)(a)(ii)

Repeal the subparagraph.

121 Subparagraph 1187(1A)(a)(iii)

Repeal the subparagraph.

122 Section 1190 (table item 2, column 4)

Omit "3, 4,".

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123 Section 1190 (table item 28, column 4)

Omit "[subsection 680(3)—Table—column 3A—item 1]".

124 Section 1190 (table item 29, column 4)

Omit "[subsection 680(3)—Table—column 3B—item 1]".

125 Section 1190 (table item 30, column 4)

Omit "[subsection 680(3)—Table—column 3A—item 2]".

126 Section 1190 (table item 31, column 4)

Omit "[subsection 680(3)—Table—column 3B—item 2]".

127 Section 1190 (table item 32, column 4)

Omit "[subsection 680(3)—Table—column 3A—item 3]".

128 Section 1190 (table item 33, column 4)

Omit "[subsection 680(3)—Table—column 3B—item 3]".

129 Section 1217 (table item 18)

Repeal the item.

Social Security (Administration) Act 1999

130 Subsections 29(1) and (2)

Omit ", 31A and 32", substitute "and 31A".

131 Section 32

Repeal the section.

132 Paragraph 37(4)(i)

Repeal the paragraph.

133 Subparagraph 63(3)(a)(v)

Repeal the subparagraph.

134 Section 65

Repeal the section.

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135 Subsection 106B(4) (subparagraph (a)(iii) of the definition of *listed automatic issue health care card*)

Repeal the subparagraph.

136 Subclause 1(1) of Schedule 1 (paragraph (l) of the definition of *social security bereavement payment*)

Repeal the paragraph.

137 Clause 33 of Schedule 2

Repeal the clause.

Veterans' Entitlements Act 1986

138 Subsection 118ND(4) (paragraph (l) of the definition of *bereavement payment provisions*)

Repeal the paragraph.

139 Saving and transitional provisions—sickness allowance

(1) Despite the amendments made by this Part, Parts 2.14 and 3.6 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the rate of, sickness allowance for days in respect of days occurring before that commencement.

(2) Subject to this item, if, immediately before the commencement of this item, a person was qualified for sickness allowance under section 667 of the *Social Security Act 1991*, sickness allowance under that section is not payable to the person in relation to any day on or after the commencement of this item.

(3) If before the commencement of this item:

(a) a person was receiving a sickness allowance; and

(b) the person's partner died;

then Division 9 of Part 2.14 of the *Social Security Act 1991*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to the person as if the amendments made by this Part had not been made.

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(4) Despite the amendments made by this Part, Part 4.2 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who was absent from Australia immediately before that commencement and who was receiving sickness allowance immediately before the absence commenced.

(5) A person is not qualified for a jobseeker payment under Part 2.12 of the *Social Security Act 1991* in respect of a day on or after the commencement of this item if the person receives sickness allowance in respect of that day.

140 Saving provisions—*Income Tax Assessment Act 1936*

(1) Despite the amendments made by this Part, section 160AAA of the *Income Tax Assessment Act 1936*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of sickness allowance under Part 2.14 of the *Social Security Act 1991* before, on or after that commencement.

(2) Despite the amendments made by this Part, paragraph 251U(1)(c) of the *Income Tax Assessment Act 1936*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who was a recipient of a sickness allowance under Part 2.14 of the *Social Security Act 1991* before, on or after that commencement.

141 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Part, item 23.1 of the table in section 52-10 and sections 52-15, 52-20 and 52-30 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of sickness allowance under Part 2.14 of the *Social Security Act 1991* before, on or after that commencement.

142 Saving provisions—definitions

(1) Despite the amendments made by this Part, subsections 7(6) and (6AA) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that

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commencement in relation to working out whether a person has a qualifying residence exemption for sickness allowance.

(2) Despite the amendments made by this Part, subsection 7(7) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person is exempt from the residence requirement for sickness allowance.

(3) Despite the amendments made by this Part, section 12C of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the value of a person's assets for the purposes of Part 2.14 of that Act in relation to days before that commencement.

(4) Despite the amendments made by this Part, sections 19C and 19D of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was in severe financial hardship in relation to days before that commencement.

143 Saving provisions—qualification for payments

(1) Despite the amendments made by this Part, subsections 94(6) and 95(2) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was qualified for a disability support pension in relation to days before that commencement.

(2) Despite the amendments made by this Part, section 771HA of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out if a person is qualified for a partner allowance in relation to a period before that commencement.

(3) If before the commencement of this item:

(a) a person was receiving partner allowance; and

(b) the person's partner died; and

(c) immediately before the deceased partner died, the deceased partner was receiving sickness allowance;

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then Division 9 of Part 2.15A of the *Social Security Act 1991*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to that death as if the amendments made by this Part had not been made.

(4) Despite the amendments made by this Part, subsections 1061Q(2B), (3), (3A), (3F) and (3G) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a telephone allowance before, on or after that commencement.

144 Saving provisions—rates of payments

(1) Despite the amendments made by this Part, section 1061JU of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the amount of a crisis payment in relation to days before that commencement.

(2) Despite the amendments made by this Part, table item 24 in Module L of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to:

(a) working out if a person is a family member in relation to another person for the purposes of Part 2.11 of that Act and that Rate Calculator in relation to days before that commencement; or

(b) working out if a person is exempt from the parental income test for the purposes of that Rate Calculator in relation to days before that commencement.

(3) Despite the amendments made by this Part, paragraph 1070(e) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of rent assistance in relation to sickness allowance for days in respect of which sickness allowance is payable to a person.

145 Saving provisions—concession cards

(1) Despite the amendments made by this Part, subparagraph 1061ZA(2)(b)(v) of the *Social Security Act 1991*, as in

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force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a pensioner concession card in relation to days before, on or after that commencement.

(2) Despite the amendments made by this Part, paragraph 1061ZK(5)(g) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to days before, on or after that commencement.

(3) Despite the amendments made by this Part, section 1061ZM of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to a person who ceased to receive sickness allowance before that commencement.

146 Saving provisions—other *Social Security Act 1991* provisions

(1) Despite the amendments made by this Part, subparagraphs 1067F(1)(d)(ii) and 1067K(1)(d)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out if a person is a long term income support student at a time before, on or after that commencement.

(2) Despite the amendments made by this Part, section 1073 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who claimed sickness allowance before that commencement and to an amount the person received before that commencement.

(3) Despite the amendments made by this Part, sections 1157E, 1157F, 1157JA and 1157JC of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether fringe benefits are assessable fringe benefits in connection with a person's receipt of sickness allowance before, on or after that commencement.

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(4) Despite the amendments made by this Part, Part 3.14 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to payments of sickness allowance before, on or after that commencement.

(5) Despite the amendments made by this Part, subparagraph 1187(1A)(a)(iii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to sickness allowance payable to a person in respect of days occurring before, on or after that commencement.

(6) Despite the amendments made by this Part, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of sickness allowance made before, on or after that commencement.

147 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Part, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:

(a) making a payment of sickness allowance in respect of days for which sickness allowance is payable to a person;

(b) a determination or requirement made under that Part before that commencement, or the making of a determination or requirement under that Part on or after that commencement, in relation to sickness allowance.

(2) Despite the amendments made by this Part, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of sickness allowance, or of a social security bereavement payment in relation to sickness allowance, made before, on or after that commencement.

(3) Despite the amendments made by this Part, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that

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commencement in relation to a decision under the social security law, in relation to sickness allowance, made before, on or after that commencement.

(4) The amendments made by this Part do not affect the validity of a cancellation under subsection 106B(1) of the *Social Security (Administration) Act 1999* before the commencement of this item.

148 Saving provision—*Veterans' Entitlements Act 1986*

Despite the amendments made by this Part, sections 118ND and 118NE of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of sickness allowance in respect of days occurring before, on or after that commencement.

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Schedule 6—Cessation of widow allowance

Part 1—Amendments closing claims for widow allowance

Social Security Act 1991

1 Section 408AA

Before "A", insert "(1)".

2 At the end of section 408AA

Add:

(2) Despite anything else in this Part, widow allowance must not be granted to a woman unless:

(a) the woman's claim for the allowance is made before the commencement of this subsection; and

(b) the woman is qualified for the allowance before the commencement of this subsection.

Note: A woman's claim for widow allowance may be taken to have been made before the commencement of this subsection in accordance with section 12 or 15 of the Administration Act.

(3) This section does not apply in relation to a determination by the Secretary under section 85 of the Administration Act.

3 At the end of Subdivision B of Division 1 of Part 2.12

Add:

603AC Relief from activity test—cessation of claims for widow allowance

(1) A woman is not required to satisfy the activity test for a period (the ***relevant period***) if the following apply:

(a) she made the claim for newstart allowance on or after the commencement of this section;

(b) she was born on or before 1 July 1955;

(c) she ceased to be a member of a couple after turning 40;

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(d) she satisfies the Secretary that she has no recent workforce experience on the day she made the claim for newstart allowance;

(e) the woman is not a member of a couple throughout the relevant period.

(2) For the purposes of paragraph (1)(d), ***recent workforce experience*** is employment of 20 hours or more a week for a total of 13 weeks or more at any time during the 12 months immediately before the day the woman made the claim for newstart allowance.

4 Subsection 605(2C)

Omit "or 602C", substitute ", 602C or 603AC".

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Part 2—Amendments commencing 1 January 2022

Income Tax Assessment Act 1936

5 Subsection 160AAA(1) (paragraph (a) of the definition of *rebatable benefit*)

Omit "2.8A,".

Income Tax Assessment Act 1997

6 Section 52-10 (table item 32.1)

Repeal the item.

7 Section 52-15 (table item 3)

Omit:

Widow allowance

8 Section 52-40 (table item 32)

Repeal the item.

Social Security Act 1991

9 Paragraph 16A(3)(b)

Omit "widow allowance,".

10 Paragraph 19C(2)(b)

Repeal the paragraph.

11 Paragraph 19C(8)(d)

Omit "widow allowance,".

12 Subsection 19D(5) (subparagraph (f)(ii) of the definition of *maximum payment rate*)

Repeal the subparagraph.

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13 Subsection 23(1) (paragraph (aa) of the definition of *social security benefit*)

Repeal the paragraph.

14 Subsection 23(1) (paragraph (g) of the definition of *social security entitlement*)

Repeal the paragraph.

15 Subsection 23(1) (paragraph (i) of the definition of *special employment advance qualifying entitlement*)

Repeal the paragraph.

16 Before subsection 43(3)

Insert:

(1C) A woman is qualified for an age pension if:

(a) the woman was receiving widow allowance immediately before 1 January 2022; and

(b) the woman is not otherwise qualified for an age pension.

17 Part 2.8A

Repeal the Part.

18 Section 603AC

Repeal the section.

19 Subsection 605(2C)

Omit ", 602D or 603AC", substitute "or 602D".

20 Division 8 of Part 2.13A

Repeal the Division.

21 Section 1047 (paragraph (f) of the definition of *designated social security payment*)

Repeal the paragraph.

22 Subsection 1061EE(1)

Omit "widow allowance,".

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23 Subsection 1061EE(3) (heading)

Omit "*widow allowance and*".

24 Subsection 1061EE(3)

Omit "widow allowance or".

25 Subsection 1061EE(6) (paragraph (b) of the definition of *fortnightly payment rate*)

Omit "widow allowance,".

26 Subsection 1061EE(6) (example at the end of the definition of *fortnightly payment rate*)

Repeal the example.

27 Subsection 1061EN(2)

Omit "408CG,".

28 Subsection 1061EX(7)

Omit "408CG,".

29 Subsection 1061JU(4) (subparagraph (f)(ii) of the definition of *maximum basic rate*)

Repeal the subparagraph.

30 Subparagraph 1061PE(4)(e)(iii)

Repeal the subparagraph.

31 Paragraph 1061PJ(2)(f)

Repeal the paragraph.

32 Paragraph 1061Q(3)(a)

Omit "widow allowance,".

33 Subparagraph 1061Q(3F)(a)(ii)

Repeal the subparagraph.

34 Subparagraph 1061T(1)(a)(ii)

Omit "a widow allowance,".

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35 Subparagraph 1061ZA(2)(b)(iii)

Repeal the subparagraph.

36 Paragraph 1061ZK(5)(e)

Repeal the paragraph.

37 Paragraph 1061ZM(1C)(b)

Omit ", widow allowance,".

38 Subsection 1061ZM(3) (subparagraph (a)(v) of the definition of *employment-affected person*)

Repeal the subparagraph.

39 Section 1068 (heading)

Omit "**widow allowance,**".

40 Paragraph 1068(1)(ca)

Omit "or".

41 Paragraph 1068(1)(d)

Repeal the paragraph.

42 Subsection 1068(3) (note 1)

Omit "408CF,".

43 Point 1068-B1

Omit "408CG,".

44 Point 1068-B1 (table item 4A, column 2)

Omit "or widow allowance".

45 Point 1068-B1 (table item 4B, column 2)

Omit "or widow allowance".

46 Subparagraph 1068-D1(c)(ii)

Omit "widow allowance,".

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47 Paragraph 1070(e)

Omit "and widow allowance".

48 Section 1070H (heading)

Omit "**or widow allowance**".

49 Section 1070Q (heading)

Omit "**and widow allowance**".

50 Paragraph 1073(2)(d)

Repeal the paragraph.

51 Subparagraph 1187(1A)(a)(ia)

Repeal the subparagraph.

52 Subparagraph 1188C(3)(a)(i)

Repeal the subparagraph.

53 Subsection 1188C(5) (table items 23 to 25)

Repeal the items.

54 Subparagraph 1188F(2)(a)(i)

Repeal the subparagraph.

55 Section 1190 (table item 28, column 4)

Omit "[subsection 408CE(2)—Table—column 3—item 1]".

56 Section 1190 (table item 29, column 4)

Omit "[subsection 408CE(2)—Table—column 3—item 2]".

57 Section 1217 (table item 10)

Repeal the item.

58 Paragraph 1218(1)(b)

Omit "widow allowance,".

59 Subsection 1218(2)

Omit "widow allowance,".

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Social Security (Administration) Act 1999

60 Paragraph 37(4)(f)

Repeal the paragraph.

61 Paragraph 66(1)(j)

Repeal the paragraph.

62 Subsection 106B(4) (subparagraph (a)(i) of the definition of *listed automatic issue health care card*)

Repeal the subparagraph.

63 Saving and transitional provisions—widow allowance

(1) Despite the amendments made by this Part, Parts 2.8A and 3.6 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the rate of, widow allowance in respect of days occurring before that commencement.

(2) No payment of widow allowance is to be made in accordance with Part 4.2 of the *Social Security Act 1991* on or after the commencement of this item in relation to a day on or after that commencement.

64 Saving provision—*Income Tax Assessment Act 1936*

Despite the amendments made by this Part, section 160AAA of the *Income Tax Assessment Act 1936*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of widow allowance under Part 2.8A of the *Social Security Act 1991* before, on or after that commencement.

65 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Part, item 32.1 of the table in section 52-10 and section 52-15 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of widow allowance under Part 2.8A of the *Social Security Act 1991* before, on or after that commencement.

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66 Saving provision—definitions

Despite the amendments made by this Part, sections 19C and 19D of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was in severe financial hardship in relation to days before that commencement.

67 Saving provisions—qualification for payments

(1) Despite the amendments made by this Part, Division 8 of Part 2.13A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for an education entry payment before that commencement.

(2) Despite the amendments made by this Part, Part 2.21A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a fortnight beginning before that commencement.

(3) Despite the amendments made by this Part, subparagraph 1061PE(4)(e)(iii) and paragraph 1061PJ(2)(f) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a pensioner education supplement in relation to days before that commencement.

(4) Despite the amendments made by this Part, subsections 1061Q(3) and (3F) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a telephone allowance before, on or after that commencement.

(5) Despite the amendments made by this Part, subparagraph 1061T(1)(a)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for utilities allowance in relation to days before, on or after that commencement.

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68 Saving provisions—rates of payments

(1) Despite the amendments made by this Part, section 1061JU of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the amount of a crisis payment in relation to days before that commencement.

(2) Despite the amendments made by this Part, paragraph 1070(e) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of rent assistance in relation to widow allowance for days occurring before that commencement.

69 Saving provisions—concession cards

(1) Despite the amendments made by this Part, subparagraph 1061ZA(2)(b)(iii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a pensioner concession card in relation to days before that commencement.

(2) Despite the amendments made by this Part, paragraph 1061ZK(5)(e) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to days before that commencement.

(3) Despite the amendments made by this Part, section 1061ZM of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to a person who ceased to receive widow allowance before that commencement.

70 Saving and transitional provisions—advances

(1) If, before the commencement of this item a person had made an application under Division 2 of Part 2.22 of the *Social Security Act 1991* for an advance payment of a widow allowance but the application

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had not been decided before that commencement, then the application is taken to have been refused.

(2) Despite the amendments made by this Part, Division 7 of Part 2.22 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an advance payment, or an instalment of an advance payment, of widow allowance paid before that commencement.

(3) If, before the commencement of this item a person had made a claim for a special employment advance under Part 2.22A of the *Social Security Act 1991* on the basis of being qualified for widow allowance but the claim had not been decided before that commencement, then the claim is taken to have been refused.

(4) Despite the amendments made by this Part, Division 7 of Part 2.22A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a special employment advance, or an instalment of a special employment advance, paid before that commencement in respect of widow allowance.

71 Saving provisions—other *Social Security Act 1991* provisions

(1) Despite the amendments made by this Part, section 1073 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who claimed widow allowance before that commencement and to an amount the person received before that commencement.

(2) Despite the amendments made by this Part, subparagraph 1187(1A)(a)(ia) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to widow allowance payable to a person in respect of days occurring before that commencement.

(3) Despite the amendments made by this Part, Divisions 2 and 3 of Part 3.15A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person qualified for widow

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allowance, or to a person to whom widow allowance was payable, in respect of days occurring before that commencement.

(4) Despite the amendments made by this Part, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of widow allowance made before, on or after that commencement.

72 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Part, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:

(a) making a payment of widow allowance in respect of days occurring before that commencement;

(b) a determination or requirement made under that Part before that commencement, or the making of a determination or requirement under that Part on or after that commencement, in relation to widow allowance.

(2) Despite the amendments made by this Part, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of widow allowance made before, on or after that commencement.

(3) Despite the amendments made by this Part, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision under the social security law, in relation to widow allowance, made before, on or after that commencement.

(4) The amendments made by this Part do not affect the validity of a cancellation under subsection 106B(1) of the *Social Security (Administration) Act 1999* before the commencement of this item.

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Schedule 7—Cessation of partner allowance

Income Tax Assessment Act 1936

1 Subsection 160AAA(1) (paragraph (a) of the definition of *rebatable benefit*)

Omit "2.15A,".

Income Tax Assessment Act 1997

2 Section 52-10 (table item 22.1)

Repeal the item.

3 Section 52-15 (table item 3)

Omit:

Partner allowance

4 Subsection 52-25(3) (example)

Omit "partner allowance", substitute "jobseeker payment".

5 Subsection 52-30(1) (table)

Omit:

Partner allowance

6 Section 52-40 (table item 22)

Repeal the item.

Social Security Act 1991

7 Subsection 4(6A) (table item 11)

Repeal the item.

8 Subsection 7(6)

Omit ", special benefit or partner allowance", substitute "or special benefit".

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9 Paragraph 7(6AA)(b)

Omit "partner allowance,".

10 Paragraph 16A(4)(b)

Omit "partner allowance,".

11 Paragraph 19C(3)(b)

Repeal the paragraph.

12 Paragraph 19C(8)(d)

Omit "partner allowance and".

13 Subsection 19D(5) (subparagraph (f)(iv) of the definition of *maximum payment rate*)

Repeal the subparagraph.

14 Subsection 21(1) (definition of *partner bereavement payment*)

Omit ", 771NW".

15 Subsection 23(1) (paragraph (h) of the definition of *newly arrived resident's waiting period*)

Repeal the paragraph.

16 Subsection 23(1) (paragraph (e) of the definition of *social security benefit*)

Repeal the paragraph.

17 Subsection 23(1) (paragraph (kb) of the definition of *waiting period*)

Repeal the paragraph.

18 Paragraph 38B(6)(c)

Omit ", 615(1) or 771HF(1)", substitute "or 615(1)".

19 Paragraph 620(1)(fa)

Repeal the paragraph.

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20 Division 11 of Part 2.13A

Repeal the Division.

21 Part 2.15A

Repeal the Part.

22 Section 1047 (paragraph (e) of the definition of *designated social security payment*)

Repeal the paragraph.

23 Subsection 1061EN(2)

Omit ", 660YCH and 771HK", substitute "and 660YCH".

24 Subsection 1061EX(7)

Omit ", 660YCH and 771HK", substitute "and 660YCH".

25 Subsection 1061JU(4) (subparagraph (f)(iv) of the definition of *maximum basic rate*)

Repeal the subparagraph.

26 Paragraph 1061Q(3)(a)

Omit "partner allowance,".

27 Paragraph 1061Q(3A)(a)

Omit "partner allowance or".

28 Subparagraph 1061Q(3F)(a)(iii)

Repeal the subparagraph.

29 Paragraph 1061Q(3G)(a)

Omit "partner allowance or".

30 Subparagraph 1061Q(3G)(d)(ii)

Omit "partner allowance or".

31 Subsection 1061Q(3H)

Omit "partner allowance or".

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32 Subparagraph 1061T(1)(a)(ii)

Omit "a partner allowance,".

33 Subparagraph 1061ZA(2)(b)(ii)

Repeal the subparagraph.

34 Paragraph 1061ZK(5)(d)

Repeal the paragraph.

35 Paragraph 1061ZM(1C)(b)

Omit "partner allowance".

36 Subsection 1061ZM(3) (at the end of subparagraph (a)(iv) of the definition of *employment-affected person*)

Add "or".

37 Subsection 1061ZM(3) (subparagraph (a)(vi) of the definition of *employment-affected person*)

Repeal the subparagraph.

38 Section 1068 (heading)

Omit "**, partner allowance,**".

39 Paragraph 1068(1)(c)

Repeal the paragraph.

40 Subsection 1068(3) (note 1)

Omit ", 660YCF and 771HI", substitute "and 660YCF".

41 Point 1068-B1

Omit ", 660YCH and 771HK", substitute "and 660YCH".

42 Subparagraph 1068-D1(c)(ii)

Omit "or partner allowance".

43 Subparagraph 1068-D1(c)(ii)

Omit "1068-D2A,".

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44 Point 1068-D2A

Repeal the point.

45 Paragraph 1070(e)

Omit ", jobseeker payment and partner", substitute "and jobseeker payment".

46 Section 1070H (heading)

Omit "**, jobseeker payment, partner allowance**", substitute "**or jobseeker payment**".

47 Section 1070Q (heading)

Omit "**, jobseeker payment, partner allowance**", substitute "**and jobseeker payment**".

48 Paragraph 1073(2)(e)

Repeal the paragraph.

49 Subsection 1161(5)

Repeal the subsection.

50 Subsection 1185(5) (definition of *dependency-based payment*)

Repeal the definition, substitute:

dependency-based payment means mature age partner allowance.

51 Subparagraph 1187(1A)(a)(iva)

Repeal the subparagraph.

52 Subparagraph 1188C(3)(a)(v)

Repeal the subparagraph.

53 Subsection 1188C(5) (table item 28)

Repeal the item.

54 Subparagraph 1188F(2)(a)(vi)

Repeal the subparagraph.

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55 Section 1190 (table item 32, column 4)

Omit "[subsection 771HF(2)—Table—column 3—item 1]".

56 Section 1190 (table item 33, column 4)

Omit "[subsection 771HF(2)—Table—column 3—item 2]".

57 Section 1217 (table item 20)

Repeal the item.

58 Paragraph 1218(1)(b)

Omit ", austudy payment or partner allowance", substitute "or austudy payment".

59 Subsection 1218(2)

Omit ", austudy payment or partner allowance", substitute "or austudy payment".

60 Paragraph 1223AA(1)(a)

Omit "(other than partner allowance)".

61 Subsection 1223AA(1AA)

Repeal the subsection.

62 Subsection 1223AA(1A)

Omit "or (1AA)".

63 Paragraph 1223AA(1B)(c)

Omit "or (1AA)".

Social Security (Administration) Act 1999

64 Paragraph 37(4)(e)

Repeal the paragraph.

65 Subsection 106B(4) (subparagraph (a)(v) of the definition of *listed automatic issue health care card*)

Repeal the subparagraph.

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66 Subclause 1(1) of Schedule 1 (paragraph (n) of the definition of *social security bereavement payment*)

Repeal the paragraph.

Veterans' Entitlements Act 1986

67 Subsection 118ND(4) (paragraph (n) of the definition of *bereavement payment provisions*)

Repeal the paragraph.

68 Saving and transitional provisions—partner allowance

(1) Despite the amendments made by this Schedule, Parts 2.15A and 3.6 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for, or the rate of, partner allowance in respect of days occurring before that commencement.

(2) If before the commencement of this item:

(a) a person was receiving partner allowance; and

(b) the person's partner died;

then Division 9 of Part 2.15A of the *Social Security Act 1991*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to the person as if the amendments made by this Schedule had not been made.

(3) No payment of partner allowance is to be made in accordance with Part 4.2 of the *Social Security Act 1991* on or after the commencement of this item in relation to a day on or after that commencement.

(4) A person is not qualified for an age pension under Part 2.2 of the *Social Security Act 1991* in respect of a day on or after the commencement of this item if the person receives partner allowance in respect of that day.

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69 Saving provision—*Income Tax Assessment Act 1936*

Despite the amendments made by this Schedule, section 160AAA of the *Income Tax Assessment Act 1936*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of partner allowance under Part 2.15A of the *Social Security Act 1991* before, on or after that commencement.

70 Saving provision—*Income Tax Assessment Act 1997*

Despite the amendments made by this Schedule, item 22.1 of the table in section 52-10 and sections 52-15 and 52-30 of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of partner allowance under Part 2.15A of the *Social Security Act 1991* before, on or after that commencement.

71 Saving provisions—definitions

(1) Despite the amendments made by this Schedule, subsections 7(6) and (6AA) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person has a qualifying residence exemption for partner allowance in relation to days before that commencement.

(2) Despite the amendments made by this Schedule, sections 19C and 19D of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out whether a person was in severe financial hardship in relation to days before that commencement.

72 Saving provisions—qualification for payments

(1) Despite the amendments made by this Schedule, Division 11 of Part 2.13A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for an education entry payment before that commencement.

(2) Despite the amendments made by this Schedule, Part 2.21A of the *Social Security Act 1991*, as in force immediately before the

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commencement of this item, continues to apply on and after that commencement in relation to a fortnight beginning before that commencement.

(3) Despite the amendments made by this Schedule, subsections 1061Q(3), (3A) and (3F) to (3H) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out qualification for a telephone allowance before, on or after that commencement.

(4) Despite the amendments made by this Schedule, subparagraph 1061T(1)(a)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for utilities allowance in relation to days before that commencement.

73 Saving provisions—rates of payments

(1) Despite the amendments made by this Schedule, section 1061JU of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the amount of a crisis payment in relation to days before that commencement.

(2) Despite the amendments made by this Schedule, paragraph 1070(e) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out the rate of rent assistance in relation to partner allowance for days in respect of which partner allowance is payable to a person.

74 Saving provisions—concession cards

(1) Despite the amendments made by this Schedule, subparagraph 1061ZA(2)(b)(ii) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a pensioner concession card in relation to days before, on or after that commencement.

(2) Despite the amendments made by this Schedule, paragraph 1061ZK(5)(d) of the *Social Security Act 1991*, as in force

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immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to days before, on or after that commencement.

(3) Despite the amendments made by this Schedule, section 1061ZM of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a health care card in relation to a person who ceased to receive partner allowance before that commencement.

75 Saving and transitional provisions—other *Social Security Act 1991* provisions

(1) Despite the amendments made by this Schedule, paragraph 38B(6)(c) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out whether a person is taken to have received an income support payment in respect of a period before that commencement.

(2) Despite the amendments made by this Schedule, paragraph 620(1)(fa) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out if a person is subject to an ordinary waiting period at a time before, on or that commencement.

(3) The *Social Security Act 1991* applies on and after the commencement of this item as if a payment made under section 771NW of that Act before, on or after that commencement were a partner bereavement payment.

(4) Despite the amendments made by this Schedule, section 1073 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who claimed partner allowance before that commencement and to an amount the person received before that commencement.

(5) Despite the amendments made by this Schedule, Divisions 2 and 3 of Part 3.15A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person qualified for partner

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allowance, or to a person to whom partner allowance was payable, in respect of days occurring before that commencement.

(6) Despite the amendments made by this Schedule, Part 3.14 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to payments of partner allowance before, on or after that commencement.

(7) Despite the amendments made by this Schedule, subparagraph 1187(1A)(a)(iva) of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to partner allowance payable to a person in respect of days occurring before, on or after that commencement.

(8) Despite the amendments made by this Schedule, Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a payment of partner allowance made before, on or after that commencement.

76 Saving provisions—*Social Security (Administration) Act 1999*

(1) Despite the amendments made by this Schedule, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:

(a) making a payment of partner allowance in respect of days for which partner allowance is payable to a person;

(b) a determination or requirement made under that Part before that commencement, or the making of a determination or requirement under that Part on or after that commencement, in relation to partner allowance.

(2) Despite the amendments made by this Schedule, Parts 3B and 3D of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of partner allowance, or of a social security bereavement payment in relation to partner allowance, made before, on or after that commencement.

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(3) Despite the amendments made by this Schedule, Parts 4 and 4A of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision under the social security law, in relation to partner allowance, made before, on or after that commencement.

(4) The amendments made by this Schedule do not affect the validity of a cancellation under subsection 106B(1) of the *Social Security (Administration) Act 1999* before the commencement of this item.

77 Saving provision—*Veterans' Entitlements Act 1986*

Despite the amendments made by this Schedule, sections 118ND and 118NE of the *Veterans' Entitlements Act 1986*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to working out the rate of partner allowance in respect of days occurring before, on or after that commencement.

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Schedule 8—Minister's rules

1 Minister's rules

(1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by Schedules 1 to 7 to this Act.

(2) However, to avoid doubt, the rules may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax;

(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;

(e) directly amend the text of this Act.

(3) This Act (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).

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Schedule 9—Changes to activity tests for persons aged 55 to 59

Social Security Act 1991

1 Subsection 603AA(1)

Omit "subsection (3)", substitute "subsections (2) and (3)".

3 Subsection 603AA(1)

After "in respect of a period", insert "of 2 weeks".

4 Paragraph 603AA(1)(a)

Omit "period", substitute "relevant period".

5 Paragraph 603AA(1)(b)

Omit "period", substitute "relevant period,".

6 Paragraph 603AA(1)(c)

Omit "period", substitute "relevant period".

6A After subsection 603AA(1)

Insert:

(2) Subsection (1) does not apply in relation to a person who has reached 55, but is under 60, years of age and to a period of 2 weeks (the ***relevant period***) if that period begins before the end of 12 months starting on the day the person starts to receive newstart allowance. Instead the person is taken to satisfy the activity test in respect of the relevant period if the person:

(a) is engaged, for at least 30 hours in the relevant period, in a combination of:

(i) approved unpaid voluntary work for an approved organisation; and

(ii) paid work that the Secretary regards as suitable and that is at least 15 hours in the relevant period; or

(b) is engaged for at least 30 hours in the relevant period in paid work that the Secretary regards as suitable.

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Note: Because of the definition of ***receive*** in section 23, this subsection applies separately in relation to each occasion the person starts to receive newstart allowance.

(2A) If newstart allowance ceases to be payable to a person for a period of less than 3 months (except because the newstart allowance was cancelled), then, for the purposes of subsection (2), the person is taken to be receiving newstart allowance during that period.

7 Paragraph 603AA(4)(a)

Omit "approved voluntary unpaid work", substitute "approved unpaid voluntary work".

8 Subsection 731G(1)

Omit "subsection (3)", substitute "subsections (2) and (3)".

10 Paragraph 731G(1)(c)

Omit "period", substitute "relevant period".

10A After subsection 731G(1)

Insert:

(2) Subsection (1) does not apply in relation to a person who has reached 55, but is under 60, years of age and to a period of 2 weeks (the ***relevant period***) if that period begins before the end of 12 months starting on the day the person starts to receive special benefit. Instead the person is taken to satisfy the activity test in respect of the relevant period if the person:

(a) is engaged, for at least 30 hours in the relevant period, in a combination of:

(i) approved unpaid voluntary work for an approved organisation; and

(ii) paid work that the Secretary regards as suitable and that is at least 15 hours in the relevant period; or

(b) is engaged for at least 30 hours in the relevant period in paid work that the Secretary regards as suitable.

Note: Because of the definition of ***receive*** in section 23, this subsection applies separately in relation to each occasion the person starts to receive special benefit.

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(2A) If special benefit ceases to be payable to a person for a period of less than 3 months (except because the special benefit was cancelled), then, for the purposes of subsection (2), the person is taken to be receiving special benefit during that period.

11 Subsection 731G(4)

Insert:

approved unpaid voluntary work, either full-time or otherwise, is work that has been approved by the Secretary for the purposes of this section.

12 Subsection 731G(4) (definition of *approved voluntary unpaid work*)

Repeal the definition.

13 Application provision

The amendments made by this Schedule apply in relation to relevant periods beginning on or after the commencement of this item, whether the person started to receive newstart allowance or special benefit before, on or after that commencement.

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Schedule 10—Start day for some participation payments

Social Security Act 1991

1A Paragraph 549CA(2)(a)

Omit "clause 5", substitute "clauses 4A and 5".

1B Subsection 549CB(1)

Omit "clause 5", substitute "clauses 4A and 5".

1C Paragraph 549CB(2)(b)

Omit "clause 5", substitute "clauses 4A and 5".

1D Paragraph 620(1)(a)

Omit "clause 5", substitute "clauses 4A and 5".

1E Subsection 621(1)

Omit "clause 5", substitute "clauses 4A and 5".

1F Paragraph 621(3)(b)

Omit "clause 5", substitute "clauses 4A and 5".

Social Security (Administration) Act 1999

1 At the end of subclause 3(1) of Schedule 2

Add:

Note: Clause 4A applies instead of this subclause to claims for newstart allowance and youth allowance in certain circumstances.

2 After clause 4 of Schedule 2

Insert:

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4A Start day for newstart allowance and youth allowance if claimant required to attend interview

When this clause applies and subclause 3(1) does not

(1) This clause applies, and subclause 3(1) does not apply, in relation to a person's:

(a) claim for newstart allowance; or

(b) claim for youth allowance that is not based on the person being a new apprentice or undertaking full-time study;

if the Secretary gives the person a notice under section 63 requiring the person to attend a particular place for an interview on a day specified in the notice (the ***specified day***).

Note: Clause 5 may override the start day under this clause in certain circumstances.

Secretary may decide that this clause does not apply

(2) This clause does not apply to a person if the Secretary is satisfied, in accordance with any guidelines under subclause (3), that it should not apply to the person.

(3) The Secretary may, by legislative instrument, make guidelines to be complied with in deciding under subclause (2) whether this clause applies to a person.

Start day

(4) The start day for the person is the day worked out using the following table.

Start day

	If the period between the time the Secretary imposes the requirement under section 63 and the specified day is:	The start day is:
1	2 business days or less	The specified day
2	More than 2 business days (otherwise than at the person's request)	The day the Secretary imposes the requirement under section 63
3	More than 2 business days (at the person's request)	The specified day

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Start day—failure to comply with requirement to attend interview

(5) Despite subclause (4), if:

(a) the person does not comply with the requirement; and

(b) because of that failure to comply, either section 547AA or 615 of the 1991 Act applies to the person;

the person's start day is the day on which that section ceases to apply to the person.

Start day—person not qualified on start day

(6) Despite subclauses (4) and (5), if a person is not qualified for the allowance on the day that would, but for this subclause, be the person's start day, the person's start day is the first day, after what would otherwise (under subclause (4) or (5)) be the person's start day, on which the person is qualified for the allowance.

When this clause ceases to apply

(7) This clause ceases to apply if the Secretary revokes the requirement before the specified day.

Note: In that case, subclause 3(1) will apply.

3 Subclause 5(2) of Schedule 2 (paragraph (e) of the definition of *exclusion period*)

Omit "section 547AA or 615", substitute "subparagraph 547AA(1)(b)(ii) or subparagraph 615(1)(b)(ii)".

4 Application provision

The amendments made by this Schedule apply in relation to the following claims made on or after the commencement of this Schedule:

(a) a claim for newstart allowance;

(b) a claim for youth allowance that is not based on the claimant being a new apprentice or undertaking full-time study.

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Schedule 11—Intent to claim provisions

Social Security (Administration) Act 1999

1 After paragraph 13(1)(a)

Insert:

(aa) the person is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

2 Paragraph 13(1)(c)

Repeal the paragraph.

3 After paragraph 13(2)(a)

Insert:

(aa) the person is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

4 Paragraph 13(2)(c)

Repeal the paragraph.

5 After paragraph 13(3)(a)

Insert:

(aa) the claimant is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

6 Paragraph 13(3)(c)

Repeal the paragraph.

7 After paragraph 13(3A)(a)

Insert:

(aa) the person is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

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8 Paragraph 13(3A)(c)

Repeal the paragraph.

9 After paragraph 14(1)(a)

Insert:

(aa) the person is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

10 Paragraph 14(1)(c)

Repeal the paragraph.

11 After paragraph 14(2)(a)

Insert:

(aa) the person is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

12 Paragraph 14(2)(c)

Repeal the paragraph.

13 After paragraph 14(3)(a)

Insert:

(aa) the claimant is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

14 Paragraph 14(3)(c)

Repeal the paragraph.

15 After paragraph 14(3A)(a)

Insert:

(aa) the person is, on the day on which the Department is contacted, included in a class of persons determined in an instrument under section 14A; and

16 Paragraph 14(3A)(c)

Repeal the paragraph.

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17 After section 14

Insert:

14A Determination for purposes of sections 13 and 14

The Minister may, by legislative instrument, determine a class of persons for the purposes of paragraphs 13(1)(aa), (2)(aa), (3)(aa) and (3A)(aa) and 14(1)(aa), (2)(aa), (3)(aa) and (3A)(aa).

18 Application provision

The amendments made by this Schedule apply in relation to contacts to the Department made on or after the commencement of this item.

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Schedule 13—Removal of exemptions for drug or alcohol dependence

Social Security Act 1991

1 Subsection 23(1)

Insert:

> ***declared program participant*** means a person who is a participant, in accordance with the applicable provisions (if any) of a determination made under section 28C, in an employment services program specified in that determination.

2 After section 28B

Insert:

28C Declared program participants

(1) The Secretary may, by legislative instrument, make a determination for the purposes of the definition of ***declared program participant*** in subsection 23(1).

(2) The determination may provide for the operation of the social security law in relation to a person who becomes, or stops being, a declared program participant at a particular time (including in relation to things that happened before that time).

3 After subsection 94C(1)

Insert:

(1A) Subsection (1) does not apply to illness, or an accident, wholly or predominantly attributable to the person's dependence on alcohol or another drug, unless the person is a declared program participant.

4 After subsection 94F(1)

Insert:

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(1A) Subsection (1) does not apply to circumstances wholly or predominantly attributable to the person's misuse of alcohol or another drug, unless the person is a declared program participant.

5 After subsection 502F(1)

(1A) Subsection (1) does not apply to circumstances wholly or predominantly attributable to the person's misuse of alcohol or another drug, unless the person is a declared program participant.

6 After subsection 502H(1)

Insert:

(1AA) Subsection (1) does not apply to sickness, or an accident, wholly or predominantly attributable to the person's dependence on alcohol or another drug, unless the person is a declared program participant.

7 After subsection 542A(1)

Insert:

(1AA) Subsection (1) does not apply to sickness, or an accident, wholly or predominantly attributable to the person's dependence on alcohol or another drug, unless the person is a declared program participant, a new apprentice or undertaking full-time study.

8 After subsection 542H(1)

Insert:

(1AA) Subsection (1) does not apply to circumstances wholly or predominantly attributable to the person's misuse of alcohol or another drug, unless the person is a declared program participant, a new apprentice or undertaking full-time study.

9 After subsection 603A(1)

Insert:

(1A) Subsection (1) does not apply to circumstances wholly or predominantly attributable to the person's misuse of alcohol or another drug, unless the person is a declared program participant.

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10 After subsection 603C(1)

Insert:

(1AA) Subsection (1) does not apply to sickness, or an accident, wholly or predominantly attributable to the person's dependence on alcohol or another drug, unless the person is a declared program participant.

11 After subsection 731E(1)

Insert:

(1A) Subsection (1) does not apply to circumstances wholly or predominantly attributable to the person's misuse of alcohol or another drug, unless the person is a declared program participant.

12 After subsection 731K(1)

Insert:

(1AA) Subsection (1) does not apply to sickness, or an accident, wholly or predominantly attributable to the person's dependence on alcohol or another drug, unless the person is a declared program participant.

13 Application provision

The amendments made by this Schedule apply in relation to circumstances, illness or sickness existing, and accidents occurring, on or after the commencement of this Schedule.

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Schedule 14—Changes to reasonable excuses

Social Security (Administration) Act 1999

1 Subsection 42C(4) (note)

After "(4)(a)" (first occurring), insert "and may be prohibited from taking other matters into account for those purposes".

2 Subsection 42E(4) (note)

After "(4)(a)" (first occurring), insert "and may be prohibited from taking other matters into account for those purposes".

3 Subsection 42H(3) (note)

After "(a)" (first occurring), insert "and may be prohibited from taking other matters into account for those purposes".

4 Subsection 42N(2) (note)

After "(a)", insert "and may be prohibited from taking other matters into account for those purposes".

5 Subsection 42SC(2) (note)

After "(2)", insert "and may be prohibited from taking other matters into account for those purposes".

6 Before subsection 42U(1)

Insert:

Matters to be taken into account

7 At the end of section 42U

Add:

Matters not to be taken into account

(3) The Secretary may, by legislative instrument, determine matters that the Secretary must not take into account in deciding whether a person has a reasonable excuse for committing:

(a) a no show no pay failure (see paragraph 42C(4)(a)); or

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(b) a connection failure (see paragraph 42E(4)(a)); or
(c) a reconnection failure (see paragraph 42H(3)(a)); or
(d) a serious failure (see paragraph 42N(2)(a)); or
(e) a non-attendance failure (see subsection 42SC(2)).

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Schedule 15—Targeted compliance framework

Part 1—Main amendments

Social Security (Administration) Act 1999

1 After Division 3 of Part 3

Insert:

Division 3AA—Compliance with participation payment obligations: persons other than declared program participants

Subdivision A—Introduction

42AA Simplified outline of this Division

This Division is about the Secretary taking action to ensure that people (other than declared program participants) meet their obligations in relation to participation payments. The participation payments are newstart allowance and, for some people, youth allowance, parenting payment and special benefit.

A person commits a mutual obligation failure for failing to comply with obligations relating to participation payments, such as attending appointments, undertaking activities, or taking action to gain employment. A person commits a work refusal failure for failing to accept an offer of suitable employment. A person commits an unemployment failure for becoming unemployed because of a voluntary act (except a reasonable act) or misconduct.

For a mutual obligation failure or a work refusal failure, the participation payment will usually not be payable until the person complies with a reconnection requirement. The person may then receive back pay. The participation payment must be cancelled if the person fails to comply with the reconnection requirement within 4 weeks.

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If a person who commits a mutual obligation failure has persistently committed mutual obligation failures and does not have a reasonable excuse then, depending on the circumstances, the person's participation payment will usually be reduced by either 50% or 100% for a period (in addition to not being payable) or be cancelled. In addition, a participation payment must be cancelled if a person does not have a reasonable excuse for a work refusal failure. No participation payments are payable to a person for 4 weeks if a participation payment is cancelled for a mutual obligation failure or a work refusal failure.

If a person commits an unemployment failure, no participation payments are payable to the person for either 4 or 6 weeks, depending on whether relocation assistance had been paid to help the person take up the employment concerned. Also, the person's participation payment must be cancelled if he or she was receiving a participation payment when the unemployment failure was committed.

42AB Division not to apply to declared program participants

This Division applies in relation to a person if the person is not a declared program participant.

Subdivision B—Failures for which compliance action must be taken

42AC Mutual obligation failures

(1) A person commits a ***mutual obligation failure*** if the person is receiving a participation payment and any of the following applies:

(a) the person fails to comply with a requirement that was notified to the person under subsection 63(2) or (4);

(b) the person fails to comply with a requirement, under section 501, 544A, 605 or 731L of the 1991 Act, to enter into an employment pathway plan;

(c) the person fails to attend, or to be punctual for, an appointment that the person is required to attend by:

(i) a notice under subsection 63(2); or

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(ii) an employment pathway plan that is in force in relation to the person;

(d) the person fails to attend, to be punctual for, or to participate in, an activity that the person is required to undertake by an employment pathway plan that is in force in relation to the person;

(e) an employment pathway plan is in force in relation to the person and the person fails to satisfy the Secretary that the person has undertaken adequate job search efforts in relation to a period worked out in accordance with the plan (see subsection (2));

(f) an employment pathway plan is in force in relation to the person and the person fails to comply with any other requirement of the plan that applies to the person;

(g) the Secretary is satisfied that the person acted in an inappropriate manner:

(i) during an appointment to which paragraph (c) applies that the person attended; or

(ii) while participating in an activity referred to in paragraph (d);

(h) the person intentionally acts in a manner and it is reasonably foreseeable that acting in that manner could result in an offer of employment not being made to the person;

(i) the person fails to:

(i) attend a job interview; or

(ii) act on a job opportunity when requested to do so by an employment services provider.

Note: In certain circumstances a person is taken to be receiving a participation payment even if it is not payable to the person: see section 42AQ.

(2) For the purposes of paragraph (1)(e), the question whether a person has undertaken adequate job search efforts in relation to a particular period is to be worked out in accordance with a determination in force under subsection (3).

(3) The Secretary must, by legislative instrument, make a determination for the purposes of subsection (2).

(4) Paragraph (1)(c) does not limit paragraph (1)(a), and paragraph (1)(i) does not limit paragraph (1)(h).

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42AD Work refusal failures

A person commits a ***work refusal failure*** if:

(a) the person is receiving a participation payment; and

(aa) in the case where the participation payment is parenting payment—the person is not someone to whom paragraph 500(1)(ca) of the 1991 Act applies; and

(b) the person refuses or fails to accept an offer of suitable employment.

Note: In certain circumstances a person is taken to be receiving a participation payment even if it is not payable to the person: see section 42AQ.

42AE Unemployment failures

(1) A person commits an ***unemployment failure*** if:

(a) the person is receiving a participation payment; and

(aa) in the case where the participation payment is parenting payment—the person is not someone to whom paragraph 500(1)(ca) of the 1991 Act applies; and

(b) the person becomes unemployed:

(i) as a direct or indirect result of a voluntary act of the person; or

(ii) as a result of the person's misconduct as an employee.

Note: In certain circumstances a person is taken to be receiving a participation payment even if it is not payable to the person: see section 42AQ.

(2) A person also commits an ***unemployment failure*** if:

(a) the person is not receiving, but has made a claim for, a participation payment; and

(aa) in the case where the participation payment is parenting payment—the person is not someone to whom paragraph 500(1)(ca) of the 1991 Act applies; and

(b) the person becomes unemployed (whether before or after making the claim):

(i) as a direct or indirect result of a voluntary act of the person; or

(ii) as a result of the person's misconduct as an employee.

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(3) However, a person does not commit an ***unemployment failure*** because of subparagraph (1)(b)(i) or (2)(b)(i) if the person satisfies the Secretary that the voluntary act was reasonable.

Subdivision C—Compliance action that must be taken for particular failures

42AF Compliance action for mutual obligation failures

Usual rule

(1) If a person commits a mutual obligation failure (the ***relevant failure***), the Secretary must:
  (a) determine that the person's participation payment is not payable to the person for a period (see section 42AL); and
  (b) take action under subsection (2) (if applicable).

Note: The person may be eligible for back pay once the payment suspension period ends (see subsection 42AL(4)).

Special rule—persistent mutual obligation failures and no reasonable excuse

(2) If:
  (a) the Secretary is satisfied in accordance with an instrument made under subsection 42AR(1) that the person has persistently committed mutual obligation failures; and
  (b) the person does not satisfy the Secretary that the person has a reasonable excuse for the relevant failure (see sections 42AI and 42AJ);

the Secretary must, in accordance with that instrument, determine:
  (c) that an instalment of the person's participation payment for an instalment period is to be reduced (see section 42AN), in addition to making a determination under paragraph (1)(a) of this section; or
  (d) that the person's participation payment is cancelled (see section 42AP).

Note 1: For paragraph (c), the person may be eligible for back pay once the person's payment suspension period ends (see subsection 42AL(4)). However, the back pay may be reduced (including to nil) if the instalment period for which an instalment is to be reduced under paragraph (c) overlaps with the payment suspension period.

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Note 2: For paragraph (d), a further consequence is that participation payments will not be payable to the person for the person's post-cancellation non-payment period (see subsection 42AP(5)).

(3) A determination made under paragraph (2)(d) for the relevant failure has effect despite any determination made under paragraph (1)(a) for the relevant failure.

Special rule—discretion not to take action for certain failures

(3A) Despite subsections (1) and (2), the Secretary may decide not to make a determination under either or both of those subsections for the relevant failure if it was committed under paragraph 42AC(1)(a) or subparagraph 42AC(1)(c)(i).

Note 1: Paragraph 42AC(1)(a) relates to a failure to comply with a requirement notified under subsection 63(2) or (4). Subparagraph 42AC(1)(c)(i) relates to a failure to attend, or to be punctual for, an appointment that a person is required to attend by a notice under subsection 63(2).

Note 2: The Secretary may instead cancel or suspend the participation payment under section 80 (see section 42AS).

(3B) In deciding whether to make a decision under subsection (3A), the Secretary must have regard to any matters determined under subsection 42AR(1A) and may have regard to any other relevant matters.

Action not to be taken—instalment already reduced to nil for instalment period when failure committed

(4) Despite subsections (1) and (2), the Secretary must not make a determination under this section for the relevant failure if:

(a) the Secretary has previously determined under paragraph (2)(c) that an instalment of the person's participation payment for an instalment period is to be reduced; and

(b) the instalment for the instalment period is reduced by the whole of the amount of the instalment (see paragraph 42AN(3)(b)); and

(c) the person commits the relevant failure during that instalment period.

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42AG Compliance action for work refusal failures

Usual rule

(1) If a person commits a work refusal failure, the Secretary must determine that the person's participation payment is not payable to the person for a period (see section 42AL).

Special rule—no reasonable excuse

(2) However, if the person does not satisfy the Secretary that the person has a reasonable excuse for the work refusal failure (see section 42AI), the Secretary must determine that the person's participation payment is cancelled (see section 42AP).

Note: Participation payments will not be payable to the person for the person's post-cancellation non-payment period (see subsection 42AP(5)).

(3) A determination made under subsection (2) for a work refusal failure has effect despite any determination made under subsection (1) for the failure.

Action not to be taken—instalment already reduced to nil for instalment period when failure committed

(4) Despite subsections (1) and (2), the Secretary must not take action under this section for a work refusal failure (the ***relevant failure***) if:

(a) the Secretary has previously determined under paragraph 42AF(2)(c) that the amount of an instalment of the person's participation payment for an instalment period is to be reduced; and

(b) the instalment for the instalment period is reduced by the whole of the amount of the instalment (see paragraph 42AN(3)(b)); and

(c) the person commits the relevant failure during that instalment period.

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42AH Compliance action for unemployment failures

Unemployment failures committed by persons receiving a participation payment

(1) If a person receiving a participation payment commits an unemployment failure, the Secretary must determine that the participation payment is cancelled (see section 42AP).

Note: Participation payments will not be payable to the person for the person's post-cancellation non-payment period (see subsection 42AP(5)).

Unemployment failures committed by persons claiming a participation payment

(2) If a person who has made a claim for (but is not receiving) a participation payment has committed an unemployment failure, the Secretary must determine that participation payments (whether or not the same as the participation payment that was claimed) are not payable to the person for a period (see section 42AO).

42AI Reasonable excuses—matters that must or must not be taken into account

Matters to be taken into account

(1) The Secretary must, by legislative instrument, determine matters that the Secretary must take into account in deciding whether a person has a reasonable excuse for committing:
  (a) a mutual obligation failure (see paragraph 42AF(2)(b)); or
  (b) a work refusal failure (see subsection 42AG(2)).

(2) To avoid doubt, a determination under subsection (1) does not limit the matters that the Secretary may take into account in deciding whether the person has a reasonable excuse.

Matters not to be taken into account

(3) The Secretary may, by legislative instrument, determine matters that the Secretary must not take into account in deciding whether a person has a reasonable excuse for committing:
  (a) a mutual obligation failure (see paragraph 42AF(2)(b)); or

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(b) a work refusal failure (see subsection 42AG(2)).

42AJ Reasonable excuses for mutual obligation failures—prior notification required for certain failures

(1) For the purposes of paragraph 42AF(2)(b), an excuse cannot be a reasonable excuse for a mutual obligation failure mentioned in subsection (2) of this section that is committed by a person unless:

(a) the person notifies the excuse as mentioned in subsection (3) of this section; or

(b) the Secretary is satisfied that there were circumstances in which it was not reasonable to expect the person to give the notification.

Note: The Secretary may also decide for other reasons that the excuse is not a reasonable excuse.

(2) The failures are as follows:

(a) a failure to comply with a requirement that was notified to the person under subsection 63(2) to attend an office of the Department, to contact the Department, or to attend a particular place;

(b) without limiting paragraph (a), a failure to attend, or to be punctual for, an appointment that the person is required to attend by a notice under subsection 63(2);

(c) a failure to attend, to be punctual for, or to participate in, an activity that the person is required to undertake by an employment pathway plan that is in force in relation to the person;

(d) a failure to attend, or to be punctual for, an appointment that the person is required to attend by an employment pathway plan that is in force in relation to the person.

(3) The person must notify the excuse:

(a) for a failure mentioned in paragraph (2)(a) or (b):

(i) before the end of the time specified under subsection 63(2); and

(ii) to the person or body specified by the Secretary as the person or body to whom prior notice should be given if the person is unable to comply with the notice under subsection 63(2); and

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(b) for a failure mentioned in paragraph (2)(c) or (d):
(i) before the start of the activity on the day concerned, or before the time of the appointment; and
(ii) to the person or body specified in the employment pathway plan as the person or body to whom prior notice should be given if the person is unable to undertake the activity or attend the appointment.

42AK Relationship between provisions of this Subdivision

Sections 42AF, 42AG and 42AH do not limit each other.

Subdivision D—Effect of taking particular compliance action

42AL Payment suspension periods for mutual obligation failures and work refusal failures

(1) If the Secretary determines under section 42AF or 42AG that a participation payment is not payable to a person for a period, the participation payment is not payable for the period (the ***payment suspension period***) worked out under this section.

(2) The payment suspension period begins at the start of:
(a) the instalment period in which the person commits the mutual obligation failure or the work refusal failure (unless paragraph (b) applies); or
(b) if the Secretary determines that a later instalment period is more appropriate—that later instalment period.

(3) The payment suspension period ends immediately before:
(a) the day the person complies with the reconnection requirement imposed under subsection 42AM(1) (unless paragraph (b) of this subsection applies); or
(b) if the Secretary determines that an earlier day is more appropriate—that earlier day.

(4) If the payment suspension period ends under subsection (3) for a person, then, for the purposes of the social security law after the end of that period:

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(a) the participation payment is taken to be payable to the person from the start of that period (subject to the social security law); and

(b) the Secretary is taken to have made a determination to the effect mentioned in paragraph (a).

Note: The effect of this subsection is that the person may receive back pay for the payment suspension period. However, the back pay may be reduced (including to nil) if the instalment period for which an instalment is to be reduced under section 42AN overlaps with the payment suspension period.

42AM Reconnection requirements for mutual obligation failures and work refusal failures

(1) The Secretary must impose a requirement (the ***reconnection requirement***) on a person if the Secretary determines under section 42AF or 42AG that a participation payment is not payable to the person for a period.

(2) The Secretary must notify the person, in any way the Secretary considers appropriate, of:

(a) the reconnection requirement; and

(b) the effect of not complying with the reconnection requirement.

(3) The Secretary must determine that the person's participation payment is cancelled if:

(a) the Secretary does not determine an earlier day for the purposes of ending the person's payment suspension period under paragraph 42AL(3)(b); and

(b) the person fails to comply with the reconnection requirement within 4 weeks after it is notified under subsection (2) of this section.

(4) If the Secretary makes a determination under subsection (3), the participation payment is cancelled at the end of the 4 weeks mentioned in paragraph (3)(b).

42AN Reducing instalments of participation payments for mutual obligation failures

(1) This section applies if:

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(a) a person commits a mutual obligation failure; and

(b) the Secretary makes a determination (the ***reduction determination***) under paragraph 42AF(2)(c) that an instalment of a participation payment for an instalment period (the ***reduction period***) is to be reduced.

(2) The reduction period must be:

(a) the instalment period in which the person commits the mutual obligation failure (unless paragraph (b) applies); or

(b) if the Secretary determines that a later instalment period is more appropriate—that later instalment period.

(3) The instalment payable to the person is reduced by an amount included in the reduction determination that is equal to:

(a) half of the instalment that would otherwise have been payable for the reduction period; or

(b) the whole of the instalment that would otherwise have been payable for the reduction period.

Note: Paragraph (b) may have the effect of reducing the amount of the instalment to nil. However, the participation payment remains payable (see subsection (6)).

(4) The Secretary must determine which of paragraph (3)(a) or (b) applies in relation to the reduction in accordance with an instrument made under subsection 42AR(1).

(5) The Secretary may make the reduction determination in accordance with paragraph (3)(b) for the reduction period even if the Secretary has already made a determination for the person in accordance with paragraph (3)(a) for the same instalment period for a different mutual obligation failure.

(6) The participation payment remains payable for the reduction period even if the amount of an instalment is reduced to nil in accordance with this section.

42AO Unemployment preclusion periods for unemployment failures by persons claiming participation payments

(1) If the Secretary determines under subsection 42AH(2) that participation payments are not payable to a person who has made a claim for a participation payment, then participation payments are

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not payable to the person for the period (the ***unemployment preclusion period***) of:

(a) 4 weeks beginning on the day the person becomes unemployed as a result of the person's voluntary act or misconduct (unless paragraph (b) applies); or

(b) 6 weeks beginning on that day, if, during the 6 months ending on the day immediately before that day, relocation assistance, for the employment to which the voluntary act or misconduct related, has been paid to or for the benefit of the person.

Note 1: The unemployment preclusion period may affect the person's start day for a claim (see clauses 5 and 5A of Schedule 2).

Note 2: For the purposes of this subsection, it is irrelevant which participation payment the person claimed (see subsection 42AH(2)).

(2) For the purposes of this Act, ***relocation assistance*** for employment means a payment:

(a) that is made by or on behalf of the Commonwealth to or for the benefit of a person for the purpose of assisting the person to take up the employment; and

(b) that is specified under subsection (3).

(3) The Secretary may, by legislative instrument, specify one or more payments for the purposes of paragraph (2)(b).

42AP Cancelling participation payments

(1) This section applies if the Secretary determines under Subdivision C that the participation payment of a person who has committed a mutual obligation failure, a work refusal failure or an unemployment failure is cancelled.

When payments are cancelled

(2) For a mutual obligation failure or a work refusal failure, the participation payment is cancelled at the start of the following day (the ***cancellation day***):

(a) the first day of the instalment period in which the person commits the failure (unless paragraph (b) applies);

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(b) if the Secretary determines that a later instalment period is more appropriate—the first day of that later instalment period.

(3) For an unemployment failure committed by a person who was receiving the participation payment when he or she became unemployed, the participation payment is cancelled at the start of the following day (the ***cancellation day***):

(a) the day that the person becomes unemployed as a result of the person's voluntary act or misconduct (unless paragraph (b) applies);

(b) the first day of the first instalment period for the person that begins after the day the Secretary makes the determination under subsection 42AH(1), if the Secretary considers it more appropriate.

(4) For the purposes of paragraph (3)(b), the day the Secretary makes the determination is the day the Secretary originally makes the determination (even if another decision in relation to the determination is later made on review).

Participation payments not payable for post-cancellation non-payment period

(5) A participation payment (whether or not the same as the participation payment that was cancelled) is not payable to the person for the period (the ***post-cancellation non-payment period***) of:

(a) 4 weeks beginning on the cancellation day (unless paragraph (b) applies); or

(b) 6 weeks beginning on the cancellation day, if:

(i) the cancellation is for an unemployment failure; and

(ii) during the 6 months ending on the day immediately before the person becomes unemployed, relocation assistance, for the employment to which the voluntary act or misconduct related, has been paid to or for the benefit of the person.

Note 1: If the person makes a claim for a participation payment, the post-cancellation non-payment period may affect the person's start day for the claim (see clauses 5 and 5A of Schedule 2).

Note 2: For ***relocation assistance***, see subsection 42AO(2).

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Participation payment taken to not be cancelled for certain purposes during post-cancellation non-payment period

(6) Despite subsections (2) and (3), the participation payment is taken to not be cancelled for the purposes of the following provisions until the end of the post-cancellation non-payment period:

(a) a provision of the social security law, or the Family Assistance Act, that refers to a post-cancellation non-payment period or a compliance penalty period, other than a provision that is determined by the Minister under subsection 42AR(2) of this Act for the purposes of this paragraph;

(b) section 106B of this Act (automatic cancellation of certain concession cards);

(c) a provision of the social security law that is determined by the Minister under subsection 42AR(2) of this Act for the purposes of this paragraph.

Subdivision E—Miscellaneous

42AQ Persons for whom participation payments not payable taken to still be receiving payment for certain purposes

If, under this Division, a participation payment is not payable to a person for a period, then, for the purposes of the following provisions, the person is taken to be receiving that participation payment for that period:

(a) Subdivision B (except if the participation payment is not payable because of subsections 42AH(2) and 42AO(1) (unemployment preclusion periods));

(b) sections 63 and 64;

(c) any other provision of the social security law, or the Family Assistance Act, that is determined by the Minister under subsection 42AR(2) of this Act for the purposes of this paragraph.

42AR Minister to make determinations for purposes of this Division

(1) The Minister must, by legislative instrument, determine the following:

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(a) for the purposes of paragraph 42AF(2)(a)—circumstances in which the Secretary must, or must not, be satisfied that a person has persistently committed mutual obligation failures;

(b) for the purposes of subsection 42AF(2):

(i) circumstances in which the Secretary must make a determination under paragraph 42AF(2)(c); and

(ii) circumstances in which the Secretary must make a determination under paragraph 42AF(2)(d);

(c) for the purposes of subsection 42AN(4):

(i) circumstances in which paragraph 42AN(3)(a) applies in relation to the reduction of an instalment for an instalment period; and

(ii) circumstances in which paragraph 42AN(3)(b) applies in relation to the reduction of an instalment for an instalment period.

(1A) The Minister may also, by legislative instrument, determine matters to which the Secretary must have regard for the purposes of subsection 42AF(3B) in making a decision under subsection 42AF(3A).

(2) In addition, the Minister may, by legislative instrument, determine provisions of the social security law or the Family Assistance Act for the purposes of paragraph 42AP(6)(a) or (c) or 42AQ(c) of this Act.

42AS Relationship with section 80

Nothing in this Division affects the power of the Secretary to cancel or suspend a participation payment under section 80.

Note: However, the Secretary cannot suspend or cancel a participation payment under that section on the basis that the participation payment is not, or was not, payable because of the operation of this Division (see paragraph 80(1)(b)).

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Part 2—Other amendments

Farm Household Support Act 2014

2 Paragraph 98(c)

Omit "Division 3A", substitute "Divisions 3AA and 3A".

Social Security Act 1991

3 Subsection 23(1) (before paragraph (a) of the definition of *compliance penalty period*)

Insert:

(aa) for a person other than a declared program participant—any of the following periods during which a participation payment (within the meaning of the Administration Act) is not payable to the person:

(i) a payment suspension period (within the meaning of that Act);

(ii) an unemployment preclusion period (within the meaning of that Act);

(iii) a post-cancellation non-payment period (within the meaning of that Act); or

4 Subsection 23(1) (paragraph (a) of the definition of *compliance penalty period*)

Before "a period", insert "for a declared program participant—".

5 Subsection 23(1) (paragraphs (b) and (c) of the definition of *compliance penalty period*)

Before "a period", insert "in any case—".

6 Section 549G (note)

Before "3A", insert "3AA or".

7 Section 550E (note)

Before "3A", insert "3AA or".

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8 Paragraph 729(2)(bd)

Omit all the words after "payable", substitute:

because of the operation of any of the following provisions of the Administration Act:

(i) subsection 42AL(1) (payment suspension periods—persons other than declared program participants);

(ii) subsection 42AO(1) (unemployment preclusion periods—persons other than declared program participants);

(iii) subsection 42AP(5) (post-cancellation non-payment periods—persons other than declared program participants);

(iv) subsection 42P(1) (serious failures—declared program participants);

(v) subsection 42S(1) (unemployment non-payment periods—declared program participants); and

9 Subparagraphs 729(2)(d)(i) and (ii)

Repeal the subparagraphs, substitute:

(i) subsection 42AL(1) of the Administration Act (payment suspension periods—persons other than declared program participants);

(ii) subsection 42AO(1) of that Act (unemployment preclusion periods—persons other than declared program participants);

(iia) subsection 42AP(5) of that Act (post-cancellation non-payment periods—persons other than declared program participants);

(iib) subsection 42P(1) of that Act (serious failures—declared program participants);

(iic) subsection 42S(1) of that Act (unemployment non-payment periods—declared program participants);

10 Subparagraph 729(2)(dc)(iii)

Repeal the subparagraph, substitute:

(iii) subsection 42AL(1) of the Administration Act (payment suspension periods—persons other than declared program participants); or

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(iv) subsection 42AO(1) of that Act (unemployment preclusion periods—persons other than declared program participants); or

(v) subsection 42AP(5) of that Act (post-cancellation non-payment periods—persons other than declared program participants); or

(vi) subsection 42P(1) of that Act (serious failures—declared program participants); or

(vii) subsection 42S(1) of that Act (unemployment non-payment periods—declared program participants); or

(viii) section 81 of that Act; and

11 Subparagraphs 1046(2)(b)(i) and (ii)

Omit "42P(1) or 42S(1) or section 81", substitute "42AL(1), 42AO(1), 42AP(5), 42P(1) or 42S(1), or section 81,".

12 Subparagraphs 1046(2B)(b)(i), (ii) and (iia)

Omit "42P(1) or 42S(1) or section 81", substitute "42AL(1), 42AO(1), 42AP(5), 42P(1) or 42S(1), or section 81,".

Social Security (Administration) Act 1999

13 Division 3A of Part 3 (heading)

Repeal the heading, substitute:

Division 3A—Compliance with participation payment obligations: declared program participants

14 Subdivision A of Division 3A of Part 3

Repeal the Subdivision, substitute:

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Subdivision A—Introduction

42A Simplified outline of this Division

The Secretary may determine that a declared program participant commits a no show no pay failure, a connection failure, a reconnection failure or a serious failure.

A declared program participant commits such a failure by failing to comply with his or her obligations in relation to a participation payment. The participation payments are newstart allowance and, for some people, youth allowance, parenting payment and special benefit.

For a no show no pay failure, a penalty amount is deducted from the participant's participation payment.

For a connection failure, a requirement may be imposed on the participant (and if the participant fails to comply with the requirement, the participant commits a reconnection failure).

For a reconnection failure, generally a penalty amount is deducted from the participant's participation payment until the participant complies with a requirement imposed on the participant.

For a serious failure, a participation payment is not payable to the participant for 8 weeks. The 8 week period may be ended in certain circumstances.

The Secretary may also determine that a declared program participant is unemployed as a result of a voluntary act or misconduct. If the Secretary does so, a participation payment is not payable to the participant for either 8 or 12 weeks, depending on the circumstances.

The Secretary may also determine that a participation payment is not payable to a declared program participant for a period because of certain failures. Once that period ends, the participant may be able to receive back pay. For a failure to attend an appointment, a penalty amount may be deducted from the participant's participation payment.

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42B Application of this Division only to declared program participants

This Division applies in relation to a person if the person is a declared program participant.

15 Subsection 42S(3B)

Repeal the subsection.

16 Paragraph 64(1A)(c)

After "under", insert "section 42AF or".

17 Paragraph 80(1)(b)

After "payable", insert "(other than because of the operation of Division 3AA)".

18 At the end of subsection 80(1)

Add:

Note: Division 3AA is about compliance with participation payment obligations for persons who are not declared program participants.

19 Subsection 80(3A)

Omit "person" (wherever occurring), substitute "declared program participant".

20 Subparagraph 110A(1)(b)(i)

After "participation payment", insert "and the person receiving the payment was a declared program participant".

21 Subparagraph 118(12C)(b)(i)

After "participation payment", insert "and the person is a declared program participant".

22 Paragraph 123(1)(ba)

After "1991 Act", insert ", or subsection 42AM(4) or section 42AP of this Act".

23 After paragraph 123(1)(ba)

Insert:

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(bb) immediately before the start of a payment suspension period for the person under section 42AL; or

24 Subsection 131(1)

Omit "Subject to subsection (2), if", substitute "If".

25 After paragraph 131(1)(a)

Insert:

(aa) the adverse decision is not made under Division 3AA of Part 3 (compliance with participation payment obligations: persons other than declared program participants); and

26 After paragraph 144(f)

Insert:

(faa) a decision under subsection 42AM(1) of this Act;

27 After paragraph 145(1)(a)

Insert:

(aa) the adverse decision is not made under Division 3AA of Part 3 (compliance with participation payment obligations: persons other than declared program participants); and

28 Paragraph 192(daa)

Before "3A", insert "3AA or".

29 Subclause 1(1) of Schedule 1

Insert:

mutual obligation failure has the meaning given by section 42AC.

payment suspension period has the meaning given by subsection 42AL(1).

post-cancellation non-payment period has the meaning given by subsection 42AP(5).

30 Subclause 1(1) of Schedule 1 (definition of *reconnection requirement*)

Repeal the definition, substitute:

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reconnection requirement:

(a) for a mutual obligation failure or a work refusal failure—has the meaning given by subsection 42AM(1); and

(b) for a failure mentioned in section 42G—has the meaning given by that section.

31 Subclause 1(1) of Schedule 1

Insert:

relocation assistance has the meaning given by subsection 42AO(2).

unemployment failure has the meaning given by section 42AE.

unemployment preclusion period has the meaning given by subsection 42AO(1).

work refusal failure has the meaning given by section 42AD.

32 Subclause 5(1B) of Schedule 2

Repeal the subclause, substitute:

(1B) Subclause (1) applies only in relation to a start day for a participation payment to a person if the exclusion period to which the person is subject is:

(a) for a person other than a declared program participant:

(i) a payment suspension period; or

(ii) an unemployment preclusion period; or

(iii) a post-cancellation non-payment period; or

(b) for a declared program participant:

(i) a serious failure period; or

(ii) an unemployment non-payment period.

33 Clause 5A of Schedule 2 (heading)

Repeal the heading, substitute:

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5A Start day for parenting payment if one member of a couple fails to comply with certain participation payment obligations

34 Clause 5A of Schedule 2

Before "If:", insert "(1)".

35 Paragraph 5A(c) of Schedule 2

Repeal the paragraph, substitute:

(c) any of the following apply:

(i) the Secretary determines under Subdivision C of Division 3AA (compliance with participation payment obligations: persons other than declared program participants) that the other member's participation payment is not payable for a period;

(ii) the Secretary determines under that Subdivision that the other member's participation payment is cancelled;

(iii) the Secretary determines that the other member of the couple, being a declared program participant, commits a serious failure; or

(iv) the Secretary makes a determination under subsection 42S(1) (unemployment as a result of a voluntary act or misconduct obligation—declared program participants) in relation to the other member of the couple; and

36 Clause 5A of Schedule 2

Omit all the words after "parenting payment is", substitute "worked out in accordance with subclause (2)".

37 At the end of clause 5A of Schedule 2

Add:

(2) For the purposes of subclause (1), the other member's start day is the first day after the end of:

(a) if subparagraph (1)(c)(i) applies—the other member's payment suspension period or unemployment preclusion period; and

(b) if subparagraph (1)(c)(ii) applies—the other member's post-cancellation non-payment period; and

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(c) if subparagraph (1)(c)(iii) applies—the other member's serious failure period; and

(d) if subparagraph (1)(c)(iv) applies—the other member's unemployment non-payment period.

38 Paragraph 15(c) of Schedule 2

After "cancelled", insert "(other than under Division 3AA of Part 3)".

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Part 3—Application and transitional provisions

39 Application of Division 3AA of Part 3 of the Administration Act

Division 3AA of Part 3 of the Administration Act applies in relation to a mutual obligation failure, a work refusal failure, or an unemployment failure, that is committed on or after the commencement of this item by a person who is not a declared program participant.

40 Application of Division 3A of Part 3 of the Administration Act

Continued application for declared program participants

(1) The amendments made by this Schedule do not limit the continued effect, on and after the commencement of this item, of anything done before that commencement under the old compliance rules in relation to a person who is a declared program participant.

Limited continued application for persons who are not declared program participants

(2) The old compliance rules cease to apply, at the commencement of this item, in relation to a person who is not a declared program participant, even if a determination had been made under those rules for the person before that commencement.

(3) Without limiting subitem (2), if:

(a) the Secretary made a determination under the old compliance rules, before the commencement of this item, that results in a participation payment not being payable for a period for a person who is not a declared program participant; and

(b) the period has not ended as at that commencement;

then the period ends, by force of this subitem, immediately before that commencement, despite anything else in the old compliance rules.

(4) Despite subitem (2), if:

(a) the Secretary made a determination under the old compliance rules before the commencement of this item; and

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(b) the determination would, apart from subitem (2) and the amendments made by this Schedule, have resulted in a penalty amount being deducted from a person's instalment of a participation payment for one or more instalment periods ending after that commencement;

then the penalty amount must continue to be deducted after that commencement in accordance with the old compliance rules.

(5) If a penalty amount is deducted from an instalment in accordance with subitem (4), and the effect of the deduction is that the instalment is reduced to nil for an instalment period, the Secretary must not take action under section 42AF or 42AG of the Administration Act for a mutual obligation failure or a work refusal failure committed by the person during the instalment period.

(6) In this item:

old compliance rules means Division 3A of Part 3 of the Administration Act, as in force immediately before the commencement of this item.

41 Transitional provision—instruments specifying payments for definition of *relocation assistance*

An instrument made under paragraph 42S(3B)(b) of the Administration Act that was in force immediately before the commencement of this item continues in force (and may be dealt with) as if it had been made under subsection 42AO(3) of that Act (as amended by this Schedule).

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Schedule 16—Streamlining tax file number collection

Part 1—Main amendments

Social Security (Administration) Act 1999

1 Sections 75 to 77

Repeal the sections, substitute:

75 Requesting tax file numbers

Persons who may be requested to provide tax file numbers

(1) The Secretary may make a request under subsection (2), (3) or (4) of a person (the ***request recipient***) in Australia who:

(a) is making, or has made, a claim for a social security payment; or

(b) is receiving a social security payment (other than utilities allowance or energy supplement under Part 2.25B of the 1991 Act); or

(c) is making, or has made, a claim for a seniors health card, or a health care card that is income-tested for the request recipient; or

(d) is the holder of a seniors health card, or a health care card that is income-tested for the request recipient.

Requesting tax file number of request recipient

(2) The Secretary may request, but not compel, the request recipient:

(a) if the request recipient has a tax file number—to give the Secretary a written statement of the request recipient's tax file number; or

(b) if the request recipient does not have a tax file number:

(i) to apply to the Commissioner of Taxation for a tax file number; and

(ii) to give the Secretary a written statement of the request recipient's tax file number after the Commissioner of Taxation has issued it.

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Requesting tax file number of request recipient's partner

(3) The Secretary may request, but not compel, the request recipient to give the Secretary a written statement of the tax file number of the request recipient's partner if:

(a) the request recipient is a member of a couple; and

(b) the request recipient's partner is in Australia.

Requesting tax file number of other person whose income is relevant to request recipient's rate of payment

(4) If:

(a) the request recipient:

(i) is making, or has made, a claim for a social security payment; or

(ii) is receiving a social security payment; and

(b) the income of one or more other persons who are in Australia is required to be taken into account for the purpose of working out the rate of the social security payment;

the Secretary may request, but not compel, the request recipient to give the Secretary a written statement of the tax file number of any one or more of those other persons.

76 How request for tax file number is satisfied

Satisfying request for tax file number

(1) If the Secretary requests a person (the ***request recipient***) under section 75 to give the Secretary a written statement of the tax file number of a person (the ***relevant person***), the request recipient satisfies the request by giving the Secretary, within the period mentioned in subsection (2) of this section (if applicable):

(a) the written statement of the relevant person's tax file number; or

(b) both of the following:

(i) a declaration that meets the requirements of subsection (3) and contains the statement required by subsection (4);

(ii) a document in which the relevant person authorises the Commissioner of Taxation to tell the Secretary the matters mentioned in subsection (5).

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Note: The relevant person may be the request recipient or another person whose tax file number has been requested under subsection 75(3) or (4).

Period within which request must be satisfied

(2) Unless the request recipient was making a claim described in paragraph 75(1)(a) or (c) when the request under section 75 was made, the material mentioned in paragraph (1)(a) or (b) of this section must be given within 28 days after the making of the request.

Requirements for declarations

(3) A declaration mentioned in paragraph (1)(b) must be:
  (a) for a request under subsection 75(2)—a TFN declaration; or
  (b) for a request under subsection 75(3) or (4)—in accordance with a form approved by the Secretary.

(4) A declaration mentioned in paragraph (1)(b) must contain:
  (a) a statement that the relevant person:
    (i) has a tax file number but does not know what it is; and
    (ii) has asked the Commissioner of Taxation to inform the relevant person of his or her tax file number; or
  (b) a statement that an application by the relevant person for a tax file number is pending.

Requirements for authorisation documents

(5) For the purposes of subparagraph (1)(b)(ii), the matters are as follows:
  (a) in a case where the declaration contains a statement mentioned in paragraph (4)(a):
    (i) whether the relevant person has a tax file number; and
    (ii) if the relevant person has a tax file number—that number; and
  (b) in a case where the declaration contains a statement mentioned in paragraph (4)(b):
    (i) if a tax file number is issued to the relevant person—that number; or

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(ii) if the application for a tax file number is refused or is withdrawn—that fact.

77 Consequences of not giving tax file number

Consequences of not satisfying request for tax file number

(1) If the Secretary makes a request of a person under section 75, the consequences set out in the following table apply unless the person satisfies the request in accordance with section 76.

Note: The Secretary may exempt a person from the operation of this subsection (see subsection (4)).

Consequences of not satisfying request for tax file number

Item	If the request under section 75 was given to …	the consequence is …
1	a person who was making a claim for a social security payment	the social security payment is not payable
2	a person who was making a claim for a seniors health card, or a health care card that is income-tested for the person	the Secretary must not determine the claim
3	a person who had made a claim for, or was receiving, a social security payment	at the end of 28 days after the Secretary made the request, the social security payment ceases to be payable to the person
4	a person who had made a claim for, or was the holder of, a seniors health card, or a health care card that is income-tested for the person	at the end of 28 days after the Secretary made the request, the Secretary must determine that the card is to be cancelled

Consequences of relevant person not having tax file number after giving declaration

(2) The consequences set out in subsection (3) apply if:
(a) the Secretary makes a request under section 75 of a person (the ***request recipient***); and
(b) the request recipient satisfies the request by giving:

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(i) a declaration mentioned in subparagraph 76(1)(b)(i) that contains a statement as required by subsection 76(4); and

(ii) a document in which the Commissioner of Taxation is authorised to tell the Secretary certain matters mentioned in subsection 76(5); and

(c) the Commissioner of Taxation tells the Secretary that the relevant person mentioned in paragraph 76(4)(a) (if applicable) does not have a tax file number or that any of the following apply in relation to the relevant person mentioned in paragraph 76(4)(b) (if applicable):

(i) the relevant person has not applied for a tax file number;

(ii) an application by the relevant person for a tax file number has been refused;

(iii) the relevant person has withdrawn an application for a tax file number.

Note 1: The relevant person may be the request recipient or another person whose tax file number has been requested under subsection 75(3) or (4).

Note 2: The Secretary may exempt a person from the operation of this subsection and subsection (3) (see subsection (4)).

(3) The consequences are that:

(a) if the request recipient is receiving a social security payment—the social security payment ceases to be payable to the recipient; and

(b) if the request recipient is the holder of a seniors health card, or a health care card that is income-tested for the request recipient—the Secretary must determine that the card is to be cancelled.

Exemptions

(4) The Secretary may exempt a person who has been given a request under section 75 from the operation of either or both the following:

(a) subsection (1) of this section;

(b) subsections (2) and (3) of this section.

(5) Without limiting subsection (4), if the Secretary requests the request recipient under section 75 to give a written statement of another person's tax file number, the Secretary may exempt the

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request recipient under subsection (4) if the Secretary is satisfied that:

(a) the request recipient does not know the other person's tax file number; and

(b) the request recipient cannot satisfy the request in accordance with section 76.

1A After paragraph 204A(2)(b)

Insert:

(ba) to verify, in respect of persons who have made claims under the social security law for seniors health cards, or health care cards that are income-tested for those persons, the qualification of those persons for those cards;

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Part 2—Consequential amendments

Social Security Act 1991

1B Subsection 6A(1)

Insert:

income-tested: a health care card is ***income-tested*** for a person if the person is required by paragraph 1061ZO(2)(d), (3)(e) or (4)(d) to satisfy the health care card income test in order to qualify for the health care card.

1C Subsection 23(1)

Insert:

income-tested in relation to a health care card: see subsection 6A(1).

2 Subsection 1061ZG(2) (note)

Omit "subsections 76(1A) and 77(1A)", substitute "subsection 77(1)".

Social Security (Administration) Act 1999

3 Subsection 37(8) (note)

Repeal the note, substitute:

Note: In some cases, the Secretary must not make a determination granting a claim for a seniors health card or an income-tested health care card if the Secretary makes a request under subsection 75(2) or (3) of the claimant (about providing tax file numbers): see subsection 77(1).

4 Subsection 86(1) (note)

Repeal the note, substitute:

Note: In some cases, the Secretary must cancel a seniors health card or an income-tested health care card if the Secretary makes a request under subsection 75(2) or (3) of the holder (about providing tax file numbers): see subsections 77(1) and (3).

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5 Section 121 (definition of *adverse determination*)

Omit "76(1B) or 77(1B) or", substitute "77(1) or (3) determining that a seniors health card, or a health care card that is income-tested for a person, is to be cancelled or under".

6 Paragraph 123(2)(a)

Omit "76(1B) or 77(1B)", substitute "77(1) or (3)".

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Part 3—Application of amendments

7 Application of amendments

The amendments made by this Schedule apply in relation to a request that is made under section 75 of the Administration Act on or after the commencement of this item.

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Schedule 17—Information management

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

1 Paragraph 111(2)(d)

Omit "section 154, 155, 156, 157, 157A, 159A or", substitute "Division 1 of Part 6 or section".

2 Subsection 120(1)

Omit "is satisfied that a person has information, or custody or control of a document, that is relevant", substitute "reasonably believes that a person will be able to give information, or produce a document or records, relevant".

3 At the end of section 120

Add:

(3) Section 153A does not apply to the Secretary when complying with a request under subsection (1).

4 Subsection 153(2)

Repeal the subsection.

5 After section 153

Insert:

153A Reasonable belief needed to require information, documents or records

The Secretary can only require a person to:

(a) give information; or

(b) produce a document; or

(c) produce records;

under this Division if the Secretary reasonably believes that the person will be able to give the information or produce the document or records.

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6 Subsection 154(1)

Omit "that is in the person's custody or under the person's control".

7 Paragraphs 154(2)(b) and (3)(b)

Omit "that is in the person's custody or under the person's control".

8 Subsection 154(4)

Omit "that is in the person's custody or under the person's control".

9 At the end of section 154

Add:

(6) The Secretary may require a person to give information, or produce a document or records, to a specified agency if the Secretary considers that the information, document or records may be relevant to an inquiry or investigation into a matter mentioned in subsection (1), (2), (3) or (4).

10 Paragraph 155(b)

Omit "is in the person's custody or under the person's control and".

11 Section 156

Repeal the section, substitute:

156 Obtaining information about a person who owes a debt to the Commonwealth

The Secretary may require a person to give information, or produce a document, to a specified agency if the Secretary considers the information or document:

(a) would help the specified agency locate another person (the ***debtor***) who owes a debt to the Commonwealth under or as a result of this Act; or

(b) is relevant to the debtor's financial situation.

12 Before subparagraph 158(2)(b)(i)

Insert:

(ia) a description of the information, document or records to which the requirement relates; and

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13 At the end of subsection 158(2)

Add:

Note: The notice may describe the information, documents or records by class (see subsection 33(3AB) of the *Acts Interpretation Act 1901*).

14 Subsection 158(5)

Repeal the subsection, substitute:

(5) If the notice requires the person to appear before an officer, the notice must specify:

(a) a time and place at which the person is to appear; and

(b) that the person may be accompanied by a lawyer.

15 Paragraph 159A(b)

Omit "that is in the person's custody or under the person's control".

16 After section 159A

Insert:

159B Self-incrimination

(1) A person is not excused from giving information, or producing a document or records, under this Division on the ground that the information, or production of the document or records, might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:

(a) the information given or document or records produced; and

(b) giving the information or producing the document or records; and

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document or records;

are not admissible in evidence against the individual in any criminal proceedings, other than:

(d) proceedings for an offence against subsection 159(1); or

(e) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division; or

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(f) proceedings for an offence against Division 145 of the *Criminal Code*; or

(g) proceedings for an offence against section 177 that relates:

(i) to this Division; and

(ii) to a contravention of section 172 or subsection 173(1), 174(1) or 176(3).

159C Use of information in investigations etc.

Subject to subsection 159B(2), nothing in this Division prevents information given, or a document or records produced, under this Division by a person from being used in:

(a) an inquiry or investigation into a matter; or

(b) criminal proceedings.

17 Section 160 (heading)

Repeal the heading, substitute:

160 Relationship with other laws

18 Section 160

Before "Nothing", insert "(1)".

19 At the end of section 160

Add:

(2) This Division does not require a person to give information or produce a document or records to the extent that in doing so the person would contravene a law of the Commonwealth (other than a law of a Territory).

20 Application provisions

(1) The amendments of section 120 of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Schedule apply in relation to requests made on or after the commencement of this item.

(2) The amendments of Division 1 of Part 6 of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Schedule apply in relation to requirements made under that Division on or after the commencement of this item.

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Paid Parental Leave Act 2010

21 Before section 117

Insert:

116A Reasonable belief needed to require information or documents

The Secretary can only require a person to:

(a) give information; or

(b) produce a document;

under this Subdivision if the Secretary reasonably believes that the person will be able to give the information or produce the document.

22 Subsections 117(1) and (2)

Omit "that is in the person's custody or under the person's control".

23 At the end of section 117

Add:

(3) The Secretary may require a person to give information, or produce a document, to a specified agency if the Secretary considers that the information or document may be relevant to an inquiry or investigation into a matter mentioned in subsection (1) or (2).

24 Subparagraph 118(a)(ii)

Omit "is in the person's custody or under the person's control and".

25 Section 119

Repeal the section, substitute:

119 Obtaining information about a person who owes a debt to the Commonwealth

The Secretary may require a person to give information, or produce a document, to a specified agency if the Secretary considers the information or document:

(a) would help the specified agency locate another person (the ***debtor***) who owes a debt to the Commonwealth under or because of this Act; or

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(b) is relevant to the debtor's financial situation.

Note: The agency specified must be a PPL agency (see subsection 120(4)).

26 Before subparagraph 120(2)(b)(i)

Insert:

(ia) a description of the information or document to which the requirement relates; and

27 At the end of subsection 120(2)

Add:

Note: The notice may describe the information or documents by class (see subsection 33(3AB) of the *Acts Interpretation Act 1901*).

28 Subsection 120(3)

Repeal the subsection, substitute:

(3) For the purposes of subparagraph (2)(b)(ii), the period must not end earlier than 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of this Act, to specify a shorter period.

29 Subsection 120(6)

Repeal the subsection, substitute:

(6) If the notice requires the person to appear before an officer, the notice must specify:

(a) a time and place at which the person is to appear; and

(b) that the person may be accompanied by a lawyer.

(7) For the purposes of subsection (6), the time must be at least 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of this Act, to specify an earlier time.

30 Section 121 (heading)

Repeal the heading, substitute:

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121 Relationship with other laws

31 Section 121

Before "Nothing", insert "(1)".

32 At the end of section 121

Add:

(2) This Subdivision does not require a person to give information or produce a document to the extent that in doing so the person would contravene a law of the Commonwealth (other than a law of a Territory).

33 At the end of Subdivision A of Division 2 of Part 4-1

Add:

122A Self-incrimination

(1) A person is not excused from giving information, or producing a document, under this Subdivision on the ground that the information, or production of the document, might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:

(a) the information given or document produced; and

(b) giving the information or producing the document; and

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

are not admissible in evidence against the individual in any criminal proceedings, other than:

(d) proceedings for an offence against subsection 122(1); or

(e) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Subdivision; or

(f) proceedings for an offence against Division 145 of the *Criminal Code*.

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122B Use of information in investigations etc.

Subject to subsection 122A(2), nothing in this Subdivision prevents information given, or a document produced, under this Subdivision by a person from being used in:

(a) an inquiry or investigation into a matter; or

(b) criminal proceedings.

34 Paragraph 215(2)(c)

Omit "section 117, 118 or 119 (which deal", substitute "Subdivision A of Division 2 of Part 4-1 (which deals".

35 Subsection 231(1)

Omit "is satisfied that a person has information, or custody or control of a document", substitute "reasonably believes that a person will be able to give information, or produce a document".

36 At the end of section 231

Add:

(3) Section 116A does not apply to the Secretary when complying with a request under subsection (1).

37 Application provisions

(1) The amendments of Subdivision A of Division 2 of Part 4-1 of the *Paid Parental Leave Act 2010* made by this Schedule apply in relation to requirements made under that Subdivision on or after the commencement of this item.

(2) The amendments of section 231 of the *Paid Parental Leave Act 2010* made by this Schedule apply in relation to requests made on or after the commencement of this item.

Social Security (Administration) Act 1999

38 Paragraph 144(n)

Omit "section 192, 193, 194 or 195", substitute "Division 1 of Part 5".

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39 Subsection 166(1)

Omit "is satisfied that a person has information, or has custody or control of a document", substitute "reasonably believes that a person will be able to give information, or produce a document".

40 At the end of section 166

Add:

(3) Section 191A does not apply to the Secretary when complying with a request under subsection (1).

41 Subsection 191(1)

Omit "(1)".

42 Subsection 191(2)

Repeal the subsection.

43 After section 191

Insert:

191A Reasonable belief needed to require information or documents

The Secretary can only require a person to:

(a) give information; or

(b) produce a document;

under this Division if the Secretary reasonably believes that the person will be able to give the information or produce the document.

44 Section 192

Omit "that is in the person's custody or under the person's control".

45 Paragraph 192(a)

Omit "the payment", substitute "a social security payment".

46 After paragraph 192(a)

Insert:

(aa) the question whether a person is or was qualified for a social security payment for which a claim is not required;

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47 At the end of section 192

Add:

; (k) an inquiry or investigation into a matter mentioned in any of the above paragraphs.

48 Subparagraph 193(a)(ii)

Omit "is in the person's custody or under the person's control and".

49 Section 194

Repeal the section, substitute:

194 Obtaining information about a person who owes a debt to the Commonwealth

The Secretary may require a person to give information, or produce a document, to the Department if the Secretary considers the information or document:

(a) would help the Department locate another person (the ***debtor***) who owes a debt to the Commonwealth under or as a result of the social security law; or

(b) is relevant to the debtor's financial situation.

50 Before subparagraph 196(2)(b)(i)

Insert:

(ia) a description of the information or document to which the requirement relates; and

51 At the end of subsection 196(2)

Add:

Note: The notice may describe the information or documents by class (see subsection 33(3AB) of the *Acts Interpretation Act 1901*).

52 Subsection 196(3)

Repeal the subsection, substitute:

(3) For the purposes of subparagraph (2)(b)(ii), the period must not end earlier than 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for

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the purposes of the effective administration of the social security law, to specify a shorter period.

53 Subsection 196(5)

Repeal the subsection, substitute:

(5) If the notice requires the person to appear before an officer, the notice must specify:
  (a) a time and place at which the person is to appear; and
  (b) that the person may be accompanied by a lawyer.

(6) For the purposes of subsection (5), the time must be at least 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of the social security law, to specify an earlier time.

54 After section 197

Insert:

197A Self-incrimination

(1) A person is not excused from giving information, or producing a document, under this Division on the ground that the information, or production of the document, might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:
  (a) the information given or document produced; and
  (b) giving the information or producing the document; and
  (c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

are not admissible in evidence against the individual in any criminal proceedings, other than:
  (d) proceedings for an offence against subsection 197(1); or
  (e) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division; or
  (f) proceedings for an offence against Division 145 of the *Criminal Code*; or
  (g) proceedings for an offence against section 217 that relates:

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(i) to this Division; and

(ii) to a contravention of subsection 212(1), 213(1), 214(1), 214(2) or 216(3).

197B Use of information in investigations etc.

Subject to subsection 197A(2), nothing in this Division prevents information given, or a document produced, under this Division by a person from being used in:

(a) an inquiry or investigation into a matter; or

(b) criminal proceedings.

55 Section 198 (heading)

Repeal the heading, substitute:

198 Relationship with other laws

56 Section 198

Before "Nothing", insert "(1)".

57 At the end of section 198

Add:

(2) This Division does not require a person to give information or produce a document to the extent that in doing so the person would contravene a law of the Commonwealth (other than a law of a Territory).

58 Application provisions

(1) The amendments of section 166 of the *Social Security (Administration) Act 1999* made by this Schedule apply in relation to requests made on or after the commencement of this item.

(2) The amendments of Division 1 of Part 5 of the *Social Security (Administration) Act 1999* made by this Schedule apply in relation to requirements made under that Division on or after the commencement of this item.

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Student Assistance Act 1973

59 Paragraph 310(2)(b)

Omit "section 343 or 345", substitute "Division 2 of Part 10".

60 Subsection 342(1)

Omit "other than section 349".

61 Subsection 342(2)

Omit "sections 348 and 349", substitute "section 348".

62 Subsection 342(3)

Repeal the subsection.

63 After section 342

Insert:

342A Reasonable belief needed to require information or documents

The Secretary can only require a person to:

(a) give information; or

(b) produce a document;

under this Division if the Secretary reasonably believes that the person will be able to give the information or produce the document.

64 Subsection 343(1)

Omit "that is in the person's custody or under the person's control".

65 Paragraph 343(1)(a)

Omit "the benefit", substitute "a student assistance benefit under this Act".

66 At the end of subsection 343(1) (before the note)

Add:

; or (f) an inquiry or investigation into a matter mentioned in any of the above paragraphs.

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67 Subsection 343(1) (note)

Repeal the note.

68 Subparagraph 344(1)(a)(ii)

Omit "is in the person's custody or under the person's control and".

69 Subsection 344(1) (note)

Repeal the note.

70 Section 345

Repeal the section, substitute:

345 Power to obtain information about a person who owes a debt to the Commonwealth

The Secretary may require a person to give information, or produce a document, to the Department if the Secretary considers the information or document:

(a) would help the Department locate another person (the ***debtor***) who owes a debt to the Commonwealth under this Act in relation to a student assistance benefit; or

(b) is relevant to the debtor's financial situation.

71 Subsection 347(2)

Repeal the subsection, substitute:

Contents of notice

(2) The notice must specify:

(a) a description of the information or document to which the requirement relates; and

(b) how the person is to give the information or produce the document to which the requirement relates; and

(c) the period within which the person is to give the information or produce the document; and

(d) the officer (if any) to whom the information is to be given or the document is to be produced; and

(e) that the notice is given under this section.

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Note: The notice may describe the information or documents by class (see subsection 33(3AB) of the *Acts Interpretation Act 1901*).

72 Subsection 347(4)

Repeal the subsection, substitute:

Time limit for providing information or document

(4) For the purposes of paragraph (2)(c), the period must not end earlier than 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of this Act, to specify a shorter period.

73 Subsection 347(6)

Repeal the subsection, substitute:

Time and place for appearance

(6) If the notice requires the person to appear before an officer, the notice must specify:
  (a) a time and place at which the person is to appear; and
  (b) that the person may be accompanied by a lawyer.

(7) For the purposes of subsection (6), the time must be at least 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of this Act, to specify an earlier time.

74 After section 347

Insert:

347A Self-incrimination

(1) A person is not excused from giving information, or producing a document, under this Division on the ground that the information, or production of the document, might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:
  (a) the information given or document produced; and
  (b) giving the information or producing the document; and

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(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

are not admissible in evidence against the individual in any criminal proceedings, other than:

(d) proceedings for an offence against subsection 347(10); or

(e) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division; or

(f) proceedings for an offence against Division 145 of the *Criminal Code*.

347B Use of information in investigations etc.

Subject to subsection 347A(2), nothing in this Division prevents information given, or a document produced, under this Division by a person from being used in:

(a) an inquiry or investigation into a matter; or

(b) criminal proceedings.

75 Section 348 (heading)

Repeal the heading, substitute:

348 Relationship with other laws

76 Section 348

Before "Nothing", insert "(1)".

77 At the end of section 348

Add:

(2) This Division does not require a person to give information or produce a document to the extent that in doing so the person would contravene a law of the Commonwealth (other than a law of a Territory).

78 Application provision

The amendments of Division 2 of Part 10 of the *Student Assistance Act 1973* made by this Schedule apply in relation to requirements made under that Division on or after the commencement of this item.

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Schedule 18—Aligning social security and disability discrimination law

Disability Discrimination Act 1992

1 Paragraph 51(1)(d)

Repeal the paragraph, substitute:

(d) the *Social Security Act 1991* or a legislative instrument made under that Act; or

(da) the *Social Security (Administration) Act 1999* or a legislative instrument made under that Act; or

(db) the *Social Security (International Agreements) Act 1999*; or

[*Minister's second reading speech made in—*
House of Representatives on 22 June 2017
Senate on 12 September 2017]

(147/17)

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