



Social Security and Other Legislation Amendment (Miscellaneous Measures) Act 2023

No. 105, 2023

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

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

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No. 105, 2023

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

[Assented to 28 November 2023]

The Parliament of Australia enacts:

1 Short title

*This Act is the *Social Security and Other Legislation Amendment (Miscellaneous Measures) Act 2023*.*

No. 105, 2023

*Social Security and Other Legislation Amendment (Miscellaneous
Measures) Act 2023*

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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.	28 November 2023
2. Schedule 1, items 1 to 3	The day after this Act receives the Royal Assent.	29 November 2023
3. Schedule 1, item 4	The seventh day after this Act receives the Royal Assent.	5 December 2023
4. Schedule 1, items 5 to 10	The day after this Act receives the Royal Assent.	29 November 2023
5. Schedule 1, item 11	The day this Act receives the Royal Assent.	28 November 2023
6. Schedule 1, item 12	The day after this Act receives the Royal Assent.	29 November 2023
7. Schedule 1, item 13	The seventh day after this Act receives the Royal Assent.	5 December 2023
8. Schedule 1, item 14	The day after this Act receives the Royal Assent.	29 November 2023
9. Schedule 1, item 15	The day this Act receives the Royal Assent.	28 November 2023

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Administrative Decisions (Judicial Review) Act 1977

1 After paragraph (e) of Schedule 1

Insert:

(f) decisions under Chapter 2D of the *Social Security Act 1991*;

Social Security Act 1991

2 After subsection 8(8)

Insert:

(8AAAA) Paragraph (8)(a) does not apply to a payment under an arrangement or grant referred to in section 1062A. This subsection does not prevent another paragraph of subsection (8) from applying to such a payment.

3 Subsection 23(1) (at the end of the definition of *protected information*)

Add “However, information about a person that was obtained by an officer under Chapter 2D of this Act is not protected information.”.

4 After subsection 1062A(1)

Insert:

(1A) However, the making, varying or administering of an arrangement or grant under subsection (1) must be for the purposes of a program that is specified in an instrument under subsection (1B).

(1B) The Employment Secretary may, by notifiable instrument, specify programs for the purposes of subsection (1A).

5 After subsection 1062A(5)

Insert:

Payment not a social security payment

- (5A) A payment under an arrangement or grant referred to in subsection (1) is not a social security payment.

Relationship with Financial Framework (Supplementary Powers) Act 1997

- (5B) To avoid doubt, the power of the Commonwealth to make, vary or administer an arrangement or grant under this section must be disregarded for the purpose of paragraph 32B(1)(a) of the *Financial Framework (Supplementary Powers) Act 1997*.

Note: The effect of this subsection is to make clear that this section does not effectively limit the operation of section 32B of the *Financial Framework (Supplementary Powers) Act 1997*. The Commonwealth has the power to make, vary or administer an arrangement or grant under that section whether the Commonwealth also has the power to do so under this section.

6 Section 1062B

Before “An arrangement”, insert “(1)”.

7 After paragraph 1062B(h)

Insert:

- (ha) implementing any of Australia’s international obligations under the United Nations Framework Convention on Climate Change done at New York on 9 May 1992 ([1994] ATS 2), as amended and in force for Australia from time to time;
- (hb) implementing any of Australia’s international obligations under the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997 ([2008] ATS 2), as amended and in force for Australia from time to time;
- (hc) implementing any of Australia’s international obligations under the Paris Agreement done at Paris on 12 December 2015 ([2016] ATS 24), as amended and in force for Australia from time to time;

8 Paragraph 1062B(k)

Repeal the paragraph, substitute:

(k) Indigenous persons;

9 Section 1062B (note)

Omit “The text of a Convention or Covenant could in 2022”, substitute “The text of a Convention, Covenant, Protocol or Agreement could in 2023”.

10 At the end of section 1062B (after the note)

Add:

Definitions

(2) In this section:

Indigenous person has the same meaning as in the *Indigenous Education (Targeted Assistance) Act 2000*.

11 Section 1062D

Repeal the section, substitute:

1062D Inclusion of information in annual report

The Employment Secretary, when preparing the Employment Department’s annual report under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period, must include in that report:

- (a) the name of each program for which an arrangement or grant referred to in section 1062A was made, varied or administered in that period; and
- (b) in relation to each such program—the total of the amounts paid in that period under arrangements or grants referred to in section 1062A.

1062DA Application of Administration Act

The Administration Act, other than sections 3, 234 and 242 of that Act, does not apply in relation to this Chapter.

Veterans' Entitlements Act 1986**12 After subsection 5H(8)**

Insert:

- (8AA) Paragraph (8)(h) does not apply to a payment under an arrangement or grant referred to in section 1062A of the Social Security Act. This subsection does not prevent another paragraph of subsection (8) from applying to such a payment.

13 Application provisions—amendments commencing seventh day after Royal Assent

- (1) Subsection 1062A(1A) of the *Social Security Act 1991*, as inserted by this Schedule, applies in relation to the following:
- (a) an arrangement made, or a grant of financial assistance made, on or after the commencement of this item or the variation or administration of such an arrangement or grant;
 - (b) the variation or administration, on or after the commencement of this item, of an arrangement made, or a grant of financial assistance made, before that commencement.
- (2) Subsection 1062A(1B) of the *Social Security Act 1991*, as inserted by this Schedule, applies in relation to a program established before, on or after the commencement of this item.

14 Application provisions—amendments commencing day after Royal Assent

- (1) The amendment of subsection 23(1) of the *Social Security Act 1991* made by this Schedule applies in relation to information obtained before, on or after the commencement of this item.
- (2) The amendments of section 1062B of the *Social Security Act 1991* made by this Schedule apply in relation to the following:
- (a) an arrangement made, or a grant of financial assistance made, on or after the commencement of this item or the variation or administration of such an arrangement or grant;
 - (b) the variation or administration, on or after the commencement of this item, of an arrangement made, or a

grant of financial assistance made, before that commencement.

15 Application and transitional provisions—amendments commencing on Royal Assent

- (1) The repeal and substitution of section 1062D of the *Social Security Act 1991* made by this Schedule applies in relation to:
 - (a) if this item commences before 20 September 2023—the period ending on 30 June 2023 and each later period; or
 - (b) if this item commences on or after 20 September 2023—a period ending on or after that commencement.

- (2) The Employment Secretary, when preparing the Employment Department’s annual report under section 46 of the *Public Governance, Performance and Accountability Act 2013* for the first period in relation to which section 1062D of the *Social Security Act 1991*, as substituted by this Schedule, applies, must also include in that report:
 - (a) the following:
 - (i) the name of each program for which an arrangement or grant referred to in section 1062A of the *Social Security Act 1991* was made, varied or administered in the financial year ending on 30 June 2022;
 - (ii) in relation to each such program—the total of the amounts paid in that financial year under arrangements or grants referred to in that section; and
 - (b) if this item commences on or after 20 September 2023—the following:
 - (i) the name of each program for which an arrangement or grant referred to in section 1062A of the *Social Security Act 1991* was made, varied or administered in the financial year ending on 30 June 2023;
 - (ii) in relation to each such program—the total of the amounts paid in that financial year under arrangements or grants referred to in that section.

- (3) By complying with subitem (2) in relation to a financial year covered by paragraph (2)(a) or (b), the Employment Secretary is taken, in relation to that financial year, to have complied with section 1062D of

the *Social Security Act 1991*, as in force immediately before the commencement of this item.

[*Minister's second reading speech made in—
House of Representatives on 3 August 2023
Senate on 6 September 2023*]

(92/23)

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