



Social Security and Other Legislation Amendment (Supporting the Transition to Work) Act 2023

No. 106, 2023

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

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

Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Pensioner work bonus		3
	<i>Social Security Act 1991</i>	3
	<i>Veterans' Entitlements Act 1986</i>	4
Schedule 2—Employment income nil rate period		7
Part 1—Main amendments		7
	<i>Social Security Act 1991</i>	7
Part 2—Consequential amendments		10
	<i>A New Tax System (Family Assistance) Act 1999</i>	10
	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	10



Social Security and Other Legislation Amendment (Supporting the Transition to Work) Act 2023

No. 106, 2023

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

[Assented to 28 November 2023]

The Parliament of Australia enacts:

*No. 106, 2023 Social Security and Other Legislation Amendment (Supporting the
Transition to Work) Act 2023 1*

1 Short title

This Act is the *Social Security and Other Legislation Amendment (Supporting the Transition to Work) Act 2023*.

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 after this Act receives the Royal Assent.	29 November 2023
2. Schedule 1	1 January 2024.	1 January 2024
3. Schedule 2	1 July 2024.	1 July 2024

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Social Security Act 1991

1 Subsection 1073AB(1)

Repeal the subsection, substitute:

Existing unused concession balances before 1 January 2024

- (1) If, immediately before 1 January 2024, a person has an unused concession balance (including a balance of nil or a retained balance under subsection (3)), the person retains that unused concession balance on 1 January 2024.

Initial unused concession balance after 1 January 2024

- (1A) A person has an unused concession balance of \$4,000 on the first day that is on or after 1 January 2024 and is a day on which section 1073AA applies to the person.
- (1B) Subsection (1A) does not apply on a day if the person has an unused concession balance (including a balance of nil or a retained balance under subsection (3)) immediately before that day.

Increase of unused concession balance in specified circumstances

- (1C) If:
- (a) a person ceases to receive the social security pension referred to in paragraph 1073AA(1)(a); and
 - (b) the person retains an unused concession balance (the **old balance**) under subsection (3) of less than \$4,000; and
 - (c) neither this subsection nor subsection (1A) has previously applied in relation to the person within the most recent 2 year period that starts on or after 1 July 2024;
- then, on the first day that is on or after 1 July 2024 and is a day on which section 1073AA applies to the person again, the person's unused concession balance is increased by an amount equal to the difference between the old balance and \$4,000.

(1D) Subsection (1C) does not apply if section 1073AA applies to the person again immediately following:

- (a) the person's pension being suspended; or
- (b) the person being taken to be receiving the pension under subsection 23(4A).

2 Subsection 1073AB(2)

Omit "\$7,800" (wherever occurring), substitute "\$11,800".

3 Subsection 1073AB(2) (example)

Repeal the example, substitute:

Example: John has an unused concession balance of \$11,700. John has \$100 of work bonus income in an instalment period of 14 days.

Instead of John's unused concession balance increasing to \$11,900 under subsection 1073AA(4A), John's unused concession balance increases to \$11,800.

4 Section 1073AC

Repeal the section.

5 Application provision

To avoid doubt, the amendments of subsection 1073AB(2) of the *Social Security Act 1991* made by this Schedule apply regardless of the effect (if any) of subsections 1073AC(7) and (8) of that Act (as in force immediately before the commencement of this item).

Veterans' Entitlements Act 1986

6 Subsection 46AC(1)

Repeal the subsection, substitute:

Existing unused concession balances before 1 January 2024

- (1) If, immediately before 1 January 2024, a person has an unused concession balance (including a balance of nil or a retained balance under subsection (3)), the person retains that unused concession balance on 1 January 2024.

Initial unused concession balance after 1 January 2024

- (1A) A person has an unused concession balance of \$4,000 on the first day that is on or after 1 January 2024 and is a day on which section 46AA applies to the person.
- (1B) Subsection (1A) does not apply on a day if the person has an unused concession balance (including a balance of nil or a retained balance under subsection (3)) immediately before that day.

Increase of unused concession balance in specified circumstances

- (1C) If:
- (a) a person ceases to receive service pension or income support supplement; and
 - (b) the person retains an unused concession balance (the *old balance*) under subsection (3) of less than \$4,000; and
 - (c) neither this subsection nor subsection (1A) has previously applied in relation to the person within the most recent 2 year period that starts on or after 1 July 2024;
- then, on the first day that is on or after 1 July 2024 and is a day on which section 46AA applies to the person again, the person's unused concession balance is increased by an amount equal to the difference between the old balance and \$4,000.
- (1D) Subsection (1C) does not apply if section 46AA applies to the person again following the person's service pension or income support supplement being suspended.

7 Subsection 46AC(2)

Omit "\$7,800" (wherever occurring), substitute "\$11,800".

8 Subsection 46AC(2) (example)

Repeal the example, substitute:

Example: John has an unused concession balance of \$11,700. John has \$100 of work bonus income in a pension period.

Instead of John's unused concession balance increasing to \$11,900 under subsection 46AA(4A), John's unused concession balance increases to \$11,800.

9 Section 46ACA

Repeal the section.

10 Application provision

To avoid doubt, the amendments of subsection 46AC(2) of the *Veterans' Entitlements Act 1986* made by this Schedule apply regardless of the effect (if any) of subsections 46ACA(7) and (8) of that Act (as in force immediately before the commencement of this item).

Schedule 2—Employment income nil rate period

Part 1—Main amendments

Social Security Act 1991

1 Paragraph 23(4A)(h)

Omit “12 weeks”, substitute “24 weeks”.

2 At the end of subsection 23(4A)

Add:

Note: In relation to paragraph (g), see also subsection (4AB).

3 After subsection 23(4AA)

Insert:

(4AB) For the purposes only of applying subsection (4A) in relation to a person at a particular time, the following provisions do not apply in determining under paragraph (4A)(g) whether the person continues to be qualified for the pension or benefit:

- (a) subparagraph 540(2)(a)(iii);
- (b) subparagraph 540(2)(b)(iii);
- (c) subparagraph 593(1)(a)(i).

Note: Subparagraphs 540(2)(a)(iii) and (b)(iii) deal with qualification for youth allowance. Subparagraph 593(1)(a)(i) deals with qualification for jobseeker payment.

4 Paragraph 1061ZEA(2)(h)

Repeal the paragraph, substitute:

- (h) whichever of the following applies:
 - (i) in the case of a person to whom subparagraph (ga)(iia) or (iib) applies—26 weeks after the end of the instalment period in which the payment ceases to be payable to the person or the person ceases to receive the payment, as the case requires;

- (ii) in any other case—24 weeks after the end of the instalment period in which the payment ceases to be payable to the person or the person ceases to receive the payment, as the case requires; or

5 Subsection 1061ZEA(4)

Omit “12 weeks”, substitute “24 or 26 weeks (as the case may be)”.

6 Paragraph 1061ZMA(2)(h)

Omit “12 weeks”, substitute “24 weeks”.

7 Subsection 1061ZMA(3)

Omit “12 weeks”, substitute “24 weeks”.

8 Application provisions

- (1) The amendment of paragraph 23(4A)(h) of the *Social Security Act 1991* made by this Part applies in relation to instalment periods:
 - (a) in which the cessation day mentioned in subsection 23(4A) occurs; and
 - (b) that either:
 - (i) start on or after 1 July 2024; or
 - (ii) start before 1 July 2024 and end on or after that day.
- (2) Subsection 23(4AB) of the *Social Security Act 1991* as inserted by this Part applies in relation to instalment periods:
 - (a) in which the cessation day mentioned in subsection 23(4A) of that Act would occur but for the operation of subsection 23(4AB); and
 - (b) that start on or after 1 July 2024.
- (3) The amendments of sections 1061ZEA and 1061ZMA of the *Social Security Act 1991* made by this Part apply in relation to instalment periods:
 - (a) in which the payment ceases to be payable to the person or the person ceases to receive the payment, pension or benefit (as the case requires); and
 - (b) that either:
 - (i) start on or after 1 July 2024; or

(ii) start before 1 July 2024 and end on or after that day.

Part 2—Consequential amendments

A New Tax System (Family Assistance) Act 1999

9 Subsection 85CK(2) (heading)

Omit “12 weeks”, substitute “24 weeks”.

10 Paragraph 85CK(2)(b)

Omit “12 weeks”, substitute “24 weeks”.

11 Application provision

The amendments of section 85CK of the *A New Tax System (Family Assistance) Act 1999* made by this Part apply in relation to an individual for a session of care provided to a child in a CCS fortnight that starts on or after 8 July 2024 if the individual stopped receiving the transition to work payment mentioned in subsection 85CK(3) of that Act on or after 15 April 2024.

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

12 Subsection 67FB(3)

Omit “12 week”, substitute “24 week”.

*[Minister's second reading speech made in—
House of Representatives on 18 October 2023
Senate on 15 November 2023]*

(132/23)

*No. 106, 2023 Social Security and Other Legislation Amendment (Supporting the 11
Transition to Work) Act 2023*