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HOUSE OF REPRESENTATIVES

(As read a first time)

SOCIAL SECURITY AMENDMENT BILL 1993

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1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 5 May 1993

(Minister for Social Security)

A BILL

FOR

An Act to amend the *Social Security Act 1991*, and for related purposes

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title etc.

1 (1) This Act may be cited as the *Social Security Amendment Act 1993*.

5 (2) In this Act, “Principal Act” means the *Social Security Act 1991*¹.

Commencement

2.(1) Subject to subsection (2), this Act commences on 20 September 1993.

10 (2) Part 5 commences on the day on which this Act receives the Royal Assent.

MR

Application

3 The amendments made by Part 2 apply to instalments of job search allowance, newstart allowance or sickness allowance that fall due on or after 20 September 1993.

PART 2—INCOME TEST FREE AREA FOR CERTAIN BENEFICIARIES

5

Benefit Rate Calculator A

4 The Rate Calculator in section 1067 of the Principal Act is amended:

- (a) by omitting from Step 2 of the Method statement in point 1067-H1 “and” and substituting “to”;
- (b) by omitting from point 1067-H9 “point 1067-H10” and substituting “points 1067-H9A and 1067-H10”;
- (c) by inserting after point 1067-H9 the following point:

10

Extra income free area for income from personal exertion

“1067-H9A. If:

15

- (a) a person is not a member of a couple; and
- (b) the person’s ordinary income exceeds \$60.00; and
- (c) the person’s ordinary income includes income from personal exertion by the person;

the person’s ordinary income free area is worked out using Table H-1A. Take the amount in column 1 and add whichever is the lesser of Rate A and Rate B in column 2.

20

TABLE H-1A FREE AREA FOR PERSON WITH INCOME FROM PERSONAL EXERTION WHO IS NOT MEMBER OF COUPLE		
column 1	column 2 person’s income from personal exertion	
basic free area	column 2A Rate A	column 2B Rate B
\$60.00	Rate of income from personal exertion	\$30.00

Note 1: For ‘income from personal exertion’ see subsection 8(1).

Note 2: The income free area is used in the ordinary income test in relation to fortnightly income.”;

- (d) by omitting from column 2B and column 3B in Table H-1 in point 1067-H10 “\$30” and substituting “\$50”.

25

Benefit Rate Calculator B

5. The Rate Calculator in section 1068 of the Principal Act is amended:

- (a) by omitting from Step 2 of the Method statement in point 1068-G1 “and” and substituting “to”;
- 5 (b) by omitting from point 1068-G9 “point 1068-G10” and substituting “points 1068-G9A and 1068-G10”;
- (c) by inserting after point 1068-G9 the following point:

Extra income free area for income from personal exertion
 “1068-G9A. If:

- 10 (a) a person is not a member of a couple; and
- (b) the person’s ordinary income exceeds \$60.00; and
- (c) the person’s ordinary income includes income from personal exertion by the person;

15 the person’s ordinary income free area is worked out using Table G-1A. Take the amount in column 1 and add whichever is the lesser of Rate A and Rate B in column 2.

TABLE G-1A		
FREE AREA FOR PERSON WITH INCOME FROM PERSONAL EXERTION WHO IS NOT MEMBER OF COUPLE		
column 1	column 2 person’s income from personal exertion	
basic free area	column 2A Rate A	column 2B Rate B
\$60.00	Rate of income from personal exertion	\$30.00

Note 1: For ‘income from personal exertion’ see subsection 8(1).

Note 2: The income free area is used in the ordinary income test in relation to fortnightly income.”;

- 20 (d) by omitting from column 2B and column 3B in Table G-1 in point 1068-G10 “\$30” and substituting “\$50”.

PART 3—ASSETS TEST FOR PENSIONERS

Pension Rate Calculator A

25 6. The Rate Calculator in section 1064 of the Principal Act is amended by omitting Table G-2 in point 1064-G4 (but not the Notes) and substituting the following Table:

“

TABLE G-2 REDUCTION FOR ASSETS		
column 1 item	column 2 person's family situation	column 3 reduction
1.	Not member of couple	$\frac{\text{assets excess} \times 19.50}{250}$
2.	Partnered (partner getting neither pension nor benefit)	$\frac{\text{assets excess} \times 19.50}{250}$
3.	Partner (partner getting pension or benefit)	$\frac{\text{assets excess} \times 19.50}{250}$

”

Pension Rate Calculator C

7 The Rate Calculator in section 1066 of the Principal Act is amended by omitting the formula in point 1066-G4 and substituting the following formula: 5

$$\frac{\text{assets excess} \times 19.50}{250}$$

Pension Rate Calculator D

8. The Rate Calculator in section 1066A of the Principal Act is amended by omitting Table H-2 in point 1066A-H4 (but not the Notes) and substituting the following Table: 10

“

TABLE H-2 REDUCTION FOR ASSETS		
column 1 item	column 2 person's family situation	column 3 reduction
1.	Not member of couple	$\frac{\text{assets excess} \times 19.50}{250}$
2.	Partnered (partner getting neither pension nor benefit)	$\frac{\text{assets excess} \times 19.50}{250}$
3.	Partner (partner getting pension or benefit)	$\frac{\text{assets excess} \times 19.50}{250}$

”

Application of financial hardship rules—pensions

9. Section 1130 of the Principal Act is amended by omitting from paragraph (3)(d) “\$26” and substituting “\$19.50”. 15

PART 4—ORDINARY WAITING PERIODS

Ordinary waiting period

10. Section 538 of the Principal Act is amended:

5 (a) by omitting paragraphs (a), (b), (c) and (d) and substituting the following paragraph:

“(a) at some time in the 13 weeks immediately before the person’s provisional commencement day, the person received:

(i) a social security benefit; or

(ii) a social security pension; or

10 (iii) a service pension; or”;

(b) by omitting Notes 1 to 7 and substituting the following Notes:

“Note 1: For ‘provisional commencement day’ see section 533.

Note 2: For ‘social security benefit’ see subsection 23(1).

Note 3: For ‘social security pension’ see subsection 23(1).

15 Note 4: For ‘service pension’ see subsection 23(1).

Note 5: For ‘Employment Secretary’ see subsection 23(1).

Note 6: For ‘benefit increase partner’ see subsection 4(10).”.

Ordinary waiting period

11. Section 620 of the Principal Act is amended:

20 (a) by omitting paragraphs (a), (b), (c), (d) and (e) and substituting the following paragraph:

“(a) at some time in the 13 weeks immediately before the person’s provisional commencement day, the person received:

(i) a social security benefit; or

25 (ii) a social security pension; or

(iii) a service pension; or”;

(b) by omitting Notes 1 to 8 and substituting the following Notes:

“Note 1: For ‘provisional commencement day’ see section 615.

Note 2: For ‘social security benefit’ see subsection 23(1).

30 Note 3: For ‘social security pension’ see subsection 23(1).

Note 4: For ‘service pension’ see subsection 23(1).

Note 5: For ‘Employment Secretary’ see subsection 23(1).

Note 6: For ‘benefit increase partner’ see subsection 4(10).

Note 7: For ‘Jobskills’ see subsection 23(1).”.

35 **Ordinary waiting period**

12. Section 693 of the Principal Act is amended:

(a) by omitting paragraphs (a), (b), (c) and (d) and substituting the following paragraph:

40 “(a) at some time in the 13 weeks immediately before the person’s provisional commencement day, the person received:

- (i) a social security benefit; or
- (ii) a social security pension; or
- (iii) a service pension; or”;

(b) by omitting Notes 1 to 3 and substituting the following Notes:

“Note 1: For ‘provisional commencement day’ see section 687. 5

Note 2: For ‘social security benefit’ see subsection 23(1).

Note 3: For ‘social security pension’ see subsection 23(1).

Note 4: For ‘service pension’ see subsection 23(1).

Note 5: For ‘benefit increase partner’ see subsection 4(10).”.

PART 5—AMENDMENTS TO REFLECT CHANGES IN REGULATIONS MADE UNDER THE MIGRATION ACT 1958 10

Australian residence definitions

13 Section 7 of the Principal Act is amended:

(a) by inserting in subsection (1) the following definitions:

“ **‘new domestic protection (temporary) entry permit’** means an entry permit that falls within class 784 of Division 2.6—Group 2.6 in Part 2 of Schedule 1 to the Migration (1993) Regulations; 15

‘new extended eligibility (spouse) entry permit’ means an entry permit that falls within class 820 of Division 2.5—Group 2.5 in Part 2 of Schedule 1 to the Migration (1993) Regulations; 20

‘new PRC (temporary) entry permit’ means an entry permit that falls within class 437 of Division 2.6—Group 2.6 in Part 2 of Schedule 1 to the Migration (1993) Regulations;

‘old domestic protection (temporary) entry permit’ means a domestic protection (temporary) entry permit within the meaning of the Migration (1989) Regulations as in force before 1 February 1993; 25

‘old extended eligibility (spouse) entry permit’ means an extended eligibility (spouse) entry permit within the meaning of the Migration (1989) Regulations as in force before 1 February 1993;

‘old PRC (temporary) entry permit’ means a PRC (temporary) entry permit within the meaning of the Migration (1989) Regulations as in force before 1 February 1993; 30

‘permanent resident (refugee and humanitarian) entry permit’ means an entry permit that falls within Division 1.3—Group 1.3 in Part 1 of Schedule 1 to the Migration (1993) Regulations; 35

‘refugee (temporary) entry permit’ means a refugee (temporary) entry permit within the meaning of the Migration (1989) Regulations as in force before 1 February 1993;

‘resident return (permanent entry) entry permit’ means an entry permit that falls within Division 1.4—Group 1.4 of Part 1 of Schedule 1 to the Migration (1993) Regulations; 40

'resident return (permanent entry) visa' means a visa that falls within Division 1.4—Group 1.4 of Part 1 of Schedule 1 to the Migration (1993) Regulations.”;

(b) by omitting subparagraph (2)(b)(iii) and substituting the following subparagraphs:

“(iii) a person who is the holder of, or who is included in, a resident return visa under that Act as in force before 1 February 1993;

(iiia) a person who is the holder of, or who is included in, a return endorsement under that Act as in force immediately before 18 December 1987;

(iiib) a person who is the holder of, or who is included in, a resident return (permanent entry) entry permit or visa.”.

Definitions

14. Section 23 of the Principal Act is amended:

(a) by omitting from subsection (1) the definition of “assurance of support” and substituting the following definition:

“**'assurance of support'** means an assurance of support within the meaning of the Migration (1989) Regulations or the Migration (1993) Regulations;”;

(b) by omitting “Commonwealth” from the definition of “assurance of support debt” in subsection (1) and substituting “Commonwealth, or a liability of a person to the Commonwealth;”;

(c) by omitting paragraphs (a), (b) and (c) of the definition of “assurance of support debt” in subsection (1) and substituting the following paragraphs:

“(a) subregulation 165(1) of the Migration (1989) Regulations as in force on or before 19 December 1991; or

(b) regulation 164C of the Migration (1989) Regulations as in force after 19 December 1991 and before 1 February 1993; or

(c) Part 5 of the Migration (1993) Regulations as in force on or after 1 February 1993;”;

(d) by omitting paragraphs (b) and (c) of the definition of “inhabitant of Australia” in subsection (1) and substituting the following paragraphs and Note:

“(b) the holder of a refugee (temporary) entry permit; or

(c) the holder of an old domestic protection (temporary) entry permit; or

(d) the holder of an old PRC (temporary) entry permit; or

- (e) the holder of a new domestic protection (temporary) entry permit; or
- (f) the holder of a new PRC (temporary) entry permit;

Note: For 'refugee (temporary) entry permit', 'old domestic protection (temporary) entry permit', 'old PRC (temporary) entry permit', 'new PRC (temporary) entry permit' and 'new domestic protection (temporary) entry permit' see subsection 7(1)."

Newly arrived resident's waiting period

15. Section 541B of the Principal Act is amended:

- (a) by inserting in paragraph (2)(a) "old" after "valid";
- (b) by omitting paragraph (2)(b) and substituting the following paragraphs: 10

"(b) holds a new domestic protection (temporary) entry permit; or
(c) holds a permanent resident (refugee and humanitarian) entry permit.";

- (c) by adding at the end of subsection (2) the following Note: 15

"Note: For 'old domestic protection (temporary) entry permit', 'new domestic protection (temporary) entry permit' and 'permanent resident (refugee and humanitarian) entry permit' see subsection 7(1).";

- (d) by omitting from subsection (5) the definition of "domestic protection (temporary) entry permit". 20

Duration of newly arrived resident's waiting period

16. Section 541C of the Principal Act is amended by omitting from subsection (3) the definitions of "designated temporary entry permit" and "PRC (temporary) entry permit" and substituting the following definition:

" 'designated temporary entry permit' means: 25

- (a) an old PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People's Republic of China if that citizen holds an old PRC (temporary) entry permit; or
- (b) a new PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People's Republic of China 30 if that citizen holds:
 - (i) an old PRC (temporary) entry permit; or
 - (ii) a new PRC (temporary) entry permit;

Note: For 'old PRC (temporary) entry permit' and 'new PRC (temporary) entry permit' see subsection 7(1)."

Newly arrived resident's waiting period

17. Section 623A of the Principal Act is amended:

- (a) by inserting in paragraph (2)(a) "old" after "valid";

(b) by omitting paragraph (2)(b) and substituting the following paragraphs:

“(b) holds a new domestic protection (temporary) entry permit; or

(c) holds a permanent resident (refugee and humanitarian) entry permit.”;

(c) by adding at the end of subsection (2) the following Note:

“Note: For ‘old domestic protection (temporary) entry permit’, ‘new domestic protection (temporary) entry permit’ and ‘permanent resident (refugee and humanitarian) entry permit’ see subsection 7(1).”;

(d) by omitting from subsection (5) the definition of “domestic protection (temporary) entry permit”.

Duration of newly arrived resident’s waiting period

18. Section 623B of the Principal Act is amended by omitting from subsection (3) the definitions of “designated temporary entry permit” and “PRC (temporary) entry permit” and substituting the following definition:

“ ‘designated temporary entry permit’ means:

(a) an old PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People’s Republic of China if that citizen holds an old PRC (temporary) entry permit; or

(b) a new PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People’s Republic of China if that citizen holds:

(i) an old PRC (temporary) entry permit; or

(ii) a new PRC (temporary) entry permit;

Note: For ‘old PRC (temporary) entry permit’ and ‘new PRC (temporary) entry permit’ see subsection 7(1).”.

Newly arrived resident’s waiting period

19. Section 696B of the Principal Act is amended:

(a) by inserting in paragraph (2)(a) “old” after “valid”;

(b) by omitting paragraph (2)(b) and substituting the following paragraphs:

“(b) holds a new domestic protection (temporary) entry permit; or

(c) holds a permanent resident (refugee and humanitarian) entry permit.”;

(c) by adding at the end of subsection (2) the following Note:

“Note: For ‘old domestic protection (temporary) entry permit’, ‘new domestic protection (temporary) entry permit’ and ‘permanent resident (refugee and humanitarian) entry permit’ see subsection 7(1).”;

(d) by omitting from subsection (5) the definition of “domestic protection (temporary) entry permit”.

Duration of newly arrived resident's waiting period

20. Section 696C of the Principal Act is amended by omitting from subsection (3) the definitions of "designated temporary entry permit" and "PRC (temporary) entry permit" and substituting the following definition:

" 'designated temporary entry permit' means:

- (a) an old PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People's Republic of China if that citizen holds an old PRC (temporary) entry permit; or
- (b) a new PRC (temporary) entry permit held by the partner or a dependent child (if any) of a citizen of the People's Republic of China if that citizen holds:
 - (i) an old PRC (temporary) entry permit; or
 - (ii) a new PRC (temporary) entry permit;

Note: For 'old PRC (temporary) entry permit' and 'new PRC (temporary) entry permit' see subsection 7(1)."

Qualification for special benefit

21 Section 729 of the Principal Act is amended:

- (a) by omitting from subparagraph (2)(f)(iii) " , under regulations made under the *Migration Act 1958*";
- (b) by omitting subparagraphs (2)(f)(iv), (v), (vi) and (vii) and substituting the following subparagraphs:
 - "(iv) an applicant for a refugee (temporary) entry permit who has been advised by the Department of Immigration and Ethnic Affairs that he or she has a substantial claim for the permit; or
 - (v) the holder of an old domestic protection (temporary) entry permit; or
 - (vi) an applicant for an old domestic protection (temporary) entry permit who has been advised by the Department of Immigration and Ethnic Affairs that he or she has a substantial claim for the permit; or
 - (vii) the holder of an old PRC (temporary) entry permit; or
 - (viii) an applicant for an old PRC (temporary) entry permit who has been advised by the Department of Immigration and Ethnic Affairs that he or she has a substantial claim for the permit; or
 - (ix) a person who:
 - (A) holds an old extended eligibility (spouse) entry permit; and
 - (B) applied for the permit on or after 15 April 1991 and before 1 February 1993; or

- 5
- (x) the holder of a new domestic protection (temporary) entry permit; or
 - (xi) an applicant for a new domestic protection (temporary) entry permit who has been advised by the Department of Immigration and Ethnic Affairs that he or she has a substantial claim for the permit; or
 - (xii) the holder of a new PRC (temporary) entry permit; or
 - 10 (xiii) an applicant for a new PRC (temporary) entry permit who has been advised by the Department of Immigration and Ethnic Affairs that he or she has a substantial claim for the permit; or
 - (xiv) a person who:
 - (A) holds a new extended eligibility (spouse) entry permit; and
 - 15 (B) applied for the permit on or after 1 February 1993; and”;

(c) by adding at the end of subsection (2) the following Note:

20 “Note 2: For ‘refugee (temporary) entry permit’, ‘old domestic protection (temporary) entry permit’, ‘old PRC (temporary) entry permit’, ‘old extended eligibility (spouse) entry permit’, ‘new domestic protection (temporary) entry permit’, ‘new PRC (temporary) entry permit’ and ‘new extended eligibility (spouse) entry permit’ see subsection 7(1).”

NOTE

- 25 1. No. 46, 1991, as amended. For previous amendments see Nos. 68, 69, 70, 73, 74, 115, 116, 141, 175, 194 and 208, 1991; and Nos. 12, 69, 81, 94, 118, 133, 134, 138, 228, 229, 230 and 241, 1992.



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