



Social Security Amendment (Supporting More Australians into Work) Act 2013

No. 121, 2013

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

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

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Social Security Amendment (Supporting More Australians into Work) Act 2013

No. 121, 2013

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

[Assented to 29 June 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Security Amendment (Supporting More Australians into Work) Act 2013*.

Social Security Amendment (Supporting More Australians into Work) Act 2013 No. 121, 2013

1

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
Provision(s)	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.	29 June 2013
2. Schedule 1	20 March 2014.	20 March 2014
3. Schedule 2	1 January 2014.	1 January 2014
4. Schedule 3	1 July 2013.	1 July 2013

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Social Security Act 1991

1 Point 1068-G12

Omit “\$62”, substitute “\$100”.

2 Point 1068-G12 (note)

Repeal the note, substitute:

Note 1: The amount specified is indexed in line with CPI increases (see sections 1190 to 1194).

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

3 Points 1068-G15 and 1068-G16

Omit “\$188”, substitute “\$150”.

4 Point 1068B-D27

Omit “\$62”, substitute “\$100”.

5 At the end of point 1068B-D27

Add:

Note 1: The amount specified is indexed in line with CPI increases (see sections 1190 to 1194).

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

6 Points 1068B-D30 and 1068B-D31

Omit “\$188”, substitute “\$150”.

7 Section 1190 (after table item 20AA)

Insert:

20AAA.	Ordinary income free area for some social security payments	payment free area	[Benefit Rate Calculator B— point 1068-G12] [Benefit PP (Partnered) Rate Calculator—point 1068B-D27]
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8 Subsection 1191(1) (after table item 14AA)

Insert:

14AAA.	payment free area	1 July	March	most recent March quarter before reference quarter	\$2.00
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9 After subsection 1192(4AA)

Insert:

(4AB) The first indexation of the amounts to which item 14AAA of the CPI Indexation Table in subsection 1191(1) relates is to take place on 1 July 2015.

10 Application provision

The amendments made by items 1, 3, 4 and 6 apply in relation to working out the rates of social security payments for days on or after 20 March 2014.

Schedule 2—Pensioner education supplement and pensioner concession card

Social Security Act 1991

1 Subsection 1061PJ(2B)

Repeal the subsection, substitute:

(2B) Paragraph (2)(db) only applies if subsection (2BA) or (2BB) applies.

(2BA) This subsection applies if the person receiving the payment:

- (a) has a partial capacity to work; and
- (b) on the day (the ***relevant day***) (being a day occurring on or after 1 July 2006) immediately before the person first qualified for a newstart allowance, was a transitional DSP applicant and was:
 - (i) receiving a disability support pension; or
 - (ii) receiving a youth allowance in respect of which subsection (2A) applied; and
- (c) if he or she was receiving a disability support pension—ceased to be qualified for it because he or she no longer had a continuing inability to work within the meaning of section 94; and
- (d) if he or she was receiving a disability support pension—ceased to be so qualified as a result of the first decision about the person's capacity to work made on or after 1 July 2006; and
- (e) was, on the relevant day, qualified for a pensioner education supplement in relation to a particular course of education or study; and
- (f) at all times since the relevant day, has been qualified both for:
 - (i) a newstart allowance; and
 - (ii) a pensioner education supplement in relation to that particular course of education or study.

Note 1: For ***partial capacity to work*** see section 16B.

Note 2: For ***transitional DSP applicant*** see subsection 23(1).

(2BB) This subsection applies if the person receiving the payment is the principal carer of at least one child and is not a member of a couple.

Note: For *principal carer* see subsections 5(15) to (24). See also subsection (2C) of this section.

2 Subsection 1061PJ(2C)

Omit “subparagraphs (2A)(b)(i) and (2B)(b)(i)”, substitute “subparagraph (2A)(b)(i) and subsection (2BB)”.

3 After section 1061ZD

Insert:

1061ZDA Extended qualification rule: former recipient of pension PP (single)

- (1) If:
- (a) a pension PP (single) has been payable to a person; and
 - (b) the person ceases to be qualified for that payment because, on a day, the person’s youngest child turns 8; and
 - (c) apart from this subsection, the person would cease to be qualified for a pensioner concession card on that day;
- then, subject to subsections (2) and (3), the person is qualified for a pensioner concession card for the period of 12 weeks starting on that day.

Other qualification for pensioner concession card

- (2) If, during that 12-week period, the person receives an instalment of:
- (a) a youth allowance while subsection 1061ZA(2A) applies to the person; or
 - (b) a newstart allowance while subsection 1061ZA(2B) applies to the person; or
 - (c) a benefit PP (partnered) while subsection 1061ZA(2D) applies to the person; or
 - (d) a social security pension;
- that relates to one or more days within that period, the person is not qualified under this section for a pensioner concession card on the day or days in relation to which the person receives the instalment.

Person must be in Australia

- (3) Subject to subsection (4), this section only applies to a person while the person is in Australia and is an Australian resident.

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 6 weeks (see Division 4).

- (4) Despite subsection (3), this section applies to a person in relation to a day if:

- (a) the person is in Australia on that day; and
- (b) the pension PP (single) that had been payable to the person was payable solely because of the operation of the scheduled international agreement between Australia and New Zealand.

Note: If the person is temporarily absent from Australia, the person continues to be qualified for a pensioner concession card for a maximum period of up to 6 weeks (see Division 4).

4 Subsection 1061ZEA(1)

After “1061ZD,”, insert “1061ZDA,”.

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

After “1061ZD,”, insert “1061ZDA,”.

6 Application provisions

- (1) The amendments made by items 1 and 2 apply for the purposes of working out a person’s qualification for a pensioner education supplement in respect of days on or after 1 January 2014.
- (2) The amendments made by items 3 to 5 apply for the purposes of working out a person’s qualification for a pensioner concession card in respect of days on or after 1 January 2014.

Schedule 3—Other amendments

Social Security Act 1991

1 Paragraph 667(3)(e)

Omit “or (4A)”.

Note: This item removes a redundant cross-reference.

2 Paragraph 667(4)(a)

Omit “21”, substitute “22”.

*[Minister’s second reading speech made in—
House of Representatives on 29 May 2013
Senate on 17 June 2013]*

(124/13)

8 *Social Security Amendment (Supporting More Australians into Work) Act 2013* No.
121, 2013