



Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999

Act No. 192 of 1999 as amended

This compilation was prepared on 13 May 2003

[This Act was amended by Act No. 70 of 2000]

[Schedule 4 (item 4) repealed Schedule 1 (item 90)

Schedule 4 (item 5) repealed and substituted Schedule 1 (item 98)

Schedule 4 (item 6) repealed Schedule 1 (items 173–175)

For saving provisions *see* Schedule 4 (item 7)

Schedule 4 (items 4–7) commenced on 20 March 2000]

[This Act was amended by Act No. 94 of 2000]

[Schedule 7 (item 1) amended Schedule 1 (item 34)

Schedule 7 (item 2) amended Schedule 1 (item 117)

Schedule 7 (items 1, 2) commenced on 1 February 2000]

[This Act was amended by Act No. 30 of 2003]

[Schedule 3 (item 3) amended Schedule 1 (item 67)

Schedule 3 (item 4) amended Schedule 1 (item 77)

Schedule 3 (item 5) repealed Schedule 1

(items 168, 169, 178 and 179)

Schedule 3 (item 6) repealed and substituted Schedule 1

(item 188)

For savings provision *see* Schedule 3 (item 7)

Schedule 3 (items 3, 4 and 6) commenced on 20 March 2000

Schedule 3 (items 5 and 7) commenced on 15 April 2003]

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An Act to make amendments consequent upon the enactment of the *Social Security (Administration) Act 1999* and the *Social Security (International Agreements) Act 1999*, and for related purposes

1 Short title

This Act may be cited as the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*.

2 Commencement

- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (2) Schedules 1 and 2 commence on 20 March 2000.
- (3) Schedules 3 and 4 commence on 1 July 2000.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendments consequent upon the enactment of the Social Security (Administration) Act 1999

Social Security Act 1991

1 Section 3

Repeal the section.

2 Subsections 4(4) and (5)

Repeal the subsections.

3 Subsection 23(1)

Insert:

Administration Act means the *Social Security (Administration) Act 1999*.

4 Subsection 23(1) (definition of *authorised review officer*)

Repeal the definition.

5 Subsection 23(1) (definition of *CFP (comparable foreign payment) country*)

Repeal the definition.

6 Subsection 23(1)

Insert:

CFP country means:

- (a) the United Kingdom of Great Britain and Northern Ireland;
and
- (b) the Republic of Italy; and
- (c) New Zealand; and
- (d) Canada; and

- (e) Spain; and
- (f) Malta; and
- (g) the Kingdom of the Netherlands; and
- (h) Ireland; and
- (i) the Republic of Portugal; and
- (j) the Republic of Austria; and
- (k) the Republic of Cyprus; and
- (l) a country determined by the Minister to be a CFP country under subsection 38A(1).

7 Subsection 23(1) (definition of *Health Department*)

Omit “family services”, substitute “aged care”.

8 Subsection 23(1) (definition of *officer*)

After “this Act,” (first occurring), insert “the Administration Act,”.

9 Subsection 23(1) (definition of *payday*)

Repeal the definition, substitute:

payday, in relation to a person, means:

- (a) if the person is receiving a social security pension, a social security benefit, a carer allowance, a double orphan pension, a non-benefit PP (partnered), a pensioner education supplement, a family allowance or a family tax payment—a day on which an instalment of the pension, benefit, non-benefit PP (partnered), supplement, allowance or payment is, or would normally be, paid to the person; or
- (b) if the person is receiving a service pension—a day on which an instalment of the service pension is, or would normally be, paid to the person under the Veterans’ Entitlements Act.

10 Subsection 23(1) (definition of *recipient notification notice*)

Repeal the definition.

11 Subsection 23(1) (definition of *recipient statement notice*)

Repeal the definition.

12 Subsection 23(1) (definition of *transfer day*)

Repeal the definition.

13 Subsection 23(1) (definition of *transferee to a social security benefit*)

Repeal the definition.

14 Subsections 23(6) and (7)

Repeal the subsections.

15 At the end of section 23

Add:

- (14) A reference in this Act to a social security payment being not payable includes a reference to its being not payable under the Administration Act.
- (15) A reference in this Act to the social security law is a reference to this Act, the Administration Act and any other Act that is expressed to form part of the social security law.
- (16) A reference in this Act to a provision of the social security law is a reference to a provision of this Act, the Administration Act or any other Act that is expressed to form part of the social security law.

16 Part 2.1

Repeal the Part.

17 Subsection 43(3)

Repeal the subsection, substitute:

- (3) Subsection (1) has effect subject to subsection 6(3) of the *Social Security (International Agreements) Act 1999*.

18 Sections 44, 45, 46, 46A and 46B

Repeal the sections, substitute:

44 Age pension not payable if pension rate nil

- (1) Subject to subsection (2), an age pension is not payable to a person if the person's age pension rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

19 Divisions 2 and 3 of Part 2.2

Repeal the Divisions.

20 Divisions 5, 6, 7 and 8 of Part 2.2

Repeal the Divisions.

21 Division 10 of Part 2.2

Repeal the Division.

22 Divisions 7, 8, 9 and 10 of Part 2.2A

Repeal the Divisions.

23 Section 96

Repeal the section.

24 Sections 98, 99, 100, 100A, 101 and 102

Repeal the sections, substitute:

98 Disability support pension not payable if pension rate nil

- (1) Subject to subsection (2), a disability support pension is not payable to a person if the person's disability support pension rate would be nil.
 - (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
-

(b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

25 Sections 104 and 105

Repeal the sections.

26 Divisions 2 and 3 of Part 2.3

Repeal the Divisions.

27 Divisions 6, 7, 8 and 9 of Part 2.3

Repeal the Divisions.

28 Sections 148, 149, 150, 150A and 150B

Repeal the sections, substitute:

148 Wife pension not payable if pension rate nil

- (1) Subject to subsection (2), a wife pension is not payable to a person if the person's wife pension rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

29 Divisions 2 and 3 of Part 2.4

Repeal the Divisions.

30 Divisions 5, 6, 7 and 8 of Part 2.4

Repeal the Divisions.

31 Division 10 of Part 2.4

Repeal the Division.

32 After section 198

Insert:

198AAA Continuation of qualification when person receiving care admitted to institution

- (1) This section applies if:
 - (a) carer payment is payable to a person who has ordinarily been providing constant care for a care receiver or care receivers; and
 - (b) the person ceases to be qualified for the payment because he or she ceases to provide constant care for the care receiver or any of the care receivers as a result of the care receiver being admitted permanently to an institution where care is provided for the care receiver.
- (2) The carer payment continues to be payable to the person for 14 weeks after the person ceases to be qualified, and then ceases to be payable.

33 Sections 199, 200 and 201

Repeal the sections, substitute:

199 Carer payment not payable if payment rate nil

- (1) Subject to subsection (2), a carer payment is not payable to a person if the person's carer payment rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

34 Section 201AAA (the section 201AAA renumbered by item 2 of Schedule 5 to the *Further 1998 Budget Measures Legislation Amendment (Social Security) Act 1999*)

Repeal the section.

35 Sections 201A and 201B

Repeal the sections.

36 Divisions 2 and 3 of Part 2.5

Repeal the Divisions.

37 Divisions 5, 6, 7 and 8 of Division 2.5

Repeal the Divisions.

38 Division 10 of Part 2.5

Repeal the Division.

39 Sections 316, 317, 318, 319, 320 and 320A

Repeal the sections, substitute:

316 Bereavement allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a bereavement allowance is not payable to a person if the person's bereavement allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

40 Divisions 2 and 3 of Part 2.7

Repeal the Divisions.

41 Divisions 5, 6, 7 and 8 of Part 2.7

Repeal the Divisions.

42 Division 10 of Part 2.7

Repeal the Division.

43 Sections 364, 365, 366, 367 and 367A

Repeal the sections, substitute:

364 Widow B pension not payable if pension rate nil

- (1) Subject to subsection (2), a Widow B pension is not payable to a person if the person's Widow B pension rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

44 Divisions 2 and 3 of Part 2.8

Repeal the Divisions.

45 Divisions 5, 6, 7 and 8 of Part 2.8

Repeal the Divisions.

46 Division 10 of Part 2.8

Repeal the Division.

47 Sections 408CA, 408CB, 408CC and 408CD

Repeal the sections, substitute:

408CA Widow allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a widow allowance is not payable to a person if the person's widow allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

48 Divisions 3 and 4 of Part 2.8A

Repeal the Divisions.

49 Divisions 6, 7, 8, 9 and 10 of Part 2.8A

Repeal the Divisions.

50 Sections 500I, 500J, 500K, 500L, 500M and 500N

Repeal the sections, substitute:

500I Parenting payment not payable if payment rate nil

- (1) Subject to subsection (2), a parenting payment is not payable to a person if the person's parenting payment rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

51 Divisions 2 and 3 of Part 2.10

Repeal the Divisions.

52 Divisions 5, 6, 7 and 8 of Part 2.10

Repeal the Divisions.

53 Division 10 of Part 2.10

Repeal the Division.

54 Subdivisions A and B of Division 2 of Part 2.11

Repeal the Subdivisions, substitute:

**Subdivision A—Situations in which allowance not payable
(general)**

547 Youth allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a youth allowance is not payable to a person if the person's youth allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or

(b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

55 Section 549

Repeal the section, substitute:

549 Waiting periods

- (1) A youth allowance is not payable to a person who is qualified for youth allowance while the person is subject to a waiting period.
- (2) For the purposes of this Part, a person may be subject to the following waiting periods:
 - (a) a liquid assets test waiting period (see sections 549A, 549B and 549C);
 - (b) a newly-arrived resident's waiting period (see sections 549D and 549E).

56 Section 550

Repeal the section, substitute:

550 Third and subsequent activity test breaches: consequences

- (1) Youth allowance is not payable to a person who is qualified for youth allowance while an activity test non-payment applies to the person.
- (2) An activity test non-payment period applies to a person if:
 - (a) the person commits an activity test breach (the *latest breach*); and
 - (b) the latest breach is the third or subsequent activity test breach within a period of 2 years.

Note: If a breach is the first or second activity test breach within a period of 2 years, an activity test breach rate reduction period applies to the person (see Subdivision B of Division 5).

57 Subdivision E of Division 2 of Part 2.11

Repeal the Subdivision.

58 Section 552

Repeal the section, substitute:

552 Multiple entitlement exclusions

- (1) Youth allowance is not payable to a person who is qualified for youth allowance while the person is subject to a multiple entitlement exclusion.
- (2) For the purposes of this Division, a person is subject to a multiple entitlement exclusion if:
 - (a) the person is receiving a youth allowance and another social security benefit, a social security pension or a service pension becomes payable to the person; or
 - (b) a payment under a scheme referred to in section 552A has been or may be made to the person; or
 - (c) an assurance of support applies to the person (see section 552B); or
 - (d) the person has received, or may receive, income that is paid by a community or group from funds provided under a Commonwealth funded employment program.

59 Section 553

Repeal the section, substitute:

553 Employment-related exclusions

- (1) Youth allowance is not payable to a person who is qualified for youth allowance while the person is subject to an employment-related exclusion.
- (2) For the purposes of this Division, a person (other than a person who is undertaking full-time study) is subject to an employment-related exclusion while one or more of sections 553A to 553C apply to the person.

60 Divisions 3 and 4 of Part 2.11

Repeal the Divisions.

61 Paragraph 558(1)(b)

Omit “section 561A, 561B, 561C or 1304”, substitute “section 63, 64, 67, 75 or 192 of the Administration Act”.

62 Divisions 6, 7, 8 and 9 of Part 2.11

Repeal the Divisions.

63 Subdivision A of Division 2 of Part 2.11A

Repeal the Subdivision, substitute:

Subdivision A—Situation in which austudy payment not payable (general)

572 Austudy payment not payable if payment rate nil

- (1) Subject to subsection (2), an austudy payment is not payable to a person if the person’s austudy payment rate would be nil.
- (2) Subsection (1) does not apply to a person if the person’s rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans’ Entitlements Act.

64 Subdivision C of Division 2 of Part 2.11A

Repeal the Subdivision.

65 Section 575

Repeal the section, substitute:

575 Waiting periods

- (1) An austudy payment is not payable to a person who is qualified for an austudy payment while the person is subject to a waiting period.
- (2) For the purposes of this Part, a person may be subject to the following waiting periods:
 - (a) a liquid assets test waiting period (see sections 575A, 575B and 575C);

- (b) a newly arrived resident's waiting period (see sections 575D and 575E).

66 Section 576

Repeal the section, substitute:

576 Third and subsequent activity test breaches: consequences

- (1) An austudy payment is not payable to a person who is qualified for an austudy payment while an activity test non-payment period applies to the person.
- (2) An activity test non-payment period applies to a person if:
 - (a) the person commits an activity test breach (the *latest breach*); and
 - (b) the latest breach is the third or subsequent activity test breach within a period of 2 years.

Note: If a breach is the first or second activity test breach within a period of 2 years, an activity test breach rate reduction period applies to the person (see Subdivision B of Division 5).

67 Subdivision F of Division 2 of Part 2.11A

Repeal the Subdivision.

68 Section 578

Repeal the section, substitute:

578 Multiple entitlement exclusions

- (1) An austudy payment is not payable to a person who is qualified for an austudy payment while the person is subject to a multiple entitlement exclusion.
 - (2) For the purposes of this Division, a person is subject to a multiple entitlement exclusion if:
 - (a) the person is receiving an austudy payment and another social security benefit, a social security pension or a service pension becomes payable to the person; or
 - (b) a payment under a scheme referred to in section 578A has been, or may be, made to the person; or
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- (c) an assurance of support applies to the person (see section 578B); or
- (d) the person has received, or may receive, income that is paid by a community or group from funds provided under a Commonwealth funded employment program.

69 Divisions 3 and 4 of Part 2.11A

Repeal the Divisions.

70 Divisions 6, 7, 8 and 9 of Part 2.11A

Repeal the Divisions.

71 Section 603E

Repeal the section.

72 Sections 608, 609 and 610

Repeal the sections, substitute:

608 Newstart allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a newstart allowance is not payable to a person if the person's newstart allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

73 Sections 615, 615A, 616, 616A and 616B

Repeal the sections.

74 Section 630C

Repeal the section.

75 Section 631

Omit "section 656, 657, 658 or 1304", substitute "63, 64, 67, 75 or 192 of the Administration Act".

76 Divisions 2 and 3 of Part 2.12

Repeal the Divisions.

77 Divisions 5, 6, 7, 8 and 10 of Part 2.12

Repeal the Divisions.

78 Sections 660XCA, 660XCB, 660XCC, 660XCD and 660XCE

Repeal the sections, substitute:

660XCA Mature age allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a mature age allowance is not payable to a person if the person's mature age allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

79 Sections 660XCI, 660XCJ, 660XCK, 660XCL and 660XCM

Repeal the sections, substitute:

660XCI Mature age partner allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a mature age partner allowance is not payable to a person if the person's mature age partner allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

80 Divisions 4 and 5 of Part 2.12A

Repeal the Divisions.

81 Divisions 7, 8, 9 and 10 of Part 2.12A

Repeal the Divisions.

82 Division 12 of Part 2.12A

Repeal the Division.

83 Sections 660YCA, 660YCB, 660YCC, 660YCD and 660YCE

Repeal the sections, substitute:

660YCA Mature age allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a mature age allowance is not payable to a person if the person's mature age allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

84 Divisions 4 and 5 of Part 2.12B

Repeal the Divisions.

85 Divisions 7, 8, 9 and 10 of Part 2.12B

Repeal the Divisions.

86 Division 12 of Part 2.12B

Repeal the Division.

87 Sections 665AA, 665AB and 665AC

Repeal the sections.

88 Sections 665C and 665D

Repeal the sections, substitute:

665C Need for claim

A person is not qualified for an education entry payment under section 665A unless the person has made a claim for the payment.

89 Sections 665G and 665H

Repeal the sections, substitute:

665G Need for claim

A person is not qualified for an education entry payment under section 665E unless the person has made a claim for the payment.

91 Sections 665K and 665L

Repeal the sections, substitute:

665K Need for claim

A person is not qualified for an education entry payment under section 665I unless the person has made a claim for the payment.

92 Sections 665O and 665P

Repeal the sections, substitute:

665P Need for claim

A person is not qualified for an education entry payment under section 665M unless the person has made a claim for the payment.

93 Sections 665W and 665X

Repeal the sections, substitute:

665W Need for claim

A person is not qualified for an education entry payment under section 665U unless the person has made a claim for the payment.

94 Sections 665ZA and 665ZB

Repeal the sections, substitute:

665ZA Need for claim

A person is not qualified for an education entry payment under section 665Y unless the person has made a claim for the payment.

95 Sections 665ZE and 665ZF

Repeal the sections, substitute:

665ZE Need for claim

A person is not qualified for an education entry payment under section 665ZC unless the person has made a claim for the payment.

96 Sections 665ZFC and 665ZFD

Repeal the sections, substitute:

665ZFC Need for claim

A person is not qualified for an education entry payment under section 665ZC unless the person has made a claim for the payment.

97 Sections 665ZJ and 665ZK

Repeal the sections, substitute:

665ZJ Need for claim

A person is not qualified for an education entry payment under section 665ZG unless the person has made a claim for the payment.

98 Sections 665ZN and 665ZP

Repeal the sections, substitute:

665ZN Need for claim

A person is not qualified for an education entry payment under section 665ZL unless the person has made a claim for the payment.

99 Sections 665ZS and 665ZT

Repeal the sections, substitute:

665ZS Need for claim

A person is not qualified for an education entry payment under section 665ZQ unless the person has made a claim for the payment.

100 Sections 665ZW and 665ZX

Repeal the sections, substitute:

665ZW Need for claim

A person is not qualified for an education entry payment under section 665ZU unless the person has made a claim for the payment.

101 Section 668

Repeal the section.

102 Sections 677, 678 and 679

Repeal the sections, substitute:

677 Sickness allowance not payable if allowance rate nil

- (1) Subject to subsection (2), sickness allowance is not payable to a person if the person's sickness allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's sickness allowance rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

103 Sections 687, 687A, 688 and 689

Repeal the sections.

104 Subdivision D of Division 1 of Part 2.14

Repeal the Subdivision.

105 Divisions 2 and 3 of Part 2.14

Repeal the Divisions.

106 Divisions 5, 6, 7 and 8 of Part 2.14

Repeal the Divisions.

107 Division 10 of Part 2.14

Repeal the Division.

108 Section 731

Repeal the section.

109 Section 732

Repeal the section, substitute:

732 Special benefit not payable if benefit rate nil

- (1) Subject to subsection (2), special benefit is not payable to a person if the person's special benefit rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's special benefit rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) the social security law; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

110 Sections 734A and 734B

Repeal the sections.

111 Section 736

Repeal the section.

112 Divisions 2 and 3 of Part 2.15

Repeal the Divisions.

113 Divisions 5, 6, 7 and 8 of Part 2.15

Repeal the Divisions.

114 Division 10 of Part 2.15

Repeal the Division.

115 Sections 771HC, 771HD and 771HE

Repeal the sections, substitute:

771HC Partner allowance not payable if allowance rate nil

- (1) Subject to subsection (2), a partner allowance is not payable to a person if the person's partner allowance rate would be nil.
- (2) Subsection (1) does not apply to a person if the person's partner allowance rate would be nil merely because an advance pharmaceutical allowance has been paid to the person under:
 - (a) Part 2.23 of this Act; or
 - (b) Division 2 of Part VIIA of the Veterans' Entitlements Act.

116 Sections 771HM and 771HN

Repeal the sections.

117 Section 771HNC (the section 771HNC renumbered by item 34 of Schedule 5 to the *Further 1998 Budget Measures Legislation Amendment (Social Security) Act 1999*)

Repeal the section.

118 Divisions 2 and 3 of Part 2.15A

Repeal the Divisions.

119 Divisions 5, 6, 7 and 8 of Part 2.15A

Repeal the Divisions.

120 Division 10 of Part 2.15A

Repeal the Division.

121 Sections 779, 780 and 782

Repeal the sections, substitute:

779 Special needs pension not payable if pension rate nil

A special needs pension is not payable to a person if the person's special needs pension rate would be nil.

122 Sections 784, 785 and 786

Repeal the sections.

123 Section 788

Repeal the section.

124 Divisions 2, 3 and 4 of Part 2.16

Repeal the Divisions.

125 Divisions 6, 7, 8 and 9 of Part 2.16

Repeal the Divisions.

126 Sections 841, 842, 843, 844, 844A, 845, 846 and 847

Repeal the sections, substitute:

841 Family allowance not payable if allowance rate nil

A family allowance is not payable to a person if the person's family allowance rate would be nil.

127 Sections 849 and 850

Repeal the sections.

128 Divisions 3 and 4 of Part 2.17

Repeal the Divisions.

129 Division 6 of Part 2.17 (heading)

Repeal the heading, substitute:

**Division 6—Family allowance advance and declarations of
shared qualification**

130 Sections 862, 863 and 864

Repeal the sections.

131 Sections 865, 866, 867 and 868

Repeal the sections.

132 Divisions 7 and 8 of Part 2.17

Repeal the Divisions.

133 Subdivisions A, B, C and D of Division 9 of Part 2.17

Repeal the Subdivisions.

134 Paragraph 886(b)

Omit “872”, substitute “67 of the Administration Act”.

135 Subdivision F of Division 9 of Part 2.17

Repeal the Subdivision.

136 Sections 900D and 900E

Repeal the sections.

137 Sections 900EC and 900ED

Repeal the sections.

138 Divisions 4, 5, 6, 7 and 8 of Part 2.17A

Repeal the Divisions.

139 Section 900AF

Repeal the section, substitute:

900AF Family tax payment not payable if payment rate nil

A family tax payment is not payable to a person if the person’s
family tax payment rate would be nil.

140 Sections 900AI, 900AJ, 900AK, 900AL and 900AM

Repeal the sections.

141 Sections 900AP and 900AQ

Repeal the sections.

142 Divisions 4 and 5 of Part 2.17AA

Repeal the Divisions.

143 Division 7 of Part 2.17AA (heading)

Repeal the heading, substitute:

Division 7—Declarations of shared qualification

144 Sections 900AZD, 900AZE, 900AZF, 900AZG and 900AZH

Repeal the sections.

145 Divisions 8, 9 and 10 of Part 2.17AA

Repeal the Divisions.

146 Subdivision B of Division 2 of Part 2.19 (heading)

Repeal the heading, substitute:

Subdivision B—Limitations on payability

147 Sections 958, 959, 960, 961, 962 and 963

Repeal the sections, substitute:

958 Carer allowance not payable if allowance rate nil

A carer allowance is not payable to a person if the person's child disability allowance rate would be nil.

148 Divisions 3 and 4 of Part 2.19

Repeal the Divisions.

149 Heading to Division 6 of Part 2.19

Repeal the heading, substitute:

**Division 6—Multiple qualification for carer allowance for
same care receiver or receivers**

150 Sections 975, 976, 977, 978, 979 and 980

Repeal the sections.

151 Divisions 7, 8 and 9 of Part 2.19

Repeal the Divisions.

152 Sections 1000, 1001, 1002 and 1002A

Repeal the sections.

153 Divisions 3 and 4 of Part 2.20

Repeal the Divisions.

154 Divisions 6, 7, 8 and 9 of Part 2.20

Repeal the Divisions.

155 Section 1036

Repeal the section.

156 Sections 1038 and 1039

Repeal the sections.

157 Sections 1039A, 1039B and 1039C

Repeal the sections.

158 Divisions 2 and 3 of Part 2.21

Repeal the Divisions.

159 Division 4 of Part 2.21 (heading)

Repeal the heading, substitute:

Division 2—Rate of mobility allowance

160 Divisions 5, 6, 7 and 8 of Part 2.21

Repeal the Divisions, substitute:

Division 3—Mobility allowance advance

1045 Qualification for mobility advance

- (1) A person is qualified for a mobility allowance advance if:
 - (a) the person is receiving mobility allowance; and
 - (b) the person requests the advance; and
 - (c) the Secretary is satisfied that the person will continue to be qualified for mobility allowance for at least 26 weeks from the day on which the person receives the advance; and
 - (d) a mobility allowance advance has not been paid to the person in the 52 weeks before the day on which the request is made.
- (2) For the purposes of subsection (1):
 - (a) a person's *advance payday* is the first payday of the person for mobility allowance for which it is practicable to pay the advance and adjust the person's mobility allowance payments; and
 - (b) a person's *advance payment period* is the period of 26 weeks starting on the advance payday.
- (3) The amount of the advance is calculated by multiplying the mobility allowance rate by 13.
- (4) For the purpose of subsection (3):

mobility allowance rate is the rate of mobility allowance on the advance payday.

Division 4—Continuation

1046 Continuation of mobility allowance when person ceases to be qualified

- (1) This section applies to a person if:
 - (a) a mobility allowance is payable to a person; and
 - (b) the person would, apart from this section, cease to be qualified for the mobility allowance because he or she ceases, in the Secretary's opinion:
 - (i) to be engaged in gainful employment; or
 - (ii) to undertake vocational training or a combination of vocational training and gainful employment; or
 - (iii) to engage in voluntary work approved by the Secretary for charitable, welfare or community organisations; for at least 8 hours a week on a continuing basis.
 - (2) This section applies to a person if:
 - (a) a mobility allowance is payable to a person; and
 - (b) the person would, apart from this section, cease to be qualified for the mobility allowance because he or she ceases, in the Secretary's opinion:
 - (i) to receive newstart allowance for a reason other than the application of section 597, 601, 605 or 660IA; or
 - (ii) to receive youth allowance for a reason other than the application of section 541A, 544A, 544C, 550, 553B or 565C; or
 - (iii) to receive an austudy payment for a reason other than the application of section 569, 576 or 590C; or
 - (iv) to undertake job search activities as part of an activity plan developed by a Disability Panel established by the Secretary; or
 - (v) to undertake job search activities under the Competitive Employment Placement and Training Program administered by the Health Department.
 - (3) A person to whom this section applies continues to be qualified for the mobility allowance for 12 weeks after the person would, apart
-

from this section, have ceased to be qualified for the mobility allowance.

(4) If:

- (a) a mobility allowance is payable to a person; and
- (b) the person would, apart from this section, cease to be qualified for the allowance because of circumstances other than those described in subsections (1) and (2);

the person continues to be qualified for the mobility allowance for 2 weeks after the person would, apart from this section, have ceased to be qualified for the mobility allowance.

(5) If:

- (a) a mobility allowance is payable to a person because of subsection (3); and
- (b) circumstances occur that would, if the person were still qualified for the allowance, result in the person ceasing to be qualified;

the mobility allowance ceases to be payable to the person on the day on which those circumstances occur.

161 Divisions 2 and 3 of Part 2.22A

Repeal the Divisions.

162 Divisions 5 and 6 of Part 2.22A

Repeal the Divisions.

163 Division 2 of Part 2.23

Repeal the Division.

164 Division 4 of Part 2.23

Repeal the Division.

165 Paragraph 1061JG(c)

Omit “subsection 1061JN(3)”, substitute “Schedule 2 to the Administration Act”.

166 Divisions 2 and 3 of Part 2.23A

Repeal the Divisions.

167 Divisions 5 and 6 of Part 2.23A

Repeal the Divisions.

**170 Sections 1061L, 1061M, 1061N, 1061NA, 1061NB and
1061NC**

Repeal the sections.

171 Subdivisions A and B of Division 2 of Part 2.24A

Repeal the Subdivisions.

172 Divisions 3 and 4 of Part 2.24A

Repeal the Divisions.

176 Divisions 6, 7, 8 and 9 of Part 2.24A

Repeal the Divisions.

177 Divisions 3, 4 and 5 of Part 2.25

Repeal the Divisions.

180 Part 2.27

Repeal the Part.

181 Divisions 2, 3, 4 and 5 of Part 2A.1

Repeal the Divisions.

182 Point 1069-H6

Omit “subsection 872(1)”, substitute “subsection 68(2) of the
Administration Act”.

183 Sections 1159A, 1159B, 1159C and 1159D

Repeal the sections.

184 Subsection 1222(1) (note 1)

Omit “recipient’s contravention of Act”, substitute “recipient’s contravention of law”.

185 Subsection 1222(1) (note 1)

Omit “contravention of Act by debtor”, substitute “offence by debtor”.

186 Subsection 1222(2) (table item 4, column 2)

Omit “Act”, substitute “law”.

187 Subsection 1222(2) (table item 4B, column 2)

Omit “contravention of Act”, substitute “offence”.

188 Section 1222A

Omit “under this Act or the 1947 Act”.

189 Section 1222A (notes 1 and 2)

Repeal the notes.

190 Subsections 1223(1AA), (1AB) and (1AC)

Repeal the subsections, substitute:

(1AA) Except in the circumstances referred to in subsection (1AB), subsection (1) does not apply to a payment made under subsection 47(2) or 51(2) of the Administration Act.

(1AB) Subsection (1) applies to a payment made to a person under subsection 47(2) or 51(2) of the Administration Act if the person is released from gaol or psychiatric confinement on a day after the day that is the person’s expected release day for the purposes of section 35 of the Administration Act.

191 Paragraph 1223(5)(b)

Omit “under this Act”.

192 Subparagraphs 1223(8)(b)(i), (ii) and (iii)

Omit “under this Act”.

193 Subsection 1223(8)

Omit “person under this Act”, substitute “person”.

Note: The heading to section 1223 is replaced by the heading “**Debts arising from lack of qualification, overpayment etc.**”.

194 Paragraph 1223AA(1)(b)

Repeal the paragraph, substitute:

- (b) the person fails to provide a statement under section 67 of the Administration Act in respect of the period;

195 Subsection 1223AA(1AA)

Repeal the subsection, substitute:

(1AA) If:

- (a) a person has received a prepayment of partner allowance in respect of a period; and
- (b) the person or the person’s partner fails to provide a statement under section 67 of the Administration Act in respect of the period;

the amount of the prepayment is a debt due to the Commonwealth.

196 Paragraph 1223AA(1B)(b)

Omit “under this Act”.

197 Paragraph 1223AA(1BA)(b)

Omit “recipient statement notice”, substitute “a notice under section 67, 68 or 69 of the Administration Act”.

198 Paragraph 1223AA(1BA)(d)

Omit “under this Act”.

199 Subsection 1223AA(1C)

Repeal the subsection, substitute:

(1C) If:

- (a) a payment has been made to a person under subsection 47(2) of the Administration Act; and

- (b) immediately after the release of the person from gaol or psychiatric confinement:
 - (i) the person was not qualified for a crisis payment; or
 - (ii) although the person was qualified for a crisis payment, the payment was not payable to the person;the amount of the payment is a debt due to the Commonwealth.

(1D) If:

- (a) a payment has been made to a person under subsection 51(2) of the Administration Act; and
- (b) immediately after the release of the person from gaol or psychiatric confinement:
 - (i) the person was not qualified for the social security pension or benefit claimed; or
 - (ii) although the person was qualified for the pension or benefit, the pension or benefit was not payable to the person;the amount of the payment is a debt due to the Commonwealth.

200 Subsection 1223AA(2)

Repeal the subsection, substitute:

(2) In this section:

prepayment means:

- (a) a payment under section 408GG, 652, 660YGG, 722, 755 or 771KL of this Act as in force immediately before 20 March 2000; or
- (b) a payment made in accordance with section 57 of the Administration Act.

201 Paragraph 1223AB(a)

Omit “under section 1283”.

202 Subparagraph 1224(1)(b)(ii)

Omit “this Act”, substitute “the social security law or this Act as in force immediately before 20 March 2000”.

Note: The heading to section 1224 is altered by omitting “of Act” and substituting “of law”.

203 Paragraph 1224AB(1)(a)

Omit “this Act”, substitute “a provision of this Act, as in force immediately before 20 March 2000, or a provision of the social security law”.

Note: The heading to section 1224AB is altered by omitting “**contravention of Act**” and substituting “**offence**”.

204 Subparagraph 1224D(1)(b)(ii)

Omit “this Act”, substitute “the social security law or this Act as in force immediately before 20 March 2000”.

205 Subsection 1224D(2)

Omit “section 1047A”, substitute “section 1045”.

206 Subsection 1224D(2) (definition of *number of paydays*)

Omit all words after “Secretary”, substitute “under paragraph (1)(c) and ends at the end of the recipient’s advance payment period.”.

207 Paragraphs 1227A(2)(b) and (c)

Omit “under this Act”.

208 Paragraph 1228(1)(c)

Omit “this Act”.

209 Paragraphs 1229(9)(a) and (b)

Omit “under this Act”.

210 Paragraphs 1229A(7)(a) and (b)

Omit “this Act”.

211 Paragraphs 1230C(1)(a) and (b)

Omit “this Act”.

212 Subsection 1231(2B)

Omit “(debt due to contravention of Act)”.

213 Chapters 6, 7 and 8

Repeal the Chapters.

214 Paragraphs 101(a) and (b) of Schedule 1A

After “section 42”, insert “as in force immediately before the commencement of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*”.

215 At the end of clause 101 of Schedule 1A

Add:

; or (c) in respect of any social security payment, on the first day after the commencement of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999* on which instalments of a social security payment are paid and every day thereafter on which such instalments are paid.

216 Subclause 105A(16) of Schedule 1A

Omit “, subsection 271(2)”.

217 Schedule 1AA

Repeal the Schedule.

**Schedule 2—Amendments consequent upon
the enactment of the Social Security
(International Agreements) Act 1999**

Social Security Act 1991

1 Subsection 43(3)

Repeal the subsection, substitute:

- (3) Subsection (1) has effect subject to subsection 6(3) of the *Social Security (International Agreements) Act 1999*.

2 Part 4.1

Repeal the Part.

Schedule 3—Amendment of the Social Security (Administration) Act 1999

1 Part 9

Repeal the Part.

**Schedule 4—Amendment of A New Tax
System (Family Assistance)
(Administration) Act 1999**

1 Subsections 107(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 107 is altered by omitting “**time limits and**”.