



Payment Processing Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998

No. 132, 1998



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**An Act to amend the *Social Security Act 1991* and
the *Veterans' Entitlements Act 1986*, and for related
purposes**

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No. 132, 1998

**An Act to amend the *Social Security Act 1991* and
the *Veterans' Entitlements Act 1986*, and for related
purposes**

[Assented to 24 December 1998]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Payment Processing Legislation
Amendment (Social Security and Veterans' Entitlements) Act 1998*.

2 Commencement

- (1) Subject to subsections (2) and (3), this Act commences on 1 July 1999.
- (2) Items 44 and 45 of Schedule 4 commence on 13 July 1999.
- (3) Schedules 6 and 7 commence on the day on which this Act receives the Royal Assent.

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Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 relating to the payment of social security payments

Social Security Act 1991

1 Section 3

Omit:	
family tax payment payday	6AA

2 Section 3

Omit:	
parenting payment payday	18

3 Section 3

Omit:	
payday-based payment	42

4 Section 3

Omit:	
pension PP (single) payday	18

5 Section 3

Omit:	
pensioner education supplement payday	23(1)

6 Section 3

Omit:	
pharmaceutical benefit	19A(1)

7 Section 3

Omit:	
PP (partnered) payday	18

8 Subsection 6(1) (paragraph (b) of the definition of *family allowance payday*)

Repeal the paragraph, substitute:

- (b) each succeeding alternate Thursday up to, and including, Thursday 1 July 1999.

9 Section 6AA (definition of *family tax payment payday*)

Repeal the definition.

10 Subsection 17(7)

Repeal the subsection, substitute:

- (7) A reference in Part 3.14 to a person receiving a payment for a period is a reference to a person receiving a compensation affected payment in respect of the period.

11 Section 18 (definition of *parenting payment payday*)

Repeal the definition.

12 Section 18 (definition of *pension PP (single) payday*)

Repeal the definition.

13 Section 18 (definition of *PP (partnered) payday*)

Repeal the definition.

14 Section 19 (definition of *allowance payday*)

Repeal the definition.

15 Section 19A

Repeal the section.

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

Repeal the definition, substitute:

payday, in relation to a person, means:

- (a) a day on which an instalment of a social security payment is, or is to be, paid to the person; or
- (b) if the person is receiving a service pension—a pension payday within the meaning of the *Veterans' Entitlements Act 1986*.

17 Subsection 23(1) (definition of *pensioner education supplement payday*)

Repeal the definition.

18 Subsection 23(1) (paragraph (b) of the definition of *pension payday*)

Repeal the paragraph, substitute:

- (b) each succeeding alternate Thursday up to, and including, Thursday 24 June 1999.

19 Subsection 23(1) (definition of *pension period*)

Repeal the definition, substitute:

pension period means the instalment period of an instalment of a social security pension.

20 Subsection 23(1A)

Repeal the subsection.

21 Subsection 23(3)

Repeal the subsection.

22 Subsections 23(4), (4AAA) and (4AA)

Repeal the subsections, substitute:

- (4) For the purposes of this Act, a person is taken to be receiving a social security payment until the latest day on which the payment is payable to the person even if the last instalment of the payment is not paid until a later day.

23 Paragraph 23(6)(a)

Repeal the paragraph, substitute:

- (a) a person becomes qualified for an income support payment (the *new payment*); and

24 Paragraph 23(6)(b)

Omit “new benefit”, substitute “new payment”.

25 Subsection 23(6)

Omit all the words after “*transferee*”, substitute “to the new payment and the person’s *transfer day* is the day that immediately follows the day on which the person ceases to receive the old pension or benefit”.

26 Paragraph 23(7)(a)

Repeal the paragraph, substitute:

- (a) a person becomes qualified for an income support payment (the *new payment*); and

27 Paragraph 23(7)(b)

Omit “new benefit”, substitute “new payment”.

28 Subsection 23(7)

Omit all the words after “*transferee*”, substitute “to the new payment and the person’s *transfer day* is the day on which the person becomes qualified for the new payment”.

29 Section 42

Repeal the section.

30 At the end of section 46

Add:

(5) If:

- (a) a person is a transferee to age pension; and
- (b) the person claims age pension within 14 days after the transfer day;

the person's provisional commencement day is his or her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

31 Section 57

Repeal the section, substitute:

57 Payment by instalments

- (1) Age pension is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of age pension are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of age pension in relation to a period is the total of the amounts of age pension (calculated by reference to the daily rate of pension applicable to each day) payable to the person for days in that period on which age pension was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) If:
 - (a) an age pension is payable to a person; and
 - (b) either:
 - (i) the person receives a veteran's disability pension; or
 - (ii) the person's partner receives an age pension and a veteran's disability pension; and
 - (c) the Secretary has made a determination, for the purposes of this subsection, specifying the days on which instalments referred to in subsection (1) are to be paid to the person; and
 - (d) the determination has not been revoked;

the instalments referred to in subsection (1) are to be paid to the person on the days specified in the determination.

- (6) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to age pension.

Note: The heading to section 64 is altered by omitting “**pension**”.

32 Section 58

Repeal the section.

33 Subsection 59(1)

Repeal the subsection.

34 Subsections 59(2) and (3)

Omit “that is payable to a person on a pension payday”, substitute “of an instalment of age pension”.

35 Section 59A

Repeal the section.

36 Paragraph 93R(a)

Repeal the paragraph, substitute:

- (a) the first day after the grant on which an instalment of age pension is paid to the person; or

37 Paragraph 93R(b)

Omit “payday”, substitute “day”.

38 At the end of section 100

Add:

(7) If:

- (a) a person is a transferee to disability support pension; and
(b) the person claims disability support pension within 14 days after the transfer day;

the person’s provisional commencement day is his or her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

39 Section 119

Repeal the section, substitute:

119 Payment by instalments

- (1) Disability support pension is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of disability support pension are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of disability support pension in relation to a period is the total of the amounts of disability support pension (calculated by reference to the daily rate of pension applicable to each day) payable to the person for the days in that period on which disability support pension was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to disability support pension.

Note: The heading to section 126 is altered by omitting “**pension**”.

40 Section 120

Repeal the section.

41 Subsection 121(1)

Repeal the subsection.

42 Subsections 121(2) and (3)

Omit “that is payable to a person on a pension payday”, substitute “of an instalment of disability support pension”.

43 Section 161

Repeal the section, substitute:

161 Payment by instalments

- (1) Wife pension is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of wife pension are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of wife pension in relation to a period is the total of the amounts of wife pension (calculated by reference to the daily rate of pension applicable to each day) payable to the person for the days in that period on which wife pension was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) If:
 - (a) a person receives a wife pension; and
 - (b) the person's partner receives an age pension and a veteran's disability pension; and
 - (c) the Secretary has made a determination, for the purposes of this subsection, specifying the days on which instalments referred to in subsection (1) are to be paid to the person; and
 - (d) the determination has not been revoked;the instalments referred to in subsection (1) are to be paid to the person on the days specified in the determination.
- (6) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to wife pension.

Note: The heading to section 168 is altered by omitting “**pension**”.

44 Section 162

Repeal the section.

45 Subsection 163(1)

Repeal the subsection.

46 Subsections 163(2) and (3)

Omit “that is payable to a woman on a pension payday”, substitute “of an instalment of wife pension”.

47 Section 163A

Repeal the section.

48 Subsection 198C(1)

Omit “carer payment payday is the base tax year for that payday”, substitute “day is the base tax year for that day”.

49 Subsection 198C(2)

Omit “for a payday”.

50 Paragraphs 198C(3)(a), (b) and (c)

Repeal the paragraphs, substitute:

- (a) an instalment of carer payment (the *first payment*) is paid to a person on a day in one calendar year; and
- (b) the next instalment of carer payment (the *second payment*) is paid to a person on a day in the next calendar year; and
- (c) the instalment period to which the second payment relates:
 - (i) commences immediately after the end of the instalment period to which the first payment related; and
 - (ii) includes the first day of the calendar year referred to in paragraph (b); and
- (d) the person’s carer payment is payable in relation to the period referred to in subparagraph (c)(i) because, as a result of a request under paragraph (2)(b), the care recipient’s appropriate tax year is the tax year in which that period occurs (the *current tax year*); and

- (e) the care recipient's taxable income for the current tax year is less than the care recipient's taxable income for the base tax year;

51 Subsection 198C(6) (definition of *base tax year*)

Omit "carer payment payday" (wherever occurring), substitute "day".

52 At the end of section 201

Add:

- (5) If:
 - (a) a person is a transferee to carer payment; and
 - (b) the person claims carer payment within 14 days after the transfer day;the person's provisional commencement day is his or her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

53 Section 212

Repeal the section, substitute:

212 Payment by instalments

- (1) Carer payment is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of carer payment are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of carer payment in relation to a period is the total of the amounts of carer payment (calculated by reference to the daily rate of carer payment applicable to each day) payable to the person for the days in that period on which carer payment was payable to the person.

(4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.

(5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to carer payment.

Note: The heading to section 218 is altered by omitting “**pension**”.

54 Section 213

Repeal the section.

55 Subsection 214(1)

Repeal the subsection.

56 Subsections 214(2) and (3)

Omit “that is payable to a person on a pension payday”, substitute “of an instalment of carer payment”.

57 Subsection 225AA(2)

Omit “on each of the first 7 pension paydays”, substitute “for 14 weeks”.

58 Subsection 315(1)

Omit “pension payday” (wherever occurring), substitute “day”.

59 Subsection 316(1)

Omit “on a pension payday”.

60 At the end of section 318

Add:

(5) If:

- (a) a person is a transferee to bereavement allowance; and
- (b) the person claims bereavement allowance within 14 days after the transfer day;

the person’s provisional commencement day is his or her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

61 Section 331

Repeal the section, substitute:

331 Payment by instalments

- (1) Bereavement allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of bereavement allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of bereavement allowance in relation to a period is the total amount of allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which bereavement allowance was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to bereavement allowance.

62 Section 332

Repeal the section.

63 Subsection 333(1)

Repeal the subsection.

64 Subsections 333(2) and (3)

Omit “that is payable to a person on a pension payday”, substitute “of an instalment of bereavement allowance”.

65 At the end of section 366

Add:

(5) If:

- (a) a woman is a transferee to widow B pension; and
- (b) the woman claims widow B pension within 14 days after the transfer day;

the woman's provisional commencement day is her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

66 Section 378

Repeal the section, substitute:

378 Payment by instalments

(1) Widow B pension is to be paid:

- (a) in arrears; and
- (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.

(2) Instalments of widow B pension are to be paid at such times as the Secretary determines.

(3) The amount that is to be paid to a person as an instalment of widow B pension in relation to a period is the total of the amounts of widow B pension (calculated by reference to the daily rate of pension applicable to each day) payable to the person for the days in that period on which widow B pension was payable to the person.

(4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.

(5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to widow B pension.

Note: The heading to section 385 is altered by omitting "**pension**".

67 Section 379

Repeal the section.

68 Subsection 380(1)

Repeal the subsection.

69 Subsections 380(2) and (3)

Omit “that is payable to a woman on a pension payday”, substitute “of an instalment of widow B pension”.

70 Section 408GB

Repeal the section, substitute:

408GB Payment by instalments

- (1) Widow allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of widow allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of widow allowance in relation to a period is the total of the amounts of widow allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which widow allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to widow allowance.

71 Section 408GC

Repeal the section.

72 Subsection 408GD(4) (definition of *N*)

Repeal the definition, substitute:

N is ascertained as follows:

- (a) if the instalment is for a number of whole fortnights—N is the number of fortnights;
- (b) if the instalment is for a period of less than a fortnight—N is equal to:

$$\frac{\text{Number of days in period}}{14}$$

- (c) if the instalment is for a period that consists of a number of whole fortnights and a period of less than a fortnight—N is equal to:

$$\text{Number of whole fortnights} + \frac{\text{Number of days in period}}{14}$$

73 Subsection 500C(3)

Omit “on a PP (partnered) payday that occurs”.

74 At the end of section 500K

Add:

- (8) If:
 - (a) a person is a transferee to parenting payment; and
 - (b) the person claims parenting payment within 14 days after the transfer day;the person’s provisional commencement day is his or her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

75 Sections 504A and 504B

Repeal the sections, substitute:

504A Payment by instalments

- (1) Parenting payment is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.

- (2) Instalments of parenting payment are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of parenting payment in relation to a period is the total of the amounts of parenting payment (calculated by reference to the daily rate of pension PP (single) or PP (partnered) (as the case may be) applicable to each day) payable to the person for the days in that period on which parenting payment was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to parenting payment.

76 Section 504C

Repeal the section.

77 Section 504D

Repeal the section.

78 Section 504E

Repeal the section.

79 Subsections 504F(1) and (2)

Omit “an amount that is payable to a person on a parenting payday”, substitute “the amount of an instalment of parenting payment”.

80 Paragraph 504F(3)(a)

Omit “on a pension PP (single) payday”.

81 Paragraph 504F(5)(a)

Omit “on a PP (partnered) payday”.

82 Subsection 504J(4)

Repeal the subsection.

83 Section 504G

Repeal the section.

84 Section 504H

Repeal the section.

85 Section 504I

Repeal the section.

86 Section 559A

Repeal the section, substitute:

559A Payment by instalments

- (1) Youth allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of youth allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of youth allowance in relation to a period is the total of the amounts of youth allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which youth allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to youth allowance.

87 Section 559B

Repeal the section.

88 Section 584B

Repeal the section.

89 Subsection 584C(3) (paragraphs (b) and (c) of the definition of *M*)

Repeal the paragraphs, substitute:

- (b) if the instalment is for a period of less than a fortnight—the number worked out by using the formula:

$$\frac{\text{Number of days in period}}{14}$$

- (c) if the instalment is for a period that consists of a number of whole fortnights and a period less than a fortnight—the number worked out by using the formula:

$$\text{Number of whole fortnights} + \frac{\text{Number of days in period}}{14}$$

90 Subsections 614(2A) and (2B)

Repeal the subsections.

91 Section 646

Repeal the section, substitute:

646 Payment by instalments

- (1) Newstart allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of newstart allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of newstart allowance in relation to a period is the total of the amounts of newstart allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which newstart allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to newstart allowance.

92 Section 647

Repeal the section.

93 Subsection 648(2B) (definition of *N*)

Repeal the definition, substitute:

N is ascertained as follows:

- (a) if the instalment is for a number of whole fortnights—*N* is the number of fortnights;
- (b) if the instalment is for a period of less than a fortnight—*N* is equal to:

$$\frac{\text{Number of days in period}}{14}$$

- (c) if the instalment is for a period that consists of a number of whole fortnights and a period of less than a fortnight—*N* is equal to:

$$\text{Number of whole fortnights} + \frac{\text{Number of days in period}}{14}$$

94 Subsection 660XCG(1)

Omit “on a pension payday that falls within”, substitute “in respect of any part of”.

95 Section 660XCH

Omit “on a pension payday that falls within”, substitute “in respect of any part of”.

96 Subsection 660XCO(1)

Omit “on a pension payday that falls within”, substitute “in respect of any part of”.

97 Section 660XCP

Omit “on a pension payday that falls within”, substitute “in respect of any part of”.

98 Section 660XGB

Repeal the section, substitute:

660XGB Payment by instalments

- (1) This section applies to:
 - (a) mature age allowance; and
 - (b) mature age partner allowance.
- (2) An allowance to which this section applies is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (3) Instalments of an allowance to which this section applies are to be paid at such times as the Secretary determines.
- (4) The amount that is to be paid to a person as an instalment of an allowance to which this section applies in relation to a period is the total of the amounts of that allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in the period on which that allowance was payable to the person.
- (5) If the person is outside Australia, the instalments referred to in subsection (2) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (6) Each of the periods determined by the Secretary under subsection (2) is an instalment period in relation to an allowance to which this section applies.

99 Section 660XGC

Repeal the section.

100 Subsection 660XGD(1)

Repeal the subsection.

101 Subsections 660XGD(2) and (3)

Omit “that is payable to a person on a pension payday”, substitute “of an instalment of mature age allowance or mature age partner allowance”.

102 Section 660YGB

Repeal the section, substitute:

660YGB Payment by instalments

- (1) Mature age allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of mature age allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of mature age allowance is the total of the amounts of mature age allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which mature age allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to mature age allowance.

103 Section 660YGC

Repeal the section.

104 Subsection 660YGD(4) (definition of *relevant number*)

Repeal the definition, substitute:

relevant number means the number worked out as follows:

- (a) if the instalment is for a number of whole fortnights—the relevant number is the number of fortnights;
- (b) if the instalment is for a period of less than a fortnight—the relevant number is the number worked out using the formula:

$$\frac{\text{Number of days in period}}{14}$$

- (c) if the instalment is for a period that consists of a number of whole fortnights and a period of less than a fortnight—the relevant number is the number worked out using the formula:

$$\text{Number of whole fortnights} + \frac{\text{Number of days in period}}{14}$$

105 Section 716

Repeal the section, substitute:

716 Payment by instalments

- (1) Sickness allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of sickness allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of sickness allowance is the total of the amounts of sickness allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which sickness allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to sickness allowance.

106 Section 717

Repeal the section.

107 Subsection 718(2B) (definition of *N*)

Repeal the definition, substitute:

N is ascertained as follows:

- (a) if the instalment is for a number of whole fortnights—N is the number of fortnights;
- (b) if the instalment is for a period of less than a fortnight—N is equal to:

$$\frac{\text{Number of days in period}}{14}$$

- (c) if the instalment is for a period that consists of a number of whole fortnights and a period of less than a fortnight—N is equal to:

$$\text{Number of whole fortnights} + \frac{\text{Number of days in period}}{14}$$

108 Section 749

Repeal the section, substitute:

749 Payment by instalments

- (1) Special benefit is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of special benefit are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of special benefit is the total of the amounts of special benefit (calculated by reference to the daily rate of benefit applicable to each day) payable to the person for the days in that period on which special benefit was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to special benefit.

109 Section 750

Repeal the section.

110 Section 771KG

Repeal the section, substitute:

771KG Payment by instalments

- (1) Partner allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of partner allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of partner allowance in relation to a period is the total of the amounts of partner allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which partner allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to partner allowance.

111 Section 771KH

Repeal the section.

112 Subsection 771KI(4) (definition of *N*)

Repeal the definition, substitute:

N is ascertained as follows:

- (a) if the instalment is for a number of whole fortnights—*N* is the number of fortnights;
- (b) if the instalment is for a period of less than a fortnight—*N* is equal to:

$$\frac{\text{Number of days in period}}{14}$$

- (c) if the instalment is for a period that consists of a number of whole fortnights and a period of less than a fortnight—N is equal to:

$$\text{Number of whole fortnights} + \frac{\text{Number of days in period}}{14}$$

113 At the end of section 784

Add:

- (5) If:
- (a) a person is a transferee to special needs pension; and
 - (b) the person claims special needs pension within 14 days after the transfer day;
- the person's provisional commencement day is his or her transfer day.

Note: For *transferee* and *transfer day* see subsections 23(6) and (7).

114 Section 798

Repeal the section, substitute:

798 Payment by instalments

- (1) Special needs pension is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of special needs pension are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of special needs pension in relation to a period is the total of the amounts of special needs pension (calculated by reference to the daily rate of pension applicable to each day) payable to the person for the days in that period on which special needs pension was payable to the person.

- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to special needs pension.

Note: The heading to section 804 is altered by omitting “**pension**”.

115 Section 799

Repeal the section.

116 Subsection 800(1)

Repeal the subsection.

117 Subsections 800(2) and (3)

Omit “that is payable to a person on a pension payday”, substitute “of an instalment of special needs pension”.

118 Section 863

Repeal the section, substitute:

863 Payment by instalments

- (1) Family allowance is to be paid:
- (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of family allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of family allowance in relation to a period is the total of the amounts of family allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which family allowance was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.

(5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to family allowance.

(6) If the amount of an instalment of family allowance would not be a multiple of 5 cents, the amount is to be rounded up to the nearest multiple of 5 cents.

119 Section 864

Repeal the section.

120 Paragraph 864A(2)(a)

Repeal the paragraph, substitute:

(a) the first day of the standard advance period; or

121 Subparagraph 864A(2)(b)(i)

Repeal the subparagraph, substitute:

(i) the person is not receiving family allowance on the first day of the standard advance period; and

122 Subsection 864B(1)

Omit all the words after “means”, substitute “the number of days in the person’s family allowance advance period on which an instalment of family allowance would normally be paid to the person”.

123 Subsection 864B(3)

Repeal the subsection, substitute:

(3) If a person makes a request under section 864A and the request is made after the standard advance period has commenced, the person’s family allowance advance period begins on the day after the day on which the first instalment of family allowance is paid to the person in the standard advance period that is current when the request is made.

124 Subsection 864B(6)

Repeal the subsection.

125 Section 900AZE

Repeal the section, substitute:

900AZE Payment by instalments

- (1) Family tax payment is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of family tax payment are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of family tax payment in relation to a period is the total of the amounts of family tax payment (calculated by reference to the daily rate applicable to each day) payable to the person for the days in that period on which family tax payment was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to family tax payment.
- (6) If the Secretary is satisfied that an instalment that would normally be paid on a particular day cannot reasonably be paid on that day (because, for example, it is a public holiday or a bank holiday), the Secretary may direct that the amount be paid on an earlier day.

126 Section 900A (definition of *child*)

Omit all the words after “before”, substitute “a claim for maternity allowance in respect of the child was made”.

127 Subsections 900B(4) and (5)

Omit “payday that occurs”, substitute “day”.

128 Before subsection 967(1)

Insert:

- (1AA) A person's rate of child disability allowance is a daily rate worked out by dividing the person's fortnightly rate of child disability allowance by 14.

129 Subsection 967(1)

After "person's", insert "fortnightly".

130 Subsection 967(1)

Omit "a fortnightly rate of".

131 Subsection 967(2)

Omit "the period of 14 days ending on a family allowance payday", substitute "an instalment period for family allowance".

132 Section 969

Repeal the section, substitute:

969 Payment by instalments

- (1) Child disability allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of child disability allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of child disability allowance in relation to a period is the total of the amounts of child disability allowance (calculated by reference to the daily rate of allowance applicable to each day) payable to the person for the days in that period on which child disability allowance was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.

- (5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to child disability allowance.

133 Section 970

Repeal the section.

134 Section 1003

Omit “on a family allowance payday”, substitute “in relation to a family allowance instalment period”.

135 Section 1010

Omit “double orphan pension rate”, substitute “fortnightly rate of double orphan pension”.

136 Section 1010

Omit “per fortnight”.

137 At the end of section 1010

Add:

- (2) The rate of double orphan pension is a daily rate worked out by dividing the fortnightly rate by 14.

138 Section 1012

Repeal the section, substitute:

1012 Payment by instalments

- (1) Double orphan pension is to be paid:
- (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of double orphan pension are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of double orphan pension in relation to a period is the total of the amounts of
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double orphan pension (calculated by reference to the daily rate of pension applicable to each day) payable to the person for the days in that period on which double orphan pension was payable to the person.

- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to double orphan pension.

139 Section 1013

Repeal the section.

140 Before subsection 1044(1)

Insert:

- (1AA) The rate of mobility allowance is a daily rate worked out by dividing the fortnightly rate by 14.

141 Subsection 1044(1)

Omit “mobility allowance rate”, substitute “fortnightly rate of mobility allowance”.

142 Subsection 1044(1)

Omit “per fortnight”.

143 At the end of section 1044

Add:

- (3) In this section:

advance payment period, in relation to a person, means the period of 26 weeks that starts at the beginning of the advance entitlement period.

144 Section 1046

Repeal the section, substitute:

1046 Payment by instalments

- (1) Mobility allowance is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of mobility allowance are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of mobility allowance in relation to a period is the total of the amounts of mobility allowance (calculated by reference to the daily rate of allowance) payable to the person for the days in that period on which mobility allowance was payable to the person.
- (4) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to mobility allowance.

145 Section 1047

Repeal the section.

146 Subsection 1047A(2)

Repeal the subsection.

147 Subsection 1047A(3)

Repeal the subsection, substitute:

- (3) The amount of the advance is worked out by multiplying the daily rate of mobility allowance by 182.

148 Section 1058

Repeal the section, substitute:

1058 Effect on mobility allowance when person ceases to be qualified

- (1) If a mobility allowance is payable to a person and the person ceases to be qualified for the allowance because:
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- (a) 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; or
 - (b) 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;
- the mobility allowance:
- (c) continues to be payable to the person for 12 weeks after the day on which the person ceases to be qualified for the mobility allowance; and
 - (d) then ceases to be payable.
- (2) If:
- (a) a mobility allowance is payable to a person who is qualified for the allowance; and
 - (b) the person ceases to be qualified for the allowance because of circumstances other than those described in paragraphs (1)(a) and (b);
- the mobility allowance:
- (c) is payable to the person for 2 weeks after the day on which the person ceases to be qualified for the allowance; and

(d) then ceases to be payable.

(3) If:

- (a) a mobility allowance is payable to a person because of subsection (1); and
- (b) circumstances arise 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 from the day on which those circumstances arise.

149 Subsection 1061G(1)

Omit “on a payday if on that payday”, substitute “if”.

150 Paragraphs 1061JB(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) the person has received an instalment of a social security pension in relation to an instalment period that included 31 December in the previous calendar year; and
- (b) the claim is lodged within 14 days after the end of the instalment period referred to in paragraph (a).

151 Section 1061PZG

After “supplement”, insert “fortnightly”.

152 Section 1061PZG

Omit “per fortnight”.

153 At the end of section 1061PZG

Add:

- (2) The rate of pensioner education supplement is a daily rate worked out by dividing the fortnightly rate by 14.

154 Section 1061PZI

Repeal the section, substitute:

1061PZI Payment by instalments

- (1) Pensioner education supplement is to be paid:
 - (a) in arrears; and
 - (b) by instalments relating to such periods (not exceeding 14 days) as the Secretary determines.
- (2) Instalments of pensioner education supplement are to be paid at such times as the Secretary determines.
- (3) The amount that is to be paid to a person as an instalment of pensioner education supplement in relation to a period is the total of the amounts of pensioner education supplement (calculated by reference to the daily rate of supplement) payable to the person for the days in that period on which pensioner education supplement was payable to the person.
- (4) If the person is outside Australia, the instalments referred to in subsection (1) are to be paid to the person at such times as the Secretary determines for the purposes of this subsection.
- (5) Each of the periods determined by the Secretary under subsection (1) is an instalment period in relation to pensioner education supplement.

155 Section 1061PZJ

Repeal the section.

156 Paragraph 1061U(2)(a)

Omit “pension payday or pension PP (single) payday, as the case requires,”, substitute “day on which an instalment of the pension would normally be paid to the person”.

157 Paragraph 1061U(2)(b)

Omit “(other than benefit PP (partnered))—the first payday”, substitute “—the first day”.

158 Paragraph 1061U(2)(b)

Omit “or” (last occurring).

159 Paragraph 1061U(2)(c)

Repeal the paragraph.

160 Point 1064-A1

Omit all the words before the method statement, substitute:

The rate of pension is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate Calculator by 364 (fortnightly rates are provided for information only).

161 Point 1064-A1 (method statement, step 11)

After “*provisional*”, insert “*annual*”.

162 Point 1064-A1 (method statement, step 12)

After “provisional”, insert “annual”.

163 Point 1065-A1

Omit all the words before the method statement, substitute:

The rate of pension is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate Calculator by 364 (fortnightly rates are provided for information only).

164 Point 1066-A1

Omit all the words before the method statement, substitute:

The rate of pension is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate Calculator by 364 (fortnightly rates are provided for information only).

165 Point 1066-A1 (method statement, step 11)

After “*provisional*”, insert “*annual*”.

166 Point 1066-A1 (method statement, step 12)

After “provisional”, insert “annual”.

167 Point 1066A-A1

Omit all the words before the method statement, substitute:

The rate of pension is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate Calculator by 364 (fortnightly rates are provided for information only).

168 Point 1066A-A1 (method statement, step 12)

After “*provisional*”, insert “*annual*”.

169 Point 1066A-A1 (method statement, step 13)

After “provisional”, insert “annual”.

170 Point 1066B-A1

Omit all the words before the method statement, substitute:

The rate of pension is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate Calculator by 364 (fortnightly rates are provided for information only).

171 Point 1067-A1

Omit all the words before the method statement, substitute:

The rate of benefit is a daily rate. That rate is worked out by dividing the fortnightly rate calculated according to this Rate Calculator by 14.

172 Point 1067G-A1

Omit all the words before the method statement, substitute:

The rate of allowance is a daily rate. That rate is worked out by dividing the fortnightly rate calculated according to this Rate Calculator by 14.

173 Point 1067G-A1 (method statement, step 13)

After “*provisional*”, insert “*fortnightly*”.

174 Point 1067G-A1 (method statement, step 14)

After “provisional”, insert “fortnightly”.

175 Point 1067L-A1

Omit all the words before the method statement, substitute:

The rate of payment is a daily rate. That rate is worked out by dividing the fortnightly rate calculated according to this Rate Calculator by 14.

176 Point 1067L-A1 (method statement, step 5)

After “*provisional*”, insert “*fortnightly*”.

177 Point 1067L-A1 (method statement, step 6)

After “provisional”, insert “fortnightly”.

178 Point 1068-A1

Omit all the words before the method statement, substitute:

The rate of benefit is a daily rate. That rate is worked out by dividing the fortnightly rate calculated according to this Rate Calculator by 14.

179 Point 1068-A1 (method statement, step 6)

After “**provisional**”, insert “**fortnightly**”.

180 Point 1068-A1 (method statement, step 7)

After “provisional”, insert “fortnightly”.

181 Point 1068A-A1

Omit all the words before the method statement, substitute:

The rate of pension PP (single) is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate

Calculator by 364 (fortnightly rates are provided for information only).

182 Point 1068A-A1 (method statement, step 6)

After “provisional”, insert “annual”.

183 Point 1068A-A1 (method statement, step 7)

After “provisional”, insert “annual”.

184 Point 1068B-A1

Omit all the words before paragraph (a), substitute:

The rate of PP (partnered) is a daily rate. That rate is worked out by dividing the fortnightly rate calculated according to this Rate Calculator by 14. There are three ways of working out a person’s fortnightly rate:

185 Point 1068B-A2

Omit “the rate is worked out”, substitute “the fortnightly rate is worked out”.

186 Point 1068B-A2 (method statement, step 3)

After “provisional”, insert “fortnightly”.

187 Point 1068B-A2 (method statement, step 4)

After “provisional”, insert “fortnightly”.

188 Point 1068B-A3

Omit “the rate of parenting payment is worked out”, substitute “the fortnightly rate of parenting payment is worked out”.

189 Point 1068B-A3 (method statement, step 7)

After “provisional”, insert “fortnightly”.

190 Point 1068B-A3 (method statement, step 8)

After “provisional”, insert “fortnightly”.

191 Point 1069-A1

Omit “is a fortnightly rate”, substitute “is a daily rate, calculated by dividing the fortnightly rate calculated according to this Rate Calculator by 14. The fortnightly rate is”.

192 Point 1069-A1 (method statement, step 5)

Omit “*family allowance rate*”, substitute “*provisional fortnightly family allowance rate*”.

193 Point 1069-A1 (method statement, step 6)

Omit “*family allowance rate*”, substitute “*provisional fortnightly family allowance rate*”.

194 Point 1069-H13

Omit “family allowance payday”, substitute “day”.

195 Point 1069-H13

Omit “that payday”, substitute “that day”.

196 Point 1069-H14

Omit “family allowance payday”, substitute “day”.

197 Point 1069-H14

Omit “the payday”, substitute “the day”.

198 Point 1069-H14 (example at the end of the point)

Omit “A family allowance payday occurs on”, substitute “The day for which the base tax year is to be identified is”.

199 Paragraphs 1069-H15(a), (b), (c) and (d)

Repeal the paragraphs, substitute:

- (a) an instalment of family allowance (the *first payment*) is paid to a person on a day in one calendar year; and
- (b) the next instalment of family allowance (the *second payment*) is paid to the person on a day in the next calendar year; and

- (c) the instalment period to which the second payment relates:
 - (i) commenced immediately after the end of the instalment period to which the first payment related; and
 - (ii) included the first day of the calendar year referred to in paragraph (b); and
- (d) the person's family allowance rate on the day referred to in paragraph (a) is worked out on the basis that the person's appropriate tax year is the tax year in which the day occurs (the **current tax year**); and
- (e) the person's family allowance rate on that day was worked out on that basis because the person had made a request under point 1069-H21; and
- (f) the person's income for the current tax year is less than the person's income for the base tax year;

200 Paragraph 1069-H20(b)

Omit "for a family allowance payday".

201 Point 1069-H21

Omit "for a family allowance payday".

202 Subsection 1070(2)

Omit "family tax payment".

203 Subpoint 1070-A1(1)

Omit all the words after "is a", substitute "daily rate calculated by dividing the person's fortnightly rate by 14".

204 Point 1070-D2 (paragraph (a) of the definition of *taxable income for the relevant tax year*)

Omit "family tax payment payday", substitute "day".

205 Subsection 1100(6) (definition of *calculation day*)

Omit "social security pension payday", substitute "business day".

206 Subsection 1134(2)

Repeal the subsection, substitute:

- (2) The pension or allowance is to commence to be paid at the rate payable by operation of the scheme in respect of the first instalment period for which an instalment is paid after the request is lodged.

207 Section 1141

Omit “on the first pension payday”, substitute “at the beginning of the first instalment period for the pension or allowance being paid to the person that begins”.

208 Subsection 1142(1)

Omit “on the first pension payday”, substitute “at the beginning of the first instalment period for the pension or allowance being paid to the person that begins”.

209 Section 1158

Repeal the section, substitute:

1158 Some social security pensions not payable during period in gaol or psychiatric confinement following criminal charge

- (1) An instalment of a social security pension is not payable to a person on a day on which such an instalment would normally be paid to the person if:
 - (a) on that day the person is:
 - (i) in gaol; or
 - (ii) undergoing psychiatric confinement because the person has been charged with an offence; and
 - (b) that day is not the first day, and is not the last day, in the period of imprisonment or confinement on which such an instalment would normally be paid to the person.

Note 1: For *in gaol* see subsection 23(5).

Note 2: For *psychiatric confinement* see subsections 23(8) and (9).

- (2) Subsection (1) does not apply to an instalment that relates to an instalment period that ended before the person entered gaol or the confinement began, as the case may be.

210 Section 1160

Omit all the words before paragraph (a), substitute:

An instalment of a social security benefit (other than parenting payment) is not payable to a person in respect of a day on which the person is:

211 Section 1160 (note 1)

Repeal the note.

212 Section 1162

Repeal the section, substitute:

1162 Parenting payment not payable while person in gaol or in psychiatric confinement following criminal charge

- (1) An instalment of a parenting payment is not payable to a person on a day on which such an instalment would normally be paid to the person if:
- (a) on that day the person is:
 - (i) in gaol; or
 - (ii) undergoing psychiatric confinement because the person has been charged with an offence; and
 - (b) that day is not the first day, and is not the last day, in the period of imprisonment or confinement on which such an instalment would normally be paid to the person.

Note 1: For *in gaol* see subsection 23(5).

Note 2: For *psychiatric confinement* see subsections 23(8) and (9).

- (2) Subsection (1) does not apply to an instalment that relates to an instalment period that ended before the person entered gaol or the confinement began, as the case may be.

213 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 and Veterans’ Affairs Legislation Amendment (Payment Processing) Act 1998*”.

214 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 and Veterans’ Affairs Legislation Amendment (Payment Processing) Act 1998* on which instalments of a social security payment are paid and every day thereafter on which such instalments are paid.

215 Paragraph 102(b) of Schedule 1A

After “section 42”, insert “, as in force immediately before the commencement of Schedule 1 to the *Social Security and Veterans’ Affairs Legislation Amendment (Payment Processing) Act 1998*”.

216 At the end of clause 102 of Schedule 1A

Add:

; or (c) in respect of any social security payment, the first day after the commencement of Schedule 1 to the *Social Security and Veterans’ Affairs Legislation Amendment (Payment Processing) Act 1998* on which instalments of a social security payment are paid and every day thereafter on which such instalments are paid.

Schedule 2—Amendments relating to bereavement payments

Social Security Act 1991

1 Paragraph 21(2)(a)

Omit “after the day”.

2 Paragraph 21(2)(c)

After “first payday”, insert “of the person”.

3 Subsection 82(2) (note)

Omit “after the day”.

4 Section 86 (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

5 Subsection 91(1)

Omit “pension payday”, substitute “person’s payday”.

6 Subsection 146F(2) (note)

Omit “after the day”.

7 Section 146K (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

8 Subsection 146Q(1)

Omit “pension payday”, substitute “person’s payday”.

9 Section 189

Omit “of the pension paydays”, substitute “day that would have been a payday of the partner”.

10 Section 189

Omit “that payday”, substitute “that day”.

11 Section 190 (Lump Sum Calculator, step 1)

Omit “pension”, substitute “woman’s”.

12 Section 190 (Lump Sum Calculator, step 2)

Omit “that pension payday”, substitute “the first day that would have been a payday of the partner on or after the first available bereavement adjustment payday”.

13 Section 190 (Lump Sum Calculator, step 4)

Omit “the pension payday”, substitute “her payday”.

14 Section 190 (Lump Sum Calculator, step 6)

Omit “pension paydays”, substitute “the partner’s paydays”.

15 Section 190 (Lump Sum Calculator, step 7)

Omit “of pension paydays in the bereavement lump sum period”, substitute “obtained in Step 6”.

16 Section 191 (Lump Sum Calculator, step 1)

Omit “pension”, substitute “woman’s”.

17 Section 191 Lump Sum Calculator, step 2)

Omit “that pension payday”, substitute “the first day that would have been a payday of the partner on or after the woman’s payday referred to in Step 1”.

18 Section 191 (Lump Sum Calculator, step 4)

Omit “pension”, substitute “woman’s”.

19 Section 191 (Lump Sum Calculator, step 6)

Omit “pension”, substitute “the partner’s”.

20 Section 191 (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

21 Subsection 237(2) (note)

Omit “after the day”.

22 Subsection 238(1)

Omit “pension”, substitute “partner’s”.

23 Section 239 (Lump Sum Calculator, step 1)

Omit “pension”, substitute “person’s”.

24 Section 239 (Lump Sum Calculator, step 2)

Omit “pension”, substitute “partner’s”.

25 Section 239 (Lump Sum Calculator, step 4)

Omit “pension”, substitute “person’s”.

26 Section 239 (Lump Sum Calculator, step 6)

Omit “pension paydays”, substitute “the partner’s paydays”.

27 Section 239 (Lump Sum Calculator, step 7)

Omit “of pension paydays in the bereavement lump sum period”,
substitute “obtained in Step 6”.

28 Section 241 (Lump Sum Calculator, step 1)

Omit “pension”, substitute “person’s”.

29 Section 241 (Lump Sum Calculator, step 2)

Omit “pension”, substitute “partner’s”.

30 Section 241 (Lump Sum Calculator, step 4)

Omit “pension”, substitute “person’s”.

31 Section 241 (Lump Sum Calculator, step 6)

Omit “pension”, substitute “partner’s”.

32 Section 241 (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

33 Subsection 246(1)

Omit “pension payday”, substitute “person’s payday”.

34 Subsection 359(1)

Omit “pension payday”, substitute “person’s payday”.

35 Subsection 407(1)

Omit “pension payday”, substitute “person’s payday”.

36 Subsection 512(1)

Omit “next day after”, substitute “day of”.

37 Subsection 512A(1)

Omit “next day after”, substitute “day of”.

38 Subsection 513(1)

Omit “pension PP (single)”.

39 Subsection 513(1) (note)

Repeal the note.

40 Section 514E (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

41 Section 567D (Lump Sum Calculator, step 4)

Omit “after”, substitute “on which”.

42 Section 592D (Lump Sum Calculator, step 4)

Omit “after”, substitute “on which”.

43 Section 660LE (Lump Sum Calculator, step 4)

Omit “after”, substitute “on which”.

44 Subsection 660XKA(3) (note)

Omit “after the day”.

45 Section 660XKE (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

46 Subsection 660XKG(1)

Omit “pension payday”, substitute “person’s payday”.

47 Section 660XKK

Omit “of the pension paydays”, substitute “day that would have been a payday for the partner”.

48 Section 660XKK

Omit “that payday”, substitute “that day”.

49 Section 660XKL (Lump Sum Calculator, step 1)

Omit “pension”, substitute “person’s”.

50 Section 660XKL (Lump Sum Calculator, step 2)

Omit “that pension payday”, substitute “the first day that would have been a payday of the partner on or after the first available bereavement adjustment payday”.

51 Section 660XKL (Lump Sum Calculator, step 4)

Omit “pension payday”, substitute “person’s payday”.

52 Section 660XKL (Lump Sum Calculator, step 6)

Omit “pension paydays”, substitute “paydays of the partner”.

53 Section 660XKL (Lump Sum Calculator, step 7)

Omit “of pension paydays in the bereavement lump sum period”, substitute “obtained in Step 6”.

54 Section 660XKM (Lump Sum Calculator, step 1)

Omit “pension”, substitute “person’s”.

55 Section 660XKM (Lump Sum Calculator, step 2)

Omit “that pension payday”, substitute “the first day that would have been a payday of the partner on or after the day on which the person died”.

56 Section 660XKM (Lump Sum Calculator, step 4)

Omit “pension”, substitute “person’s”.

57 Section 660XKM (Lump Sum Calculator, step 6)

Omit “pension paydays”, substitute “paydays of the partner”.

58 Section 660XKM (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

59 Section 660XKM (Lump Sum Calculator, step 7)

Omit “Step 4”, substitute “Step 6”.

60 Section 660YKF (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

61 Section 728PE (Lump Sum Calculator, step 4)

Omit “after”, substitute “on which”.

62 Section 768E (Lump Sum Calculator, step 4)

Omit “after”, substitute “on which”.

63 Section 771NY (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

64 Section 826 (Lump Sum Calculator, step 6)

Omit “after”, substitute “on which”.

65 Subsection 830(1)

Omit “pension payday”, substitute “person’s payday”.

66 Subsection 895(1) (Lump Sum Calculator, step 1)

Omit “family allowance payday”, substitute “person’s payday”.

67 Subsection 895(1) (Lump Sum Calculator, step 2)

Omit “the payday”, substitute “the person’s payday”.

68 Subsection 895(1) (Lump Sum Calculator, step 4)

Omit “family allowance”, substitute “the person’s”.

69 Subsection 895(1) (Lump Sum Calculator, step 5)

Omit “of family allowance paydays in the bereavement lump sum period”, substitute “obtained in Step 4”.

70 Subsection 895(2)

Omit “family allowance paydays”, substitute “the person’s paydays”.

71 Subsection 895(2)

Omit “a family allowance payday”, substitute “a payday of the person”.

72 Subsection 896(1) (Additional Lump Sum Calculator, step 1)

After “the payday”, insert “of the person or the person’s partner”.

73 Subsection 896(1) (Additional Lump Sum Calculator, step 2)

After “the payday”, insert “of the person or the person’s partner”.

74 Subsection 896(1) (Additional Lump Sum Calculator, step 4)

After “paydays”, insert “of the person or the person’s partner”.

75 Subsection 896(1) (Additional Lump Sum Calculator, step 5)

Omit “of paydays in the bereavement lump sum period”, substitute “obtained in Step 4”.

76 Section 900AZZC

Omit “after the day”.

77 Subsection 991(2)

Omit “paid to the person on the payday”, substitute “payable to the person”.

78 Section 992 (Lump Sum Calculator, step 1)

Omit “on the family allowance payday”.

79 Section 992 (Lump Sum Calculator, step 2)

Omit “family allowance paydays”, substitute “paydays of the person”.

80 Section 992 (Lump Sum Calculator, step 3)

Omit “of family allowance paydays in the bereavement lump sum period”, substitute “obtained in Step 2”.

81 Subsection 992AA(1)

Omit “after the day”.

82 Subsection 992AA(2)

Omit “paid to the person on the payday”, substitute “payable to the person”.

83 Section 1034 (Lump Sum Calculator, step 1)

Omit “of double orphan pension on the family allowance payday”, substitute “at which double orphan pension was payable”.

84 Section 1034 (Lump Sum Calculator, step 2)

Omit “family allowance”, substitute “the person’s”.

85 Section 1034 (Lump Sum Calculator, step 3)

Omit “of family allowance paydays in the bereavement lump sum period”, substitute “obtained in Step 2”.

86 Subsection 1139(2)

Omit “the last pension payday on which an amount of bereavement payment is payable”, substitute “the last instalment of bereavement payment has been paid”.

Schedule 3—Amendments relating to certain notices and determinations

Social Security Act 1991

1 Subsection 68(4)

Omit “The period”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period”.

2 Subsection 68(4)

Omit “end at least 14 days”, substitute “be the period of 14 days”.

3 After subsection 68(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

4 Paragraph 72(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

5 Section 72

Omit all the words after paragraph (f), substitute:

the following rules have effect:

- (g) if the pension is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the pension is not cancelled during the first period, the pension continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

6 Section 73

Omit “immediately after”, substitute “on”.

7 Paragraph 73B(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

8 Section 73B

Omit all the words after paragraph (f), substitute:

the following rules have effect:

- (g) if the person’s rate of pension is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of pension is not reduced during the first period, the pension becomes payable to the person at the reduced rate at the end of the notification period.

9 Section 74

Omit “immediately after”, substitute “on”.

10 Subsection 80(5A)

Omit “after the day”.

11 Sections 81, 81A and 81B

Repeal the sections, substitute:

81 Date of effect of adverse determination

- (1) The day on which a determination under section 77, 78, 78A or 78AA (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) an adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 68; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of age pension after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 (payment of arrears of periodic compensation payments); and
 - (b) the pension has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the pension should have been cancelled or suspended;the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 (payment of arrears of periodic compensation payments); and

- (b) the rate at which the pension was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the pension should have been paid;
the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (5) If:
- (a) the person whose age pension is affected by the adverse determination has contravened a provision of this Act (other than section 69, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;
- the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (6) If:
- (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the pension has been paid to a person when it should have been cancelled or suspended;
- the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (7) If:
- (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the rate at which the pension was paid to a person was higher than it should have been;
- the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (8) If the adverse determination is made because, under section 1218, pension ceased to be payable, the determination takes effect on such day (which may be on or after the day on which pension
-

ceased to be payable under that section) as is specified in the determination.

- (9) In any other case, an adverse determination takes effect:
- (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

12 Subsection 132(4)

After “subsections”, insert “(4AA), (4AB),”.

13 Subsection 132(4)

Omit “end at least 14 days”, substitute “be the period of 14 days”.

14 After subsection 132(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

15 Paragraph 137(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

16 Section 137

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the pension is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the pension is not cancelled during the first period, the pension continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

17 Section 138

Omit “immediately after”, substitute “on”.

18 Paragraph 141A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

19 Section 141A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of pension is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of pension is not reduced during the first period, the pension becomes payable to the person at the reduced rate at the end of the notification period.

20 Section 142

Omit “immediately after”, substitute “on”.

21 Subsection 146D(5A)

Omit “after the day”.

22 Section 146E

Repeal the section, substitute:

146E Date of effect of adverse determination

- (1) The day on which a determination under section 145, 146, 146A or 146AA (the ***adverse determination***) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 132; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of disability support pension after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 or 1066A-F2A (payment of arrears of periodic compensation payments); and
 - (b) the pension has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the pension should have been cancelled or suspended;the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 or 1066A-F2A (payment of arrears of periodic compensation payments); and

- (b) the rate at which the pension was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the pension should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) the person whose disability support pension is affected by the adverse determination has contravened a provision of this Act (other than section 133, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the pension has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the pension was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

- (8) If the adverse determination is made because, under section 1218, pension ceased to be payable, the determination takes effect on such day (which may be on or after the day on which pension

ceased to be payable under that section) as is specified in the determination.

- (9) In any other case, an adverse determination takes effect:
- (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

23 Subsection 172(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) must be the period of 14 days”.

24 After subsection 172(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

25 Paragraph 176(f)

Omit “notification period”, substitute “instalment period for the woman that is current when the event or change in circumstances occurs”.

26 Section 176

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the pension is cancelled during the instalment period (the *first period*) following the instalment period in which the

event or change in circumstances occurs, the pension continues to be payable to the woman until the end of the instalment period in which the event or change occurs, and then ceases to be payable to her;

- (h) if the pension is not cancelled during the first period, the pension continues to be payable to the woman until the end of the notification period, and then ceases to be payable to her.

27 Section 177

Omit “immediately after”, substitute “on”.

28 Paragraph 177A(f)

Omit “notification period”, substitute “instalment period for the woman that is current when the event or change in circumstances occurs”.

29 Section 177A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the woman’s rate of pension is reduced during the instalment period (the ***first period***) following the instalment period in which the event or change in circumstances occurs, the pension becomes payable to her at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the woman’s rate of pension is not reduced during the first period, the pension becomes payable to her at the reduced rate at the end of the notification period.

30 Section 178

Omit “immediately after”, substitute “on”.

31 Section 185

Repeal the section, substitute:

185 Date of effect of adverse determination

(1) The day on which a determination under section 181, 182, 182A or 182AA (the *adverse determination*) takes effect is worked out in accordance with this section.

(2) If:

- (a) the adverse determination is made following a woman having notified the Department of an event or change of circumstances specified in a notice under section 172; and
- (b) the notification is made within the notification period specified in the notice; and
- (c) the woman is not paid an instalment of wife pension after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) an adverse determination is made in relation to a woman because of point 1064-E3 (payment of arrears of periodic compensation payments); and
- (b) the pension has been paid to the woman or the woman's partner when, because of the payment of arrears of periodic compensation payments, the pension should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(4) If:

- (a) an adverse determination is made in relation to a woman because of point 1064-E3 (payment of arrears of periodic compensation payments); and
- (b) the rate at which the pension was paid to the woman or the woman's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the pension should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) the woman whose wife pension is affected by the adverse determination has contravened a provision of this Act (other than section 173, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the pension has been paid to a woman when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the pension was paid to a woman was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(8) If the adverse determination is made because, under section 1218, pension ceased to be payable, the determination takes effect on such day (which may be on or after the day on which pension ceased to be payable under that section) as is specified in the determination.

(9) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if a later day is specified in the determination, on that day.

32 Subsection 222(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) or (3B)(e) must be the period of 14 days”.

33 After subsection 222(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) or (1A) is to be given, the period to be specified under paragraph (3)(d) or (3B)(e) (as the case may be) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) or (3B)(e) (as the case may be) is a period of 28 days after the day on which the event occurs.

34 Paragraph 226(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

35 Section 226

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the carer payment is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the carer payment continues to be payable to the person until the end of the

instalment period in which the event or change occurs, and then ceases to be payable to the person;

- (h) if the carer payment is not cancelled during the first period, the carer payment continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

36 Section 227

Omit “immediately after”, substitute “on”.

37 Paragraph 227B(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

38 Section 227B

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of payment is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the payment becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of payment is not reduced during the first period, the payment becomes payable to the person at the reduced rate at the end of the notification period.

39 Section 228

Omit “immediately after”, substitute “on”.

40 Subsection 233(5A)

Omit “after the day”.

41 Section 234

Repeal the section, substitute:

234 Date of effect of adverse determination

(1) The day on which a determination under section 230, 231, 231A or 231AA (the *adverse determination*) takes effect is worked out in accordance with this section.

(2) If:

- (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 222; and
- (b) the notification is made within the notification period specified in the notice; and
- (c) the person is not paid an instalment of carer payment after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) an adverse determination is made in relation to a person because of point 1064-E3 (payment of arrears of periodic compensation payments); and
- (b) the pension has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the pension should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(4) If:

- (a) an adverse determination is made in relation to a person because of point 1064-E3 (payment of arrears of periodic compensation payments); and
- (b) the rate at which the pension was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the pension should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) the person whose pension is affected by the adverse determination has contravened a provision of this Act (other than section 223, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If:

- (a) a person has made a false statement or a misrepresentation; and
- (b) because of the false statement or misrepresentation, the pension has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or a misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the pension was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(8) If:

- (a) the Secretary makes a determination (the *earlier determination*) that a person (the *carer*) is entitled to carer payment because the carer is providing care for a person to whom subsection 198(1B) applies (the *care recipient*); and

- (b) the determination is based on an assessment of the care recipient's taxable income for a tax year; and
- (c) the assessment is subsequently amended by the Commissioner of Taxation, a tribunal or a court; and
- (d) the taxable income for that year according to the assessment as amended is more than the income ceiling (under section 198A); and
- (e) the Secretary makes a determination under section 231 cancelling or suspending the pension;

the adverse determination takes effect on the day on which the earlier determination took effect.

(9) If:

- (a) the Secretary makes a determination (the *earlier determination*) that a person (the *carer*) is entitled to carer payment because the carer is providing care for a person to whom subsection 198(1B) applies (the *care recipient*); and
- (b) in making the determination, the Secretary had regard to the care recipient's taxable income for a tax year; and
- (c) that taxable income is or includes an amount estimated by the care recipient or the care recipient's partner; and
- (d) the Commissioner of Taxation subsequently makes an assessment of that taxable income; and
- (e) the amount assessed by the Commissioner is more than the income ceiling (under section 198A); and
- (f) the Secretary makes a determination under section 231 cancelling or suspending the carer payment;

the adverse determination takes effect on the day on which the earlier determination took effect.

(10) If:

- (a) on the basis of a care receiver's taxable income for a tax year, the Secretary makes a determination that a person (the *carer*) is entitled to carer payment because the carer is providing care for the care receiver; and
- (b) the care receiver's taxable income for a later tax year exceeds the income ceiling (under section 198A); and

- (c) the Secretary makes a determination under section 231 cancelling or suspending the carer's carer payment;
the adverse determination takes effect:
 - (d) if the Secretary made the determination under section 231 after the carer or care receiver informed the Department that the care receiver's taxable income exceeded the income ceiling—on the day on which the carer or care receiver informed the Department; or
 - (e) if the Department had not been informed by the carer or the care receiver that the care receiver's taxable income exceeded the income ceiling when the Secretary made the determination under section 231—on the day on which the care receiver's income exceeded the income ceiling.
- (11) In any other case, an adverse determination takes effect:
- (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

42 Subsection 341(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) must be the period of 14 days”.

43 After subsection 341(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

44 Paragraph 345(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

45 Section 345

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

46 Section 346

Omit “immediately after”, substitute “on”.

47 Paragraph 347A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

48 Section 347A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced

rate at the end of the instalment period in which the event or change occurs;

- (h) if the person's rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

49 Section 348

Omit "immediately after", substitute "on".

50 Section 355

Repeal the section, substitute:

355 Date of effect of adverse determination

- (1) The day on which a determination under section 351, 352, 352A or 352AA (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 341; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of bereavement allowance after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
 - (a) the person whose bereavement allowance is affected by the adverse determination has contravened a provision of this Act (other than section 342, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(4) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If the adverse determination is made because, under section 1218, allowance ceased to be payable, the determination takes effect on such day (which may be on or after the day on which allowance ceased to be payable under that section) as is specified in the determination.

(7) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if a later day is specified in the determination, on that day.

51 Subsection 389(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) must be the period of 14 days”.

52 After subsection 389(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

53 Paragraph 393(f)

Omit “notification period”, substitute “instalment period for the woman that is current when the event or change in circumstances occurs”.

54 Section 393

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the pension is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension continues to be payable to the woman until the end of the instalment period in which the event or change occurs, and then ceases to be payable to her;
- (h) if the pension is not cancelled during the first period, the pension continues to be payable to the woman until the end of the notification period, and then ceases to be payable to her.

55 Section 394

Omit “immediately after”, substitute “on”.

56 Paragraph 395A(f)

Omit “notification period”, substitute “instalment period for the woman that is current when the event or change in circumstances occurs”.

57 Section 395A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the woman’s rate of pension is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension becomes payable to her at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the woman’s rate of pension is not reduced during the first period, the pension becomes payable to her at the reduced rate at the end of the notification period.

58 Section 396

Omit “immediately after”, substitute “on”.

59 Section 403

Repeal the section, substitute:

403 Date of effect of adverse determination

- (1) The day on which a determination under section 399, 400, 400A or 400AA (the *adverse determination*) takes effect is worked out in accordance with this section.
 - (2) If:
 - (a) the adverse determination is made following a woman having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 389; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the woman is not paid an instalment of widow B pension after the making of the notification and before the determination is made;
-

the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) the woman whose widow B pension is affected by the adverse determination has contravened a provision of this Act (other than section 390, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(4) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the pension has been paid to a woman when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the pension was paid to a woman was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If the adverse determination is made because, under section 1218, pension ceased to be payable, the determination takes effect on such day (which may be on or after the day on which pension ceased to be payable under that section) as is specified in the determination.

(7) In any other case, the adverse determination takes effect:

- (a) on the day on which it is made; or

- (b) if a later day is specified in the determination, on that day.

60 Subsection 408JB(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B), (6) and (7), the period specified under paragraph (3)(d) must be the period of 14 days”.

61 After subsection 408JB(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the woman to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the woman becomes aware that the event or change of circumstances is likely to occur.
- (5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

62 Paragraph 408LB(f)

Omit “notification period”, substitute “instalment period for the woman that is current when the event or change in circumstances occurs”.

63 Section 408LB

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the woman until the end of the instalment period in which the event or change occurs, and then ceases to be payable to her;

- (h) if the allowance is not cancelled during the first period, it continues to be payable to the woman until the end of the notification period, and then ceases to be payable to her.

64 Paragraph 408MAA(f)

Omit “notification period”, substitute “instalment period for the woman that is current when the event or change in circumstances occurs”.

65 Section 408MAA

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the woman’s rate of allowance is reduced during the instalment period (the ***first period***) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to her at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the woman’s rate of allowance is not reduced during the first period, the allowance becomes payable to her at the reduced rate at the end of the notification period.

66 Section 408PB

Repeal the section, substitute:

408PB Date of effect of adverse determination

- (1) The day on which a determination under section 408NB, 408NC or 408ND (the ***adverse determination***) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a woman having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 408JB; and
 - (b) the notification is made within the notification period specified in the notice; and

- (c) the woman is not paid an instalment of widow allowance after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) an adverse determination is made in relation to a woman because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
- (b) the widow allowance has been paid to her when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(4) If:

- (a) an adverse determination is made in relation to a woman because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
- (b) the rate at which the widow allowance was paid to her was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) the woman whose widow allowance is affected by the adverse determination has contravened a provision of this Act (other than section 408JC, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the allowance has been paid to a woman when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the allowance was paid to a woman was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(8) In any other case, the adverse determination takes effect

- (a) on the day on which it is made; or
- (b) if a later day is specified in the determination, on that day.

67 Subsection 506D(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B), (6) and (7), the period specified under paragraph (3)(d) must be the period of 14 days”.

68 After subsection 506D(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such

period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:

- (a) the day on which the event or change of circumstances occurs; or
- (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

(5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

69 Paragraph 508C(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

70 Section 508C

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the parenting payment is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, parenting payment continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the parenting payment is not cancelled during the first period, parenting payment continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

71 Section 508D

Omit “immediately after”, substitute “on”.

72 Paragraph 509B(e)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

73 Section 509B

Omit all the words after paragraph (e), substitute:

the following rules have effect:

- (f) if the person's rate of parenting payment is reduced during the instalment period (the ***first period***) following the instalment period in which the event or change in circumstances occurs, the payment becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (g) if the person's rate of parenting payment is not reduced during the first period, the payment becomes payable to the person at the reduced rate at the end of the notification period.

74 Section 509C

Omit "immediately after", substitute "on".

75 Subsection 511(6)

Omit "after the day".

76 Section 511A

Repeal the section, substitute:

511A Date of effect of adverse determination

- (1) The day on which a determination under section 510A, 510B, 510C, 510D, 510E or 510F (the ***adverse determination***) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) an adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 506D; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of parenting payment after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) an adverse determination is made in relation to a person because of point 1068A-E13 or 1068B-D21 (payment of arrears of periodic compensation payments); and
- (b) parenting payment has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, parenting payment should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(4) If:

- (a) an adverse determination is made in relation to a person because of point 1068A-E13 or 1068B-D21 (payment of arrears of periodic compensation payments); and
- (b) the rate at which parenting payment was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which parenting payment should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) the person whose parenting payment is affected by the adverse determination has contravened a provision of this Act (other than section 506E, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If:

- (a) a person has made a false statement or misrepresentation; and

- (b) because of the false statement or misrepresentation, parenting payment has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which parenting payment was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(8) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if a later day is specified in the determination, on that day.

77 Subsection 561B(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B), (6) and (7), the period stated under paragraph (3)(d) must be the period of 14 days”.

78 After subsection 561B(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be stated under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

- (5B) If a notice specifies an event consisting of the death of a person, the period to be stated under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

79 Paragraph 563B(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

80 Section 563B

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

81 Paragraph 564A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

82 Section 564A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;

- (h) if the person's rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

83 Section 566A

Repeal the section, substitute:

566A Date of effect of adverse determination

- (1) The day on which a determination under section 565A, 565B or 565C (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 561B; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of youth allowance after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If the adverse determination is made following a person having given the Department a statement about a matter in accordance with a notice under section 561C, the determination takes effect on the day on which the matter arose.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1067G-H25 (payment of arrears of periodic compensation payments); and
 - (b) the allowance has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) an adverse determination is made in relation to a person because of point 1067G-H25 (payment of arrears of periodic compensation payments); and
- (b) the rate at which the allowance was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(6) If:

- (a) the person whose allowance is affected by the adverse determination has contravened a provision of this Act (other than section 561C, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(8) If:

- (a) a person has made a false statement or misrepresentation; and

- (b) because of the false statement or misrepresentation, the rate at which the allowance was paid to a person was higher than it should have been;
the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (9) In any other case, an adverse determination takes effect:
 - (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

84 Subsection 586B(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B), (6) and (7), the period stated under paragraph (3)(d) must be the period of 14 days”.

85 After subsection 586B(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be stated under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (5B) If a notice specifies an event consisting of the death of a person, the period to be stated under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

86 Paragraph 588A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

87 Section 588A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the austudy payment is cancelled during the instalment period (the ***first period***) following the instalment period in which the event or change in circumstances occurs, the austudy payment continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the austudy payment is not cancelled during the first period, the austudy payment continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

88 Paragraph 589A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

89 Section 589A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of austudy payment is reduced during the instalment period (the ***first period***) following the instalment period in which the event or change in circumstances occurs, the payment becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of austudy payment is not reduced during the first period, the payment becomes payable to the person at the reduced rate at the end of the notification period.

90 Section 591A

Repeal the section, substitute:

591A Date of effect of adverse determination

- (1) The day on which a determination under section 590A, 590B or 590C (the ***adverse determination***) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 586B; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of austudy payment after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If the adverse determination is made following a person having given the Department a statement about a matter in accordance with a notice under section 586C, the determination takes effect on the day on which the matter arose.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1067G-H25 (payment of arrears of periodic compensation payments); and
 - (b) an austudy payment has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the austudy payment should have been cancelled or suspended;the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (5) If:

- (a) an adverse determination is made in relation to a person because of point 1067G-H25 (payment of arrears of periodic compensation payments); and
 - (b) the rate at which the austudy payment was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the austudy payment should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
 - (6) If:
 - (a) the person whose austudy payment is affected by the adverse determination has contravened a provision of this Act (other than section 586C, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
 - (7) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, austudy payment has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
 - (8) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the rate at which austudy payment was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
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- (9) In any other case, an adverse determination takes effect:
- (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

91 Subsection 657(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4A) and (4B), the period specified under paragraph (3)(d) must be the period of 14 days”.

92 After subsection 657(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4A) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

93 Paragraph 660B(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

94 Section 660B

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the

instalment period in which the event or change occurs, and then ceases to be payable to the person;

- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

95 Paragraph 660EA(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

96 Section 660EA

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

97 Section 660L

Repeal the section, substitute:

660L Date of effect of adverse determination

- (1) The day on which a determination under section 660H, 660I or 660IA (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 657; and

- (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of newstart allowance after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If the adverse determination is made following a person having given the Department a statement about a matter in accordance with a notice under section 658, the determination takes effect on the day on which the matter arose.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
 - (b) the allowance has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (5) If:
 - (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
 - (b) the rate at which the allowance was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (6) If:

- (a) the person whose allowance is affected by the adverse determination has contravened a provision of this Act (other than section 658, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (7) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (8) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the rate at which the allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (9) In any other case, an adverse determination takes effect:
 - (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

98 Subsection 660XIC(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B) and (6), the period specified under paragraph (3)(d) must be the period of 14 days”.

99 After subsection 660XIC(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

100 Paragraph 660XJD(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

101 Section 660XJD

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

102 Section 660XJE

Omit “immediately after”, substitute “on”.

103 Paragraph 660XJFA(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs, whichever is the earlier”.

104 Section 660XJFA

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

105 Section 660XJG

Omit “immediately after”, substitute “on”.

106 Subsection 660XJP(6)

Omit “after the day”.

107 Section 660XJQ

Repeal the section, substitute:

660XJQ Date of effect of adverse determination

- (1) The day on which a determination under section 660XJK, 660XJL or 660XJM (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 660XIC; and

- (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of mature age allowance or mature age partner allowance after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 (payment of arrears of periodic compensation payments); and
 - (b) the mature age allowance or mature age partner allowance has been paid to the person or the person's partner when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 (payment of arrears of periodic compensation payments); and
 - (b) the rate at which the mature age allowance or mature age partner allowance was paid to the person or the person's partner was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (5) If:
 - (a) the person whose mature age allowance or mature age partner allowance is affected by the adverse determination has

contravened a provision of this Act (other than section 660XID, 1304, 1305, 1306 or 1307); and

- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

- (6) If:

- (a) a person has made a false statement or misrepresentation; and
(b) because of the false statement or misrepresentation, a mature age allowance or mature age partner allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

- (7) If:

- (a) a person has made a false statement or misrepresentation; and
(b) because of the false statement or misrepresentation, the rate at which a mature age allowance or mature age partner allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

- (8) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
(b) if a later day is specified in the determination, on that day.

108 Subsection 660YIC(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B), (6) and (7), the period stated under paragraph (3)(d) must be the period of 14 days”.

109 After subsection 660YIC(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change in circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change in circumstances is likely to occur.
- (5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

110 Paragraph 660YJC(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

111 Section 660YJC

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

112 After section 660YJG

Insert:

660YJGA Automatic rate reduction—recipient complying with section 660YIC notification obligations

If:

- (a) a person who is receiving a mature age allowance is given a notice under section 660YIC; and
- (b) the notice requires the person to tell the Department of the occurrence of an event or change in circumstances within a stated period (the *notification period*); and
- (c) the event or change in circumstances occurs; and
- (d) the person tells the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances, the person's rate of allowance is to be reduced; and
- (f) the person's rate of allowance is not reduced before the end of the instalment period of the person that is current when the event or change in circumstances occurs;

the following rules have effect:

- (g) if the person's rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person's rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

113 Section 660YJR

Repeal the section, substitute:

660YJR Date of effect of adverse determination

- (1) The day on which a determination under section 660YJL, 660YJM or 660YJN (the ***adverse determination***) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 660YIC; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of mature age allowance after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If the adverse determination is made following a person having given the Department a statement about a matter in accordance with a notice under section 660YID, the determination takes effect on the day on which the matter arose.
- (4) If:
 - (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
 - (b) the mature age allowance has been paid to the person when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (5) If:

- (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
- (b) the rate at which the mature age allowance was paid to the person was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(6) If:

- (a) the person whose mature age allowance is affected by the adverse determination has contravened a provision of this Act (other than section 660YID, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, a mature age allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(8) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which a mature age allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

- (9) In any other case, an adverse determination takes effect:
- (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

114 Subsection 727(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB), (4A) and (4B), the period specified under paragraph (3)(d) must be the period of 14 days”.

115 After subsection 727(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

116 Paragraph 728E(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

117 Section 728E

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

118 Paragraph 728GA(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

119 Section 728GA

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

120 Section 728R

Repeal the section, substitute:

728R Date of effect of adverse determination

- (1) The day on which a determination under section 728K, 728L or 728M (the *adverse determination*) takes effect is worked out in accordance with this section.
 - (2) If:
-

- (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 727; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of sickness allowance after the making of the notification and before the determination is made;
- the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
- (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
 - (b) the allowance has been paid to the person when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;
- the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (4) If:
- (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
 - (b) the rate at which the allowance was paid to the person was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;
- the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.
- (5) If:

- (a) the person whose allowance is affected by the adverse determination has contravened a provision of this Act (other than section 728, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (6) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (7) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the rate at which the allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (8) In any other case, an adverse determination takes effect:
 - (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

121 Subsection 759(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB), (4A) and (4B), the period specified under paragraph (3)(d) must be the period of 14 days”.

122 After subsection 759(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

123 Section 762B

Omit “immediately after”, substitute “on”.

124 Section 768

Repeal the section, substitute:

768 Date of effect of adverse determination

- (1) The day on which a determination under section 764, 765 or 765A (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 759; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of special benefit after the making of the notification and before the determination is made;
 the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) the person whose special benefit is affected by the adverse determination has contravened a provision of this Act (other than section 760, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(4) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the benefit has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the benefit was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if a later day is specified in the determination, on that day.

125 Subsection 771MC(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B), (6) and (7), the period specified under paragraph (3)(d) must be the period of 14 days”.

126 After subsection 771MC(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

127 Paragraph 771ND(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

128 Section 771ND

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

129 Paragraph 771NHA(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

130 Section 771NHA

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person's rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person's rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

131 Section 771NS

Repeal the section, substitute:

771NS Date of effect of adverse determination

- (1) The day on which a determination under section 771NM, 771NN or 771NO (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 771MC; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of partner allowance after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If the adverse determination is made following a person having given the Department a statement about a matter in accordance

with a notice under section 771MD, the determination takes effect on the day on which the matter arose.

(4) If:

- (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
- (b) the allowance has been paid to the person when, because of the payment of arrears of periodic compensation payments, the allowance should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

- (a) an adverse determination is made in relation to a person because of point 1067-H8A or 1068-G8A (payment of arrears of periodic compensation payments); and
- (b) the rate at which the allowance was paid to the person was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the allowance should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(6) If:

- (a) the person whose allowance is affected by the adverse determination has contravened a provision of this Act (other than section 771MD, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and

- (b) because of the false statement or misrepresentation, the allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (8) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the rate at which the allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (9) In any other case, an adverse determination takes effect:
 - (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

132 Subsection 808(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB), (4A) and (4B), the period specified under paragraph (3)(d) must be the period of 14 days”.

133 After subsection 808(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

134 Paragraph 812(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

135 Section 812

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the pension is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the pension is not cancelled during the first period, the pension continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

136 Section 813

Omit “immediately after”, substitute “on”.

137 Paragraph 814A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

138 Section 814A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of pension is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension becomes payable to the person at the reduced rate

at the end of the instalment period in which the event or change occurs;

- (h) if the person's rate of pension is not reduced during the first period, the pension becomes payable to the person at the reduced rate at the end of the notification period.

139 Section 815

Omit "immediately after", substitute "on".

140 Section 821

Repeal the section, substitute:

821 Date of effect of adverse determination

- (1) The day on which a determination under section 817, 818, 818A or 818AA (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 808; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of special needs pension after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
 - (a) an adverse determination is made in relation to a person because of point 1064-E3 or 1066A-F2A (payment of arrears of periodic compensation payments); and
 - (b) the special needs pension has been paid to the person when, because of the payment of arrears of periodic compensation

payments, the special needs pension should have been cancelled or suspended;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(4) If:

(a) an adverse determination is made in relation to a person because of point 1064-E3 or 1066A-F2A (payment of arrears of periodic compensation payments); and

(b) the rate at which the special needs pension was paid to the person was, because of the payment of arrears of periodic compensation payments, higher than the rate at which the special needs pension should have been paid;

the determination takes effect on the first day of the periodic payments period to which the arrears of periodic compensation payments relate.

(5) If:

(a) the person whose special needs pension is affected by the adverse determination has contravened a provision of this Act (other than section 809, 1304, 1305, 1306 or 1307); and

(b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) If:

(a) a person has made a false statement or misrepresentation; and

(b) because of the false statement or misrepresentation, a special needs pension has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(7) If:

- (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the rate at which a special needs pension was paid to a person was higher than it should have been;
- the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (8) In any other case, an adverse determination takes effect:
 - (a) on the day on which it is made; or
 - (b) if a later day is specified in the determination, on that day.

141 Subsection 872(4)

Omit all the words before “after”, substitute “Subject to subsections (4A), (4B) and (5), the period specified under paragraph (3)(d) must be the period of 14 days”.

142 After subsection 872(4)

Insert:

- (4A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

143 Subsection 873A(3)

Omit “at least 14 days” (wherever occurring), substitute “14 days”.

144 Paragraph 875(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

145 Section 875

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the family allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the recipient until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the recipient;
- (h) if the family allowance is not cancelled during the first period, the family allowance continues to be payable to the recipient until the end of the notification period, and then ceases to be payable to the recipient.

146 Section 876

Omit “immediately after”, substitute “on”.

147 Paragraph 876A(f)

Omit “notification period”, substitute “instalment period for the recipient that is current when the event or change in circumstances occurs”.

148 Section 876A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the recipient’s rate of family allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the recipient at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the recipient’s rate of family allowance is not reduced during the first period, the allowance becomes payable to the

recipient at the reduced rate at the end of the notification period.

149 Section 877

Omit “immediately after”, substitute “on”.

150 Section 889

Repeal the section, substitute:

889 Date of effect of adverse determination

(1) The day on which a determination under section 879, 880, 881 or 881A (the *adverse determination*) takes effect is worked out in accordance with this section.

(2) If:

- (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 872; and
- (b) the notification is made within the notification period specified in the notice; and
- (c) the person is not paid an instalment of family allowance after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) the person whose family allowance is affected by the adverse determination has contravened a provision of this Act (other than section 873, 873A, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(4) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the family allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the family allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if a later day is specified in the determination, on that day.

151 Subsection 900AZL(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B) and (6), the period specified under paragraph (3)(d) must be the period of 14 days”.

152 After subsection 900AZL(5)

Insert:

(5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:

- (a) the day on which the event or change of circumstances occurs; or

(b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

(5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

153 Subsection 900AZN(4)

Omit “at least 14 days” (wherever occurring), substitute “14 days”.

154 Paragraph 900AZP(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

155 Section 900AZP

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if family tax payment is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the payment continues to be payable to the recipient until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the recipient;
- (h) if family tax payment is not cancelled during the first period, the payment continues to be payable to the recipient until the end of the notification period, and then ceases to be payable to the recipient.

156 Section 900AZQ

Omit “immediately after”, substitute “on”.

157 Before section 900AZR

Insert in Subdivision C of Division 10 of Part 2.17AA:

900AZQA Automatic rate reduction—recipient complying with section 900AZL notification obligations

If:

- (a) a recipient is given a notice under section 900AZL; and
- (b) the notice requires the recipient to tell the Department of the occurrence of an event or change in circumstances within a stated period (the *notification period*); and
- (c) the event or change in circumstances occurs; and
- (d) the recipient tells the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances, the recipient's rate of family tax payment is to be reduced; and
- (f) the recipient's rate of family tax payment is not reduced before the end of the instalment period for the recipient that is current when the event or change in circumstances occurs;

the following rules have effect:

- (g) if the recipient's rate of family tax payment is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the payment becomes payable to the recipient at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the recipient's rate of family tax payment is not reduced during the first period, the payment becomes payable to the recipient at the reduced rate at the end of the notification period.

158 Section 900AZR

Omit "immediately after", substitute "on".

159 Section 900AZZB

Repeal the section, substitute:

900AZZB Date of effect of adverse determination

- (1) The day on which a determination under section 900AZU, 900AZV, 900AZW or 900AZX (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 900AZL; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of family tax payment after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If:
 - (a) the person whose family tax payment is affected by the adverse determination has contravened a provision of this Act (other than section 900AZM, 900AZN, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (4) If:
 - (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the family tax payment has been paid to a person when it should have been cancelled or suspended;the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the family tax payment was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if the determination specifies a later day, on that day.

160 Subsection 978(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) must be the period of 14 days”.

161 After subsection 978(4)

Insert:

(4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:

- (a) the day on which the event or change of circumstances occurs; or
- (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

(4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

162 Paragraph 982(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

163 Section 982

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the allowance is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the allowance is not cancelled during the first period, the allowance continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

164 Section 983

Omit “immediately after”, substitute “on”.

165 Paragraph 983A(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

166 Section 983A

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the person’s rate of allowance is reduced during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the allowance becomes payable to the person at the reduced rate at the end of the instalment period in which the event or change occurs;
- (h) if the person’s rate of allowance is not reduced during the first period, the allowance becomes payable to the person at the reduced rate at the end of the notification period.

167 Section 984

Omit “immediately after”, substitute “on”.

168 Section 990

Repeal the section, substitute:

990 Date of effect of adverse determination

(1) The day on which a determination under section 986, 987 or 987A (the *adverse determination*) takes effect is worked out in accordance with this section.

(2) If:

- (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change of circumstances specified in a notice under section 978; and
- (b) the notification is made within the notification period specified in the notice; and
- (c) the person is not paid an instalment of child disability allowance after the making of the notification and before the determination is made;

the determination takes effect on the day on which the event or change in circumstances occurred.

(3) If:

- (a) the person whose child disability allowance is affected by the adverse determination has contravened a provision of this Act (other than section 979, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(4) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the child disability allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the rate at which the child disability allowance was paid to a person was higher than it should have been;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(6) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if the determination specifies a later day, on that day.

169 Subsection 1023(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) must be the period of 14 days”.

170 After subsection 1023(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

171 Paragraph 1027(f)

Omit “notification period”, substitute “instalment period for the person or organisation that is current when the event or change in circumstances occurs”.

172 Section 1027

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the pension is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the pension continues to be payable to the person or organisation until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person or organisation;
- (h) if the pension is not cancelled during the first period, the pension continues to be payable to the person or organisation until the end of the notification period, and then ceases to be payable to the person or organisation.

173 Section 1028

Omit “immediately after”, substitute “on”.

174 Section 1032

Repeal the section, substitute:

1032 Date of effect of adverse determination

- (1) The day on which a determination under section 1029 or 1029A (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person or approved care organisation having notified the Department of the occurrence of an event or change in circumstances specified in a notice under section 1023; and

- (b) the notification is made within the notification period specified in the notice; and
 - (c) the person or organisation is not paid an instalment of double orphan pension after the making of the notification and before the determination is made;the determination takes effect on the day on which the event or change in circumstances occurred.
- (3) If:
 - (a) the person or organisation whose double orphan pension is affected by the adverse determination has contravened a provision of this Act (other than section 1024, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (4) If:
 - (a) a person or organisation has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the double orphan pension has been paid when it should have been cancelled or suspended;the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (5) In any other case, an adverse determination takes effect:
 - (a) on the day on which it is made; or
 - (b) if the determination specifies a later day, on that day.

175 Subsection 1054(4)

Omit all the words before “after”, substitute “Subject to subsections (4AA), (4AB) and (4A), the period specified under paragraph (3)(d) must be the period of 14 days”.

176 After subsection 1054(4)

Insert:

- (4AA) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4AB) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

177 Section 1061

Repeal the section, substitute:

1061 Date of effect of adverse determination

- (1) The day on which a determination under subsection 1059(1) or section 1059A (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
- (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or change in circumstances specified in a notice under section 1054; and
 - (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of mobility allowance after the making of the notification and before the determination is made;
- the determination takes effect on the day on which the event or change of circumstances occurred.

(3) If:

- (a) the person whose mobility allowance is affected by the adverse determination has contravened a provision of this Act (other than section 1055, 1304, 1305, 1306 or 1307); and
- (b) the contravention causes a delay in the making of the determination;

the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(4) If:

- (a) a person has made a false statement or misrepresentation; and
- (b) because of the false statement or misrepresentation, the mobility allowance has been paid to a person when it should have been cancelled or suspended;

the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.

(5) In any other case, an adverse determination takes effect:

- (a) on the day on which it is made; or
- (b) if the determination specifies a later day, on that day.

178 Subsection 1061PZQ(5)

Omit all the words before “after”, substitute “Subject to subsections (5A), (5B) and (6), the period stated under paragraph (3)(d) must be the period of 14 days”.

179 After subsection 1061PZQ(5)

Insert:

(5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:

- (a) the day on which the event or change of circumstances occurs; or

(b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

(5B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

180 Paragraph 1061PZT(f)

Omit “notification period”, substitute “instalment period for the person that is current when the event or change in circumstances occurs”.

181 Section 1061PZT

Omit all the words after paragraph (f), substitute:
the following rules have effect:

- (g) if the supplement is cancelled during the instalment period (the *first period*) following the instalment period in which the event or change in circumstances occurs, the supplement continues to be payable to the person until the end of the instalment period in which the event or change occurs, and then ceases to be payable to the person;
- (h) if the supplement is not cancelled during the first period, the supplement continues to be payable to the person until the end of the notification period, and then ceases to be payable to the person.

182 Section 1061PZZC

Repeal the section, substitute:

1061PZZC Date of effect of adverse determination

- (1) The day on which a determination under section 1061PZX or 1061PZY (the *adverse determination*) takes effect is worked out in accordance with this section.
- (2) If:
 - (a) the adverse determination is made following a person having notified the Department of the occurrence of an event or

- change of circumstances specified in a notice under section 1061PZQ; and
- (b) the notification is made within the notification period specified in the notice; and
 - (c) the person is not paid an instalment of pensioner education supplement after the making of the notification and before the determination is made;
- the determination takes effect on the day on which the event or change of circumstances occurred.
- (3) If the adverse determination is made following a person having given the Department a statement about a matter in accordance with a notice under section 1061PZR, the determination takes effect on the day on which the matter arose.
- (4) If:
- (a) the person whose supplement is affected by the adverse determination has contravened a provision of this Act (other than section 1061PZR, 1304, 1305, 1306 or 1307); and
 - (b) the contravention causes a delay in the making of the determination;
- the determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (5) If:
- (a) a person has made a false statement or misrepresentation; and
 - (b) because of the false statement or misrepresentation, the supplement has been paid to a person when it should have been cancelled or suspended;
- the adverse determination takes effect on such day (which may be earlier than the day on which the determination is made) as is specified in the determination.
- (6) In any other case, an adverse determination takes effect on:
- (a) the day on which it is made; or
 - (b) if the determination specifies a later day, on that day.
-

183 Subsection 1061Y(4)

Omit all the words before “after”, substitute “Subject to subsections (4A), (4B) and (5), the period specified under paragraph (3)(d) must be the period of 14 days”.

184 After subsection 1061Y(4)

Insert:

- (4A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

185 Subsection 1061ZK(4)

Omit all the words before “after”, substitute “Subject to subsections (4A) and (4B), the period specified under paragraph (3)(d) must be the period of 14 days”.

186 After subsection 1061ZK(4)

Insert:

- (4A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (3)(d) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
- (a) the day on which the event or change of circumstances occurs; or

- (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.
- (4B) If a notice specifies an event consisting of the death of a person, the period to be specified under paragraph (3)(d) is a period of 28 days after the day on which the event occurs.

Schedule 4—Amendment of the Veterans' Entitlements Act 1986

Veterans' Entitlements Act 1986

1 Paragraph 5MC(5)(a)

Omit “point 41-F2”, substitute “point SCH6-F2”.

2 Paragraph 5MC(5)(b)

Omit “point 42-G2”, substitute “point SCH6-F2”.

3 Subsection 5NB(9) (note)

Omit “points 41-D2B and 42-E2B”, substitute “point SCH6-E4”.

4 Subsection 5Q(1) (definition of *pension period*)

Repeal the definition, substitute:

pension period means:

- (a) for the purposes of Parts II, IV, VI and VIIA and sections 115D to 115F, a period of 2 weeks that:
 - (i) starts immediately after a pension payday; and
 - (ii) ends at the end of the next pension payday; and
- (b) for the purposes of Parts III, IIIA, IIIB and IIIC and section 115G, a period of 2 weeks that:
 - (i) starts 2 days before the beginning of a pension payday; and
 - (ii) ends 2 days before the beginning of the next pension payday.

5 Subsection 5S(2)

After “apply to”, insert “a pension or income support supplement payable under Part III or IIIA,”.

6 At the end of section 36M

Add:

Note: Age service pension is not payable to a person who is receiving another service pension or a social security pension or benefit (see section 36C).

7 Section 36N

Omit "section 41", substitute "the Rate Calculator".

8 At the end of section 36N

Add:

Note 1: Module A of the Rate Calculator establishes the overall rate calculation process and the remaining Modules provide for the calculation of the component amounts used in the overall rate calculation process.

Note 2: The rate obtained by applying the Rate Calculator may be reduced because of the receipt of payments under the New Enterprise Incentive Scheme (see Division 9 of Part IIIB).

9 At the end of section 37M

Add:

Note: Invalidity service pension is not payable to a person who is receiving another service pension or a social security pension or benefit (see section 37C).

10 Section 37N

Omit "section 41", substitute "the Rate Calculator".

11 At the end of section 37N

Add:

Note 1: Module A of the Rate Calculator establishes the overall rate calculation process and the remaining Modules provide for the calculation of the component amounts used in the overall rate calculation process.

Note 2: The rate obtained by applying the Rate Calculator may be reduced because of the receipt of payments under the New Enterprise Incentive Scheme (see Division 9 of Part IIIB).

12 At the end of section 38M

Add:

Note: Partner service pension is not payable to a person who is receiving another service pension or a social security pension or benefit (see section 38C).

13 Section 38N

Omit “section 41”, substitute “the Rate Calculator”.

14 At the end of section 38N

Add:

Note 1: Module A of the Rate Calculator establishes the overall rate calculation process and the remaining Modules provide for the calculation of the component amounts used in the overall rate calculation process.

Note 2: The rate obtained by applying the Rate Calculator may be reduced because of the receipt of payments under the New Enterprise Incentive Scheme (see Division 9 of Part IIIB).

15 Division 7 of Part III

Repeal the Division.

16 At the end of section 45R

Add:

Note: Income support supplement is not payable to a person who is receiving a service pension or a social security pension or benefit (see section 45D).

17 Subsections 45S(3) and (4)

Repeal the subsections.

18 Paragraph 52Z(6)(b)

Omit “section 41 (calculation of rate of service pension)”, substitute “the Rate Calculator”.

19 Subsection 52ZB(2)

Omit “to be paid on and after the first pension payday after”, substitute “payable on and from the day on which”.

20 Paragraph 52ZG(2)(a)

Omit "the last pension payday on which an amount of bereavement payment is payable", substitute "the end of the bereavement period".

21 Section 52ZJ

Omit "pension payday after", substitute "day on which".

22 Subsection 52ZK(1)

Omit "first pension payday after", substitute "day on which".

23 Paragraph 53E(3)(c)

Omit "the first pension payday after".

24 Section 53H

Omit "14 weeks starting on the day after", substitute "98 days starting on".

25 Section 53J (notes 1 and 2)

Repeal the notes.

26 Section 53K

Repeal the section, substitute:

53K What happens if pensioner's reassessed rate equals or exceeds combined pensioner couple rate

- (1) This section applies during the bereavement period if the rate of pension applicable to the pensioner as a result of the partner's death is equal to or greater than the sum of the rates of pension or social security pension that were payable to the pensioner and the partner on the last day of the last pension period that ended before the partner died.
- (2) The rate of pension that becomes applicable in respect of the pensioner as a result of the partner's death applies with effect from the day of the partner's death.
- (3) Part of the rate of pension payable to the pensioner is taken to be bereavement payment. The part concerned is equal to the rate of

pension or social security pension payable to the partner on the last day of the last pension period that ended before the partner died.

(4) This section has effect subject to section 53M.

27 Subsection 53L(1)

Repeal the subsection, substitute:

(1) This section applies during the bereavement period if the rate of pension applicable to the pensioner as a result of the partner's death is less than the sum of the rates of pension or social security pension that were payable to the pensioner and the partner on the last day of the last pension period that ended before the partner died.

28 Subsection 53L(4)

Repeal the subsection, substitute:

(4) There is payable to the pensioner, for each day in the bereavement period, a bereavement payment calculated at the rate of the pension or social security pension that was payable to the partner on the last day of the last pension period that ended before the partner died.

29 Subsection 53M(1)

Omit "amounts", substitute "rates".

30 Subsection 53M(1)

Omit "for the last pension payday that occurred on or", substitute "on the last day of the last pension period that ended".

31 Subsection 53M(2)

Omit "last pension payday, the amounts", substitute "last day of the last pension period that ended before the day of the partner's death, the rates".

32 Subsection 53M(3)

Omit "amount of that pension that was payable to the partner for the last pension payday is taken to be the amount", substitute "rate of that pension that was payable to the partner on the last day of the last pension period that ended before the day of the partner's death is taken to be the rate".

33 Subsection 53M(4)

Omit "amount" (wherever occurring), substitute "rate".

34 Subsection 53M(4)

Omit "for the last pension payday", substitute "on the last day of the last pension period that ended before the day of the partner's death".

35 Subsection 53M(5)

Omit "amount", substitute "rate".

36 Subsection 53M(5)

Omit "for the last pension payday", substitute "on the last day of the last pension period that ended before the day of the partner's death".

37 Subsection 53M(6)

Omit "amount" (wherever occurring), substitute "rate".

38 Subsection 53M(6)

Omit "for the last pension payday", substitute "on the last day of the last pension period that ended before the day of the partner's death".

39 Subsection 53N(2)

Omit "for a pension payday", substitute "for a day".

40 Subsection 53N(2)

Omit the second sentence, substitute:

The part concerned is the amount representing the rate of pension or social security pension payable to the partner on the last day of the last pension period that ended before the day of the partner's death.

41 Subsection 53Q(1)

Repeal the subsection, substitute:

- (1) Sections 123 to 123E do not apply as a result of the pensioner's death, but there is payable to any person whom the Commission thinks appropriate an amount equal to the amount of pension that would have been payable to the pensioner for the period of 14 days after the day on which the pensioner died calculated at the rate at which pension would have been payable to the pensioner (including, to remove any doubt, any amount of pension payable under this Division) on those days if the pensioner had not died.

42 Subsection 53Q(3)

Repeal the subsection, substitute:

- (3) If a lump sum bereavement payment made to the pensioner under this Division before the pensioner's death included an amount for a pension period that occurred after the day of the pensioner's death, the amount is not recoverable from the pensioner's estate.

43 Subsection 53S(1)

Omit "for pension paydays".

44 Subsection 54(5)

Omit "at least 14 days", substitute "not later than 14 days".

45 After subsection 54(5)

Insert:

- (5A) If the Secretary is satisfied that there are special circumstances related to the person to whom the notice under subsection (1) is to be given, the period to be specified under paragraph (4)(c) is such period as the Secretary directs in writing, being a period that ends not less than 15 days, and not more than 28 days, after:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

- (5AA) In spite of subsection (5), if a notice under subsection (1) specifies an event that consists of the death of a person, the person to whom the notice is given is taken, for the purposes of this Act, to have informed the Department or the officer specified in the notice, as the case may be, of the death within the period specified in the notice if he or she informs the Department or officer of the death within the bereavement period.

46 Subsection 55(2)

Omit “for a payday”, substitute “that is payable on a day”.

47 Paragraph 55(2)(a)

Omit “the first payday after”.

48 Paragraph 55(2)(b)

Omit “the last payday before”.

49 At the end of section 56

Add:

(3) If:

- (a) a person who is receiving a service pension or income support supplement is given a notice under section 54; and
- (b) the notice requires the person to inform the Department or a specified officer of the occurrence of an event or change in circumstances within a specified period (the ***notification period***); and
- (c) the event or change in circumstances occurs; and
- (d) the person informs the Department or specified officer of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances, the person's rate of pension or income support supplement is to be reduced;

then, except as otherwise provided by this Act, the pension or income support supplement becomes payable to the person at the reduced rate immediately after the end of the notification period.

Note: The heading to section 56 is altered by inserting “**or rate reduction**” after “**termination**”.

50 Subsection 56A(1)

Omit “immediately after”, substitute “on”.

51 Section 56B

Omit “immediately after”, substitute “on”.

52 Subsection 56G(2)

Repeal the subsection, substitute:

(2) If:

(a) the favourable determination is made following a person having advised the Department of a change in circumstances; and

(b) the change is not a decrease in the rate of the person's maintenance income;

the determination takes effect on the day on which the advice was received or on the day on which the change occurred, whichever is the later.

53 Subsections 56G(2A), (2B) and (2C)

Repeal the subsections.

54 Section 56GA

Omit “the first pension payday after”.

55 Sections 58AA, 58A and 58B

Repeal the sections, substitute:

58A Payment by instalments

(1) Pension is payable:

(a) in arrears; and

(b) by instalments relating to each pension period.

- (2) The amount payable to a person as an instalment of pension in relation to a pension period is the total amount of pension payable to the person for the days in that period on which pension was payable to the person.
- (3) An instalment of pension is payable on the next payday after the end of the pension period to which the instalment relates.
- (4) For the purpose of the calculation of the amount of an instalment of pension, the rate of pension payable to a person for a day is calculated by dividing the annual rate of pension by 364.
- (5) If, but for this subsection, the amount of an instalment of pension would not be a multiple of 10 cents, the amount of the instalment is, subject to subsection (6), to be increased or decreased to the nearest amount that is a multiple of 10 cents.
- (6) If, but for this subsection, the amount of an instalment of pension would be an amount that is a multiple of 5 cents but is not a multiple of 10 cents, the amount is to be increased by 5 cents.
- (7) If:
 - (a) an amount of pharmaceutical allowance is added to a person's maximum basic rate in working out the amount of an instalment of service pension; and
 - (b) apart from this subsection, the amount of the instalment would be less than the person's fortnightly pharmaceutical allowance rate;the amount of the instalment is to be increased to the person's fortnightly pharmaceutical allowance rate.
- (8) For the purposes of subsection (7), the person's fortnightly pharmaceutical allowance rate is:

Pharmaceutical allowance rate

26

where:

pharmaceutical allowance rate is the yearly amount of pharmaceutical allowance added to the person's maximum basic rate in working out the amount of the instalment.

- (9) If, apart from this subsection, the amount of a fortnightly instalment of pension would be less than \$1.00, the amount of the instalment is to be increased to \$1.00.

56 Subsection 79L(1)

Omit "the rate of a pension", substitute "an instalment of pension".

57 Subsection 79L(2)

Omit "rate", substitute "instalment".

58 Paragraph 79O(2)(a)

Omit "rate", substitute "instalments".

59 Section 79P

Omit "rate", substitute "instalment".

60 Section 79P (example)

Omit "rate", substitute "instalment".

61 Section 79Q

Omit "rate" (wherever occurring), substitute "instalment".

62 Section 115A

Insert:

CPI indexation day means a day that is an indexation day for the maximum basic rate under subsection 59(1).

63 Subsection 115C(2)

Omit "on a pension payday".

64 Subsection 115G(1)

Omit "pension payday", substitute "pension period".

65 Subsection 115G(1)

Omit "CPI payday", substitute "CPI indexation day".

66 Subsection 115G(1)

Omit "the pension period that relates to the pension payday", substitute "each pension period".

67 Subsection 115G(2)

Omit "a pension payday", substitute "each pension period".

68 Subsection 115G(2)

Omit "the pension period that relates to the pension payday", substitute "each pension period".

69 At the end of subsection 121(5)

Add ", but does not include a pension or allowance to which section 58A applies".

70 Subclause 7(3) of Schedule 5

Omit "first pension payday after", substitute "day on which".

71 Paragraph D5(1)(b) of Schedule 6

Omit "advance paydays", substitute "advance pension periods".

72 Subpoint D5(2) of Schedule 6 (definition of *number of advance paydays*)

Repeal the definition.

73 Subpoint D5(2) of Schedule 6

Insert:

number of advance pension periods means the number of periods worked out using the following formula:

$$\frac{\text{Amount of advance} \times 26}{\text{Pharmacuetical allowance rate}}$$

Schedule 5—Amendment of other Acts

Child Care Payments Act 1997

1 Section 5 (definition of *payday*)

Repeal the definition, substitute:

payday means a day that would have been a family allowance payday for the purposes of the *Social Security Act 1991* if that Act had continued in force as it was in force immediately before 1 July 1999.

Income Tax Assessment Act 1997

2 Paragraph 52-20(1)(b)

Repeal the paragraph, substitute:

(b) the ordinary payment became due to you during the bereavement period.

3 Paragraph 52-25(2)(b)

Omit “on pension paydays that occur”.

4 Subsection 52-25(3) (method statement)

Omit “on each of the pension paydays” (wherever occurring).

5 Subsection 52-25(3) (example)

Repeal the example, substitute:

Example: You are receiving a disability support pension of \$300 a fortnight and a pharmaceutical allowance of \$5 a fortnight. You are over pension age. Your partner is receiving a partner allowance of \$250 a fortnight and rental assistance of \$75 a fortnight.

Your partner dies. Seven instalments are due to you during the bereavement lump sum period. You work out the tax-free amount as follows:

Step 1: The instalments that would have become due to you during the bereavement lump sum period are:

$$\$300 + \$5 = \$305$$

The total for the period is \$2,135.

Step 2: The exempt component of each instalment is \$5. The total for the 7 instalments is \$35.

Step 3: The instalments that would have become due to your partner during the same period are:

$$\$250 + \$75 = \$325$$

The total for the period is \$2,275.

Step 4: The tax-free amount is:

$$\$35 + \$2,275 = \$2,310$$

6 Paragraph 52-30(2)(b)

Omit “on pension paydays that occur”.

7 Subsection 52-30(3) (method statement)

Omit “on each of the pension paydays” (wherever occurring).

8 Paragraph 52-35(2)(b)

Omit “on pension paydays that occur”.

9 Subsection 52-35(3) (method statement)

Omit “on each of the pension paydays” (wherever occurring).

Schedule 6—Transitional provisions relating to amendments of the Social Security Act 1991

1 Determination of transitional instalment periods and payment times

- (1) The Secretary may, before 1 July 1999, determine, in relation to social security payments:
- (a) instalment periods that commence before 1 July 1999 and end before, on or after 1 July 1999; and
 - (b) times on or after 1 July 1999 as times at which instalments of those social security payments are to be paid;
- as if Schedule 1 had commenced on the day on which this Act received the Royal Assent.
- (2) An instalment period determined under subitem (1) must not commence earlier than 18 June 1999.

2 Payments relating to instalment periods beginning before 1 July 1999

- (1) In this item:
- last old payday*, in relation to a person, means:
- (a) in the case of a person receiving a payday-based payment, the last day on which an instalment of the payment is paid to the person before the beginning of an instalment period determined under subitem 1(1) in relation to that payment; or
 - (b) in the case of a person receiving a period-based payment, the payday for the last period relating to that payment that ends before 1 July 1999.
- (2) Subject to item 3, if the Secretary, under subitem 1(1), determines an instalment period that commences before 1 July 1999 in relation to a social security payment, the following rules have effect:

- (a) any entitlement of a person to be paid instalments of the social security payment after the last old payday is to be determined as if Schedule 1 had commenced on the first day of the period; and
- (b) the amount of the instalment of the social security payment to be paid to a person in relation to the period is to be calculated as if Schedule 1 had commenced on the first day of the period.

3 Application of amendments in Schedule 3

- (1) In this item:

first new instalment period, in relation to a person, means the first instalment period after the end of a transitional instalment period that ends on or after 30 June 1999 and relates to a social security payment being received by the person.

transitional instalment period means an instalment period determined under subitem 1(1) in relation to a social security payment that is being received by a person.

- (2) The amendments of the *Social Security Act 1991* made by Schedule 3 do not apply in relation to a person until the beginning of the person's first new instalment period.
- (3) Until the beginning of a person's first new instalment period, the *Social Security Act 1991* continues to apply to the person as if Schedule 3 had not been enacted.

4 Transitional regulations

- (1) Regulations made under section 1364 of the *Social Security Act 1991* may prescribe matters in relation to any transitional matters (including prescribing any saving or application provisions) arising out of amendments made by Schedule 1, 2 or 3.
- (2) Without limiting subitem (1), and in spite of any other provision in this or any other Act, regulations made by virtue of subitem (1) may:
 - (a) modify the effect of a provision of this Schedule (other than this item); or

-
- (b) substitute another provision for any provision of this Schedule (other than this item).

Schedule 7—Transitional provisions relating to amendments of the Veterans' Entitlements Act 1986

Veterans' Entitlements Act 1986

1 At the end of Schedule 5:

Add:

Part 3—Transitional provisions: Changes made by the Social Security and Veterans' Affairs Legislation Amendment (Payment Processing) Act 1998

18 Definitions

In this Part:

amending Act means the *Social Security and Veterans' Affairs Legislation Amendment (Payment Processing) Act 1998*.

pension means service pension under Part III or income support supplement under Part IIIA.

19 Payability and payment of pension during transition period

- (1) In spite of the commencement of Schedule 4 to the amending Act, until and including 12 July 1999, the question whether pension is payable to a person is to be determined in accordance with this Act as in force immediately before 1 July 1999.
- (2) In spite of the commencement of Schedule 4 to the amending Act, until and including 15 July 1999, instalments of pension are to be

paid in accordance with this Act as in force immediately before 1 July 1999.

20 Continued operation of Act in relation to cancellation etc. of pensions

- (1) In spite of the commencement of Schedule 4 to the amending Act, this Act, as in force immediately before 1 July 1999, continues to apply in relation to the cancellation and suspension of pensions, and the variation of the rates of such pensions, until and including 12 July 1999.
- (2) Without limiting subclause (1), that subclause has effect:
 - (a) in relation to the day on which a cancellation, suspension or variation takes effect; and
 - (b) whether the cancellation, suspension or variation is effected by the operation of a provision of this Act or by a determination under this Act.
- (3) A cancellation, suspension or variation that, but for this subclause, would have taken effect on 15 July 1999 takes effect on 13 July 1999.

21 First pension period

A pension period under this Act, as amended by Schedule 4 to the amending Act, must not commence earlier than 13 July 1999.

22 Continued operation of certain notices given before 13 July 1999

If:

- (a) at any time before 13 July 1999, the Secretary has given a person a notice under section 54; and
 - (b) the notice has not been revoked;
- the notice continues to have effect on and after 13 July 1999 as if:
- (c) the notice had been given under this Act as amended by Schedule 4 to the amending Act; and
 - (d) the notification period specified in the notice had been so specified in accordance with this Act as so amended.
-

23 Consequences of occurrence of certain events etc.

(1) If:

- (a) the Secretary has, before 13 July 1999, given a person a notice under section 54; and
- (b) an event or change in circumstances specified in the notice occurs before 13 July 1999; and
- (c) the person to whom the notice was given notifies the Secretary, before 13 July 1999, of the occurrence of the event or change in circumstances;

this Act, as in force immediately before the commencement of Schedule 4 to the amending Act, has effect in relation to the day on which any cancellation or suspension of the pension that is being received by the person, or any variation of the rate of the pension, takes effect.

(2) If:

- (a) the Secretary has, before 13 July 1999, given a person a notice under section 54; and
- (b) an event or change in circumstances specified in the notice occurs before 13 July 1999; and
- (c) the person to whom the notice was given does not notify the Department of the occurrence of the event or change in circumstances before 13 July 1999;

this Act, as amended by Schedule 4 to the amending Act, has effect, subject to subclause 20(3), in relation to the day on which any cancellation or suspension of the pension being received by the person, or any variation of the rate of the pension, takes effect.

24 Transitional regulations

- (1) Regulations made under section 216 may prescribe matters in relation to any transitional matters (including prescribing any saving or application provisions) arising out of amendments of this Act made by Schedule 4 to the amending Act.
 - (2) Without limiting subclause (1), and in spite of any other provision in this or any other Act, regulations made by virtue of subclause (1) may:
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- (a) modify the effect of a provision of this Part (other than this clause); or
 - (b) substitute another provision for any provision of this Part (other than this clause).
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*[Minister's second reading speech made in—
House of Representatives on 12 November 1998
Senate on 2 December 1998]*

(140/98)