



# **Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999**

**No. 172, 1999**



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

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## Contents

1	Short title .....	1
2	Commencement .....	2
3	Schedule(s) .....	2
<b>Schedule 1—Social Security Act 1991</b>		<b>3</b>
<b>Schedule 2—A New Tax System (Family Assistance)</b> <b>(Consequential and Related Measures) Act (No. 2) 1999</b>		<b>5</b>
<b>Schedule 3—A New Tax System (Bonuses for Older</b> <b>Australians) Act 1999</b>		<b>7</b>





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

*[Assented to 10 December 1999]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Family and Community Services  
Legislation Amendment (1999 Budget and Other Measures) Act  
1999*.

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## 2 Commencement

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (2) Item 2 of Schedule 1 commences on the day on which this Act receives the Royal Assent.
- (3) The rest of Schedule 1 commences, or is taken to have commenced, on the later of:
  - (a) 1 January 2000; or
  - (b) immediately after the commencement of Part 1 of Schedule 2 to the *Youth Allowance Consolidation Act 1999*.
- (4) Schedule 2 commences, or is taken to have commenced, immediately after the commencement of section 2 of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*.
- (5) Schedule 3 commences, or is taken to have commenced, on the earlier of:
  - (a) 1 January 2000; or
  - (b) 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Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Social Security Act 1991**

### **1 Subsection 10B(2) (definition of *independent employment*)**

Repeal the definition.

### **2 Section 500D**

Repeal the section, substitute:

#### **500D PP child**

- (1) A ***PP child*** of a person is a child who:
- (a) is a dependent child of the person; and
  - (b) has not turned 16.

Note: For ***dependent child*** see subsections 5(2) to (9).

- (2) For the purpose of determining whether a child is a ***PP child*** of a person, the child is taken to remain in the person's care if:
- (a) at the start of a period not exceeding 8 weeks, the child leaves the person's care; and
  - (b) throughout the period, the child is the PP child of another person; and
  - (c) the child returns, or the Secretary is satisfied that the child will return, to the first person's care at the end of the period.

Note: The definition of ***dependent child*** in subsection 5(2) requires a young person to be in an adult's care.

- (3) Subsection (2) does not, by implication, affect the determination of whether a child is in the care of a person in cases to which the subsection does not apply (for example, if the period exceeds 8 weeks).

### **3 Paragraphs 1061ZZA(1)(c), (d) and (e)**

Repeal the paragraphs, substitute:

- (c) throughout the period youth allowance at the youth allowance general rate is not payable to the person only because of the operation of one or more of the following:
  - (i) Module F (the parental income test) of the Youth Allowance Rate Calculator in section 1067G;

- (ii) Module G (the family actual means test) of that Calculator;
- (iii) Subdivision AB (the youth allowance assets test) of Division 2 of Part 2.11; and
- (d) if subparagraph (c)(i) applies—the person’s combined parental income for the appropriate tax year under Submodule 4 of Module F is throughout the period less than the person’s modified parental income free area; and
- (e) if subparagraph (c)(ii) applies—the actual means of the person’s family under Module G is throughout the period less than the person’s modified parental income free area; and
- (ea) if subparagraph (c)(iii) applies—the allowance would have been payable if the reference to 50% in subsection 547G(2) were instead a reference to 75%; and

#### **4 Paragraphs 1067G-G9(2)(c) and (d)**

Repeal the paragraphs.

#### **5 At the end of subpoint 1067G-G9(3)**

Add:

- ; (c) if the person spent an amount in the appropriate tax year in boarding away from home one or more family members who fulfilled either or both of the following conditions at any time during the year:
    - (i) the family member qualified for the boarding allowance under the AIC scheme;
    - (ii) the family member was a secondary student who was not independent and was required to live away from home;
- an amount of \$5,274 for each such family member.

#### **6 Point 1067G-G10**

Omit “independent employment”, substitute “employment”.

#### **7 Point 1067G-G11**

Repeal the point.



## **Schedule 2—A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999**

### **1 Subsection 2(2)**

Omit “item 63”, substitute “items 22, 63, 66 and 67”.

### **2 After subsection 2(6)**

Insert:

(6A) Items 22 and 66 of Schedule 10 commence on the earlier of:

- (a) the day on which the *Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999* receives the Royal Assent; or
- (b) 1 January 2000.

(6B) If the *Superannuation (Unclaimed Money and Lost Members) Consequential and Transitional Act 1999* (the ***Superannuation Act***) has not received the Royal Assent when item 22 commences, then:

- (a) item 67 of Schedule 10 commences when item 22 commences; and
- (b) when the *Superannuation Act* receives the Royal Assent then:
  - (i) item 67A of Schedule 10 is taken to have commenced when item 22 commenced; and
  - (ii) item 67 is taken never to have commenced.

(6C) Otherwise:

- (a) item 67A commences when item 22 commences; and
- (b) item 67 does not commence.

### **3 Subsection 2(9)**

Repeal the subsection, substitute:

(9) Item 2 of Schedule 11 commences on the earlier of:

- (a) immediately after the commencement of section 2 of the *Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999*; or

(b) 1 January 2000.

**4 Item 22 of Schedule 10**

After “(Administration) Act 1999”, insert “and section 5 of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999*”.

**5 After item 67 of Schedule 10**

Insert:

**67A Paragraphs 8WB(1)(d) and (e)**

Omit “or (ka)”, substitute “, (ka), (m) or (n)”.

## **Schedule 3—A New Tax System (Bonuses for Older Australians) Act 1999**

### **1 After section 3**

Insert:

#### **3A Disclosure of personal information**

- (1) A record keeper who has possession or control of a record that contains personal information may use the information, or disclose the information to a person, body or agency, for the purposes of establishing the bonus payment scheme in the *A New Tax System (Bonuses for Older Australians) Act 1999*.
- (2) To avoid doubt, if information is used or disclosed in accordance with subsection (1), the use or disclosure is taken, for the purposes of the Information Privacy Principles set out in section 14 of the *Privacy Act 1988*, to be authorised by law.
- (3) Unless the contrary intention appears, an expression used in this section has the same meaning as in the *Privacy Act 1988*.

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*[Minister's second reading speech made in—  
House of Representatives on 2 September 1999  
Senate on 11 October 1999]*

(174/99)