



# **Social Security (Administration) Act 1999**

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This compilation is in 2 volumes

**Volume 1:** sections 1–123ZO

**Volume 2:** sections **124–257**  
**Schedules**  
**Endnotes**

Each volume has its own contents

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Social Security (Administration) Act 1999* that shows the text of the law as amended and in force on 13 August 2019 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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*Social Security (Administration) Act 1999*

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## Part 3C—Schooling requirements

### Division 1—General

#### 124 Scope

- (1) This Part applies to a person (a *schooling requirement person*) in relation to another person (a *child*) at a particular time if:
  - (a) either of the following applies at that time in relation to a schooling requirement payment:
    - (i) a claim by the person for the payment is being determined (under this Act or the Veterans' Entitlements Act);
    - (ii) a claim by the person for the payment has been granted, and the payment has not been cancelled (under this Act or the Veterans' Entitlements Act); and
  - (b) either:
    - (i) the child is a schooling requirement child of the person at that time; or
    - (ii) the child was a schooling requirement child of the person at any time within a period provided by the schooling requirement determination before that time; and
  - (c) the child is required, under a law of a State or Territory:
    - (i) to be enrolled at a school; or
    - (ii) to attend a school at times required under that law.
- (2) If this Part ceases to apply to a person while the person's schooling requirement payment is suspended under this Part, then, despite that cessation, section 124J, 124N or 124NG, as the case requires, is taken to apply in relation to the person and, for this purpose, the reconsideration day for the purposes of that section is taken to be the day of that cessation.

Note: Sections 124J, 124N and 124NG deal with when payments become payable after suspension.

Section 124A

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**124A Enrolment and attendance at school**

- (1) In this Part:

***attendance***, at a school, includes attendance at a place, for the purpose of schooling, that is acceptable under a law of a State or Territory as an alternative to a requirement under that law to attend a school.

***enrolment***, at a school, includes anything, for the purpose of schooling, that is acceptable under a law of a State or Territory as an alternative to a requirement under that law to enrol at a school.

***person responsible***, for the operation of a school, includes:

- (aa) a person included in a class of persons specified in an instrument under subsection (2); and
- (a) a person responsible for schooling (or for the administration of schooling) at a place, other than a school, to which the definition of ***attendance*** applies; and
- (b) a person responsible for schooling (or for the administration of schooling) in relation to which alternative enrolment of a kind mentioned in the definition of ***enrolment*** applies.

- (2) The Minister may, by legislative instrument, specify a class of persons for the purposes of paragraph (aa) of the definition of ***person responsible*** in subsection (1).

**124B Schooling requirement child**

*Schooling requirement child*

- (1) For the purposes of this Act, a person (the ***first person***) is a ***schooling requirement child*** of another person at a particular time if:
- (a) at that time, the first person is a dependent child of the other person; or
  - (b) all of the following conditions are satisfied:
    - (i) that time occurs during a schooling requirement period;

Section 124C

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- (ii) under a family law order, or a registered parenting plan or parenting plan (within the meaning of the *Family Law Act 1975*), that is in force during the schooling requirement period, the first person is supposed to live or spend time with the other person;
- (iii) assuming the family law order, registered parenting plan or parenting plan were complied with during the schooling requirement period, the first person would have been in the other person's care for at least 14% of that period.

*Schooling requirement period*

- (2) For the purposes of subsection (1), a ***schooling requirement period*** is a period worked out in accordance with the schooling requirement determination.
- (3) A period worked out under subsection (2) may be a recurring period (for example, a fortnight).
- (4) For the purposes of this section, it is immaterial whether a schooling requirement period begins before or after the commencement of this section.

*Family law order*

- (5) In this section:

***family law order*** has the same meaning as in section 123TC.

**124C Schooling requirement determination**

For the purposes of this Part, the Minister may, by legislative instrument, make a determination (the ***schooling requirement determination***) relating to school enrolment and attendance.

**124D Schooling requirement payments**

In this Act:

Section 124E

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***schooling requirement payment*** means:

- (a) a social security benefit; or
- (b) a social security pension; or
- (c) one of the following payments under the Veterans' Entitlements Act:
  - (i) Defence Force Income Support Allowance;
  - (ii) income support supplement;
  - (iii) service pension;
  - (iv) veteran payment.

**124E Application to payments under the Veterans' Entitlements Act**

- (1) For the purposes of this Part, the provisions of this Act covered by subsection (2) apply (to the extent mentioned in that subsection) in relation to schooling requirement payments that are made under the Veterans' Entitlements Act as if the payments were schooling requirement payments that are social security payments.
- (2) The provisions of this Act covered by this subsection are as follows:
  - (a) Part 1 (which includes provisions relating to the application of the *Criminal Code* and interpretation);
  - (b) section 85 and Division 9 of Part 3, to the extent that these provisions relate to the cancellation of schooling requirement payments under this Part;
    - Note: These provisions deal with the reconsideration of decisions in relation to social security payments.
  - (c) Division 10 of Part 3 (continuing effect of determinations), to the extent that the Division relates to the suspension and cancellation of schooling requirement payments under this Part;
  - (d) Parts 4 and 4A (review of decisions), to the extent that the Part relates to the suspension and cancellation of schooling requirement payments under this Part;
  - (e) Part 5 (information management), to the extent necessary or convenient for the administration of this Part;



Section 124E

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- (f) Part 6 (offences), to the extent that the Part relates to acts or omissions occurring in relation to the administration of this Part;
- (g) Part 7 (which includes provisions relating to delegations and regulations etc.), to the extent necessary or convenient for the administration of this Part;
- (h) Schedule 1 (Dictionary).

## Division 2—School enrolment

### 124F School enrolment—enrolment notices

#### *Enrolment notices generally*

- (1) The Secretary may give a notice (an ***enrolment notice***) to a schooling requirement person about the person's child, requiring the person to give the Secretary evidence (in accordance with the notice) that the child is enrolled at a school as required by a law of a State or Territory.
- (2) Without limiting subsection (1), an enrolment notice may require evidence of enrolment to be given in the form of a written or oral statement by the schooling requirement person, or another person, confirming enrolment.
- (3) The enrolment notice must give details of:
  - (a) how to comply with the notice; and
  - (b) the initial period for compliance with the notice, and the Secretary's power to extend that period (see subsections (4) and (5)); and
  - (c) the consequences under this Division of not complying with the notice.

#### *Initial period for compliance*

- (4) The enrolment notice must state an initial period for compliance with the notice of at least 14 days after the notice is given.
- (5) The Secretary may extend the initial period for compliance stated in the enrolment notice before or after the end of the stated period.

**124G School enrolment—condition of schooling requirement payments**

- (1) A schooling requirement payment is not payable to a schooling requirement person if the person fails to comply with an enrolment notice given to the person under section 124F.
- (2) Subsection (1) does not apply to the schooling requirement person in relation to an enrolment notice, as at a particular day, if:
  - (a) the initial compliance period stated in the notice (as extended, if at all, under subsection 124F(5)) has not ended at that day; or
  - (b) the Secretary is satisfied that:
    - (i) as at that day, the person has a reasonable excuse, as determined in accordance with the schooling requirement determination (if any), for failing to comply with the enrolment notice; or
    - (ii) in the special circumstances of the case applying as at that day, as determined in accordance with the schooling requirement determination (if any), it is appropriate that the subsection should not apply as at that day.
- (3) A schooling requirement payment cannot be suspended, or cancelled, because of the application of subsection (1) except as provided by section 124H.
- (4) For a schooling requirement payment under the Veterans' Entitlements Act:
  - (a) this section does not apply in relation to the grant of the payment; but
  - (b) this section otherwise applies in relation to the payment.

Section 124H

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**124H School enrolment—suspension or cancellation for non-compliance with enrolment notice**

*Scope*

- (1) This section applies if, as at a particular day:
- (a) a schooling requirement person has been given an enrolment notice; and
  - (b) a schooling requirement payment is not payable to the person because subsection 124G(1) applies to the person as at that day.

**Note:** Section 124G provides that a schooling requirement payment is not payable to a person if he or she fails to comply with an enrolment notice after the end of the initial compliance period (unless he or she has a reasonable excuse or special circumstances apply).

*Suspension or cancellation of payment*

- (2) The Secretary must:
- (a) if the payment has been suspended under this section for a total period of 13 weeks or more (which need not be a continuous period) in relation to compliance with the enrolment notice—determine that the payment is to be suspended or cancelled; or
  - (b) in any other case—determine that the payment is to be suspended.

*Payment may be suspended more than once*

- (3) The Secretary may make more than one determination under subsection (2) in relation to compliance with a particular enrolment notice.

**Note:** Following suspension of a schooling requirement payment, the payment may become payable again under section 124J. Subsection 124H(3) allows for a further suspension of the payment even after the payment has become payable again.

Section 124J

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*Payment may be suspended even if not yet received*

- (4) The Secretary may suspend a schooling requirement person's schooling requirement payment under this section even if the person has not started to receive the payment.

Note: An enrolment notice may be given to a claimant for a schooling requirement payment (see section 124 (Scope)). The claim may be granted even if subsection 124G(1) applies to the person. However, in that event, the Secretary must suspend the payment under this section (before it has started).

**124J School enrolment—when payments become payable after suspension**

*Scope*

- (1) This section applies if, on a particular day (the *reconsideration day*):
- (a) a person's schooling requirement payment has been, and remains, suspended under section 124H; and
  - (b) the Secretary has reconsidered the decision to suspend the payment (whether on an application under section 129 or on his or her own initiative); and
  - (c) as a result of the reconsideration, the Secretary is satisfied that, as at the reconsideration day, subsection 124G(1) no longer applies to the person.

Note 1: The cancellation of a schooling requirement payment may be reconsidered under section 85.

Note 2: Section 124G provides that a schooling requirement payment is not payable to a person if he or she fails to comply with an enrolment notice after the end of an initial compliance period (unless he or she has a reasonable excuse or special circumstances apply).

*Determination that payment is payable*

- (2) The Secretary must determine:
- (a) that the schooling requirement payment is payable to the schooling requirement person (subject to any other provision

**Section 124J**

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of the social security law or the Veterans' Entitlements Act, as the case requires); and

- (b) that any arrears resulting from the operation of this section are to be paid at a time, or times, stated in the determination under this subsection (or worked out in accordance with that determination).

*Entitlement to arrears—suspension for total period of up to 13 weeks*

- (3) If the payment has been suspended under section 124H for a total period of less than 13 weeks (which need not be a continuous period) in relation to compliance with a particular enrolment notice, the date of effect of the determination under subsection (2) is the day on which the latest suspension determination was made under section 124H in relation to such compliance.

Note: A schooling requirement payment may be suspended more than once under section 124H (see subsection 124H(3)).

*Entitlement to arrears—suspension for total period of 13 weeks or more*

- (4) If subsection (3) does not apply, the date of effect of the determination under subsection (2) is:
  - (a) the reconsideration day; or
  - (b) an earlier day stated by the Secretary in that determination to be appropriate, in the special circumstances of the case applying as at the reconsideration day, as determined in accordance with the schooling requirement determination (if any).
- (5) For the purposes of subsection (4), the Secretary may vary a determination under subsection (2) to state an earlier date of effect, if the determination:
  - (a) does not include such a statement; or
  - (b) includes such a statement in relation to a later day.

Section 124J

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*How arrears are paid*

- (6) Arrears resulting from the operation of this section may be paid to the person as a lump sum payment, a series of regular payments, or otherwise, as provided by the determination under subsection (2).
- (7) The person is entitled to a payment, or payments, of arrears arising from the operation of this section at the time, or times, provided by the determination under subsection (2).

*Non-application of general provisions for date of effect*

- (8) Division 9 of Part 3 (date of effect of determinations) does not apply in relation to a determination under subsection (2).

## Division 3—School attendance notices

### 124K School attendance—attendance notices

#### *Scope*

- (1) This section applies if:
- (a) a schooling requirement person's child is enrolled at a school in a State or Territory; and
  - (b) a person responsible for the operation of the school gives the Secretary written notice that:
    - (i) the child is failing to attend school, as required by the law of that State or Territory, to the satisfaction of the person responsible; and
    - (ii) the schooling requirement person is failing to take reasonable steps to ensure that the child attends school, as required by the law of that State or Territory, to the satisfaction of the person responsible.

#### *Attendance notice*

- (2) The Secretary may give a notice (an ***attendance notice***) to the schooling requirement person, requiring the person to take reasonable steps, as determined in accordance with the schooling requirement determination (if any), to ensure that the child attends school as required by the law of that State or Territory.
- (3) The attendance notice must give details of:
- (a) how to comply with the notice; and
  - (b) the initial period for compliance with the notice, and the Secretary's power to extend that period (under subsections (4) and (5)); and
  - (c) the consequences under this Division of not complying with the notice.



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*Initial period for compliance*

- (4) The attendance notice must state an initial period for compliance with the notice of at least 28 days after the notice is given.
- (5) The Secretary may extend the initial period for compliance stated in the attendance notice before or after the end of the stated period.

**124L School attendance—condition of schooling requirement payments**

- (1) A schooling requirement payment is not payable to a schooling requirement person if the person fails to comply with an attendance notice given to the person under section 124K.
- (2) Subsection (1) does not apply to the schooling requirement person in relation to an attendance notice, as at a particular day, if:
  - (a) the initial compliance period stated in the notice (as extended, if at all, under subsection 124K(5)) has not ended at that day; or
  - (b) the Secretary is satisfied that:
    - (i) as at that day, the person has a reasonable excuse, as determined in accordance with the schooling requirement determination (if any), for failing to comply with the attendance notice; or
    - (ii) in the special circumstances of the case applying as at that day, as determined in accordance with the schooling requirement determination (if any), it is appropriate that the subsection should not apply as at that day.
- (3) A schooling requirement payment cannot be suspended, or cancelled, because of the application of subsection (1) except as provided by section 124M.
- (4) For a schooling requirement payment under the Veterans' Entitlements Act:
  - (a) this section does not apply in relation to the grant of the payment; but

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- (b) this section otherwise applies in relation to the payment.

**124M School attendance—suspension or cancellation for non-compliance with attendance notice**

*Scope*

- (1) This section applies if, as at a particular day:
- (a) a schooling requirement person has been given an attendance notice; and
  - (b) a schooling requirement payment is not payable to the person because subsection 124L(1) applies to the person as at that day.

**Note:** Section 124L provides that a schooling requirement payment is not payable to a person if he or she fails to comply with an attendance notice after the end of the initial compliance period (unless he or she has a reasonable excuse or special circumstances apply).

*Suspension or cancellation of payment*

- (2) The Secretary must:
- (a) if the payment has been suspended under this section for a total period of 13 weeks or more (which need not be a continuous period) in relation to compliance with the attendance notice—determine that the payment is to be suspended or cancelled; or
  - (b) in any other case—determine that the payment is to be suspended.

*Payment may be suspended more than once*

- (3) The Secretary may make more than one determination under subsection (2) in relation to compliance with a particular attendance notice.

**Note:** Following suspension of a schooling requirement payment, the payment may become payable again under section 124N. Subsection 124M(3) allows for a further suspension of the payment even after the payment has become payable again.

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*Payment may be suspended even if not yet received*

- (4) The Secretary may suspend a schooling requirement person's schooling requirement payment under this section even if the person has not started to receive the payment.

Note: An attendance notice may be given to a claimant for a schooling requirement payment (see section 124 (Scope)). The claim may be granted even if subsection 124L(1) applies to the person. However, in that event, the Secretary must suspend the payment under this section (before it has started).

**124N School attendance—when payments become payable after suspension**

*Scope*

- (1) This section applies if, on a particular day (the **reconsideration day**):
- (a) a person's schooling requirement payment has been, and remains, suspended under section 124M; and
  - (b) a person responsible for the operation of a school in a State or Territory at which the person's child is enrolled gives the Secretary written notice that the child is attending school, as required by the law of that State or Territory, to the satisfaction of the person responsible.
- (2) This section also applies if, on a particular day (the **reconsideration day**):
- (a) a person's schooling requirement payment has been, and remains, suspended under section 124M; and
  - (b) the Secretary has reconsidered the decision to suspend the payment (whether on an application under section 129 or on his or her own initiative); and
  - (c) as a result of the reconsideration, the Secretary is satisfied that, as at the reconsideration day, subsection 124L(1) no longer applies to the person.

Note 1: The cancellation of a schooling requirement payment may be reconsidered under section 85.

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Note 2: Section 124L provides that a schooling requirement payment is not payable to a person if he or she fails to comply with an attendance notice after the end of an initial compliance period (unless he or she has a reasonable excuse or special circumstances apply).

*Determination that payment is payable*

- (3) The Secretary must determine:
- (a) that the schooling requirement payment is payable to the schooling requirement person (subject to any other provision of the social security law or the Veterans' Entitlements Act, as the case requires); and
  - (b) that any arrears resulting from the operation of this section are to be paid at a time, or times, stated in the determination under this subsection (or worked out in accordance with that determination).

*Entitlement to arrears—suspension for total period of up to 13 weeks*

- (4) If the payment has been suspended under section 124M for a total period of less than 13 weeks (which need not be a continuous period) in relation to compliance with a particular attendance notice, the date of effect of the determination under subsection (3) is the day on which the latest suspension determination was made under section 124M in relation to such compliance.

Note: A schooling requirement payment may be suspended more than once under section 124M (see subsection 124M(3)).

*Entitlement to arrears—suspension for total period of 13 weeks or more*

- (5) If subsection (4) does not apply, the date of effect of the determination under subsection (3) is:
- (a) the reconsideration day; or
  - (b) an earlier day stated by the Secretary in that determination to be appropriate, in the special circumstances of the case applying as at the reconsideration day, as determined in

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accordance with the schooling requirement determination (if any).

- (6) For the purposes of subsection (5), the Secretary may vary a determination under subsection (3) to state an earlier date of effect, if the determination:
- (a) does not include such a statement; or
  - (b) includes such a statement in relation to a later day.

*How arrears are paid*

- (7) Arrears resulting from the operation of this section may be paid to the person as a lump sum payment, a series of regular payments, or otherwise, in accordance with the determination under subsection (3).
- (8) The person is entitled to a payment, or payments, of arrears arising from the operation of this section at the time, or times, provided by the determination under subsection (3).

*Non-application of general provisions for date of effect*

- (9) Division 9 of Part 3 (date of effect of determinations) does not apply in relation to a determination under subsection (3).

## Division 3A—School attendance plans

### 124NA When this Division applies

This Division applies if:

- (a) a schooling requirement person's child is enrolled at a school in a State or Territory; and
- (b) a person responsible for the operation of the school gives the Secretary written notice that the child is failing to attend school, as required by the law of that State or Territory, to the satisfaction of the person responsible.

### 124NB Conference notices

The Secretary (the *notifier*), or a person responsible for the operation of the school (the *notifier*), may give a notice to the schooling requirement person specifying the following:

- (a) the person is required to attend a conference with a specified person at a specified place and time;
- (b) the purpose of the conference is to discuss the child's school attendance;
- (c) the person is required, at the conference, to enter into a school attendance plan that is in accordance with section 124NC;
- (d) the consequences under this Division of not complying with the notice.

### 124NC School attendance plans

- (1) If a school attendance plan is not in force in relation to the schooling requirement person, the Secretary (the *notifier*), or a person responsible for the operation of the school (the *notifier*), may require the person to enter into such a plan.
- (2) If a school attendance plan is in force in relation to the schooling requirement person, the Secretary (the *notifier*), or a person

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responsible for the operation of the school (the **notifier**), may require the person to enter into another plan instead of the existing one.

*Notice of requirement*

- (3) The notifier is to give the schooling requirement person notice of:
  - (a) the requirement; and
  - (b) the place and time at which the plan is to be entered into; and
  - (c) the consequences under this Division of not complying with the requirement.
- (4) Without limiting subsection (3), the notice may be included in a notice under section 124NB or 124ND.

*Form of plan*

- (5) A school attendance plan must be in a form approved by the notifier.

*Children covered by the plan*

- (6) A school attendance plan must cover one or more children of the schooling requirement person.

*Purpose of plan*

- (7) A school attendance plan must contain requirements, that the schooling requirement person is required to comply with, that the notifier considers appropriate for the purpose of ensuring improved school attendance of the one or more children covered by the plan.

**124ND Compliance notices**

- (1) The Secretary (the **notifier**), or a person responsible for the operation of the school (the **notifier**), may give a notice (a **compliance notice**) to the schooling requirement person requiring the person to comply with one or more requirements specified in the notice if the person commits any of the following failures:

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- (a) if a notice is given to the person under section 124NB—the person fails to attend the conference at the place and time specified under paragraph 124NB(a);
  - (b) the person fails to enter into a school attendance plan in accordance with section 124NC;
  - (c) the person fails to comply with a school attendance plan in force in relation to the person.
- (2) The compliance notice must give details of:
  - (a) how to comply with the notice; and
  - (b) the consequences under this Division of not complying with the notice.

*Purpose of notice*

- (3) A requirement specified in the compliance notice must be one that the notifier considers appropriate for the purpose of ensuring improved school attendance of the schooling requirement person's child.

**124NE School attendance—condition of schooling requirement payments**

- (1) A schooling requirement payment is not payable to a schooling requirement person if the person fails to comply with a compliance notice given to the person under section 124ND.
- (2) Subsection (1) does not apply to the person in relation to a compliance notice, as at a particular day, if the Secretary is satisfied that there are special circumstances applying as at that day, as determined in accordance with the schooling requirement determination (if any), that justify the failure to comply with the compliance notice.
- (3) Subsection (1) does not apply to the person in relation to a compliance notice, as at a particular day, if:
  - (a) before that day, the person has been fined under a law of a State or Territory in relation to the failure of the person's



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- child or children to attend school in that State or Territory;  
and
- (b) having regard to all the circumstances, the Secretary determines that subsection (1) should not apply to the person as at that day.
- (4) A schooling requirement payment cannot be suspended, or cancelled, because of the application of subsection (1) except as provided by section 124NF.
- (5) For a schooling requirement payment under the Veterans' Entitlements Act:
- (a) this section does not apply in relation to the grant of the payment; but
- (b) this section otherwise applies in relation to the payment.
- (6) A determination under paragraph (3)(b) is not a legislative instrument.

**124NF School attendance—suspension or cancellation for non-compliance with compliance notice**

*Scope*

- (1) This section applies if, as at a particular day:
- (a) a schooling requirement person has been given a compliance notice; and
- (b) a schooling requirement payment is not payable to the person because subsection 124NE(1) applies to the person as at that day.

Note: Section 124NE provides that a schooling requirement payment is not payable to a person if he or she fails to comply with a compliance notice.

*Suspension or cancellation of payment*

- (2) The Secretary must:

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- (a) if the payment has been suspended under this section for a total period of 13 weeks or more (which need not be a continuous period) in relation to compliance with the compliance notice—determine that the payment is to be suspended or cancelled; or
- (b) in any other case—determine that the payment is to be suspended.

*Payment may be suspended more than once*

- (3) The Secretary may make more than one determination under subsection (2) in relation to compliance with a particular compliance notice.

Note: Following suspension of a schooling requirement payment, the payment may become payable again under section 124NG. Subsection (3) of this section allows for a further suspension of the payment even after the payment has become payable again.

*Payment may be suspended even if not yet received*

- (4) The Secretary may suspend a schooling requirement person's schooling requirement payment under this section even if the person has not started to receive the payment.

Note: A compliance notice may be given to a claimant for a schooling requirement payment (see section 124 (Scope)). The claim may be granted even if subsection 124NE(1) applies to the person. However, in that event, the Secretary must suspend the payment under this section (before it has started).

**124NG School attendance—when payments become payable after suspension**

*Scope*

- (1) This section applies if, on a particular day (the ***reconsideration day***):
  - (a) a person's schooling requirement payment has been, and remains, suspended under section 124NF, where the

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- compliance notice concerned required the person to enter into a school attendance plan; and
- (b) the Secretary has reconsidered the decision to suspend the payment (whether on an application under section 129 or on his or her own initiative); and
  - (c) as a result of the reconsideration, the Secretary is satisfied that, as at the reconsideration day:
    - (i) the person has entered into such a plan containing requirements that the Secretary considers appropriate for the purpose of ensuring improved school attendance of the one or more children covered by the plan; or
    - (ii) there are special circumstances applying, as determined in accordance with the schooling requirement determination (if any), that justify the person being unable to enter into such a plan.
- (2) This section also applies if, on a particular day (the *reconsideration day*):
- (a) a person's schooling requirement payment has been, and remains, suspended under section 124NF, where the compliance notice concerned required the person to comply with a school attendance plan in force in relation to the person; and
  - (b) the Secretary has reconsidered the decision to suspend the payment (whether on an application under section 129 or on his or her own initiative); and
  - (c) as a result of the reconsideration, the Secretary is satisfied that, as at the reconsideration day:
    - (i) the person is complying with the plan; or
    - (ii) there are special circumstances applying, as determined in accordance with the schooling requirement determination (if any), that justify the person being unable to comply with the plan.

*Determination that payment is payable*

- (3) The Secretary must determine:
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- (a) that the schooling requirement payment is payable to the schooling requirement person (subject to any other provision of the social security law or the Veterans' Entitlements Act, as the case requires); and
- (b) that any arrears resulting from the operation of this section are to be paid at a time, or times, stated in the determination under this subsection (or worked out in accordance with that determination).

*Entitlement to arrears—suspension for total period of up to 13 weeks*

- (4) If the payment has been suspended under section 124NF for a total period of less than 13 weeks (which need not be a continuous period) in relation to compliance with a particular compliance notice, the date of effect of the determination under subsection (3) is the day on which the latest suspension determination was made under section 124NF in relation to such compliance.

Note: A schooling requirement payment may be suspended more than once under section 124NF (see subsection 124NF(3)).

*Entitlement to arrears—suspension for total period of 13 weeks or more*

- (5) If subsection (4) does not apply, the date of effect of the determination under subsection (3) is:
  - (a) the reconsideration day; or
  - (b) an earlier day stated by the Secretary in that determination to be appropriate, in the special circumstances of the case applying as at the reconsideration day, as determined in accordance with the schooling requirement determination (if any).
- (6) For the purposes of subsection (5), the Secretary may vary a determination under subsection (3) to state an earlier date of effect, if the determination:
  - (a) does not include such a statement; or
  - (b) includes such a statement in relation to a later day.

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*How arrears are paid*

- (7) Arrears resulting from the operation of this section may be paid to the person as a lump sum payment, a series of regular payments, or otherwise, in accordance with the determination under subsection (3).
- (8) The person is entitled to a payment, or payments, of arrears arising from the operation of this section at the time, or times, provided by the determination under subsection (3).

*Non-application of general provisions for date of effect*

- (9) Division 9 of Part 3 (date of effect of determinations) does not apply in relation to a determination under subsection (3).

## **Division 4—Information about schooling**

### **124P Schooling requirements—information about schooling**

- (1) Despite any law (whether written or unwritten) in force in a State or Territory:
  - (a) a State or Territory; or
  - (b) a non-government school authority; or
  - (c) any other person who is responsible for the operation of one or more schools;may, for the purposes of this Part, give the Secretary information about the enrolment, or non-enrolment, of children at school.
- (2) Despite any law (whether written or unwritten) in force in a State or Territory:
  - (a) a State or Territory; or
  - (b) a non-government school authority; or
  - (c) any other person who is responsible for the operation of one or more schools;may, for the purposes of this Part, give the Secretary information about either or both of the following:
  - (d) the attendance, or non-attendance, of children at school;
  - (e) a person's compliance with a compliance notice given to the person.

## **Division 5—General provisions**

### **124PA Relationship between Divisions of this Part**

No Division of this Part limits any other Division of this Part.

## **Part 3D—Trial of cashless welfare arrangements**

### **Division 1—Introduction**

#### **124PB Simplified outline**

This Part provides for the trial of cashless welfare arrangements. Recipients of certain welfare payments are subject to the trial.

During the trial, certain welfare payments will be divided into restricted and unrestricted portions, with recipients being unable to spend the restricted portions of such payments on alcohol or gambling. The amount of each portion may be varied if a community body gives a direction to the Secretary reflecting an agreement between the community body and the recipient.

Other recipients of certain welfare payments may voluntarily opt in to these cashless welfare arrangements.

#### **124PC Objects**

The objects of this Part are to trial cashless welfare arrangements so as to:

- (a) reduce the amount of certain restrictable payments available to be spent on alcoholic beverages, gambling and illegal drugs; and
- (b) determine whether such a reduction decreases violence or harm in trial areas; and
- (c) determine whether such arrangements are more effective when community bodies are involved; and
- (d) encourage socially responsible behaviour.

#### **124PD Definitions**

- (1) In this Part:
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***Bundaberg and Hervey Bay area*** means the area within the boundaries of the Division (within the meaning of the *Commonwealth Electoral Act 1918*) of Hinkler, as those boundaries were in force on 31 May 2018.

***Ceduna area*** means Ceduna within the meaning of the *Social Security (Administration) (Trial Area—Ceduna and Surrounding Region) Determination 2015* as in force on 15 March 2016 and includes the Surrounding Region (within the meaning of that determination as so in force).

***community body*** means a body authorised in an instrument made under section 124PE.

***East Kimberley area*** means East Kimberley within the meaning of the *Social Security (Administration) (Trial Area—East Kimberley) Determination 2016* as in force on 26 April 2016 and includes the areas of each of the Included Communities (within the meaning of that determination as so in force).

***Goldfields area*** means the following Local Government Areas as at 7 February 2018:

- (a) the Shire of Leonora;
- (b) the Shire of Laverton;
- (c) the City of Kalgoorlie-Boulder;
- (d) the Shire of Coolgardie;
- (e) the Shire of Menzies.

***health or community worker*** means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their wellbeing.

***Local Government Areas*** means areas designated by the Governor of Western Australia to be a city, town or shire, in accordance with the *Local Government Act 1995* (WA).

***restrictable payment:***

- (a) in relation to a trial participant, means:

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- (i) a trigger payment; or
- (ii) a clean energy advance under the Family Assistance Act; or
- (iii) family tax benefit under the Family Assistance Act; or
- (iv) family tax benefit advance under the Family Assistance Administration Act; or
- (v) baby bonus under the Family Assistance Act; or
- (vi) schoolkids bonus under the Family Assistance Act; or
- (vii) stillborn baby payment under the Family Assistance Act; or
- (viii) carer allowance; or
- (ix) carer supplement; or
- (x) child disability assistance; or
- (xi) double orphan pension; or
- (xii) income support bonus; or
- (xiii) mobility allowance; or
- (xiv) pensioner education supplement; or
- (xv) a social security bereavement payment (other than a social security bereavement payment in relation to an age pension under Division 9 of Part 2.2 of the 1991 Act, a mature age allowance under Part 2.12B of the 1991 Act or a special needs pension under Division 10 of Part 2.16 of the 1991 Act); or
- (xvi) a clean energy advance under the 1991 Act; or
- (xvii) an advance payment under Part 2.22 of the 1991 Act; or
- (xviii) an advance pharmaceutical allowance under Part 2.23 of the 1991 Act; or
- (xix) a mobility allowance advance under section 1045 of the 1991 Act; or
- (xx) quarterly energy supplement under the 1991 Act; or
- (xxi) telephone allowance under Part 2.25 of the 1991 Act; or
- (xxii) utilities allowance under Part 2.25A of the 1991 Act; or
- (xxiii) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as pensioner education supplement; or

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- (b) in relation to a voluntary participant, means:
- (i) a payment of a kind listed in paragraph (a); or
  - (ii) an age pension; or
  - (iii) a social security bereavement payment in relation to an age pension under Division 9 of Part 2.2 of the 1991 Act.

**restricted portion**, in relation to a restrictable payment, has the meaning given by section 124PJ.

**trial area** means the following:

- (a) the Ceduna area;
- (b) the East Kimberley area;
- (c) the Goldfields area;
- (d) the Bundaberg and Hervey Bay area;

other than any part of such an area determined in an instrument under subsection (2).

**trial participant**: see sections 124PG to 124PGC.

**trigger payment** means:

- (a) a social security benefit (other than a mature age allowance under Part 2.12B of the 1991 Act); or
- (b) a social security pension of the following kinds:
  - (i) a carer payment;
  - (ii) a bereavement allowance, so long as the recipient has not yet reached pension age;
  - (iii) a disability support pension;
  - (iv) a pension PP (single);
  - (v) a widow B pension;
  - (vi) a wife pension; or
- (c) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as living allowance.

**unrestricted portion**, in relation to a restrictable payment, has the meaning given by section 124PJ.

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*voluntary participant*: see subsection 124PH(3).

*welfare restricted bank account* means a bank account of a kind determined by a legislative instrument made under section 124PP.

- (2) The Minister may, by notifiable instrument, determine a part of an area for the purposes of the definition of *trial area* in subsection (1).

**124PE Community body**

The Minister may, by notifiable instrument, authorise a body, whether incorporated or unincorporated, as a *community body* if the body provides, or intends to provide, services relating to the care, protection, welfare or safety of adults, children or families.

## **Division 2—Persons subject to cashless welfare arrangements**

### **Subdivision A—Trial of cashless welfare arrangements**

#### **124PF Trial of cashless welfare arrangements**

- (1) Cashless welfare arrangements are to be trialled during the period:
  - (a) beginning on 1 February 2016; and
  - (b) ending on 30 June 2020.
- (2) The trial is to occur in the trial areas.
- (3) The trial is to include no more than 15,000 trial participants.

#### **124PG Trial participants—Ceduna area**

- (1) A person is a *trial participant* if:
  - (a) the person's usual place of residence is, becomes or was within the Ceduna area; and
  - (b) the person is receiving a trigger payment; and
  - (c) the person has not reached pension age; and
  - (d) the person does not have a Part 3B payment nominee (within the meaning of Part 3B); and
  - (e) the person's payments (if any) under the scheme known as the ABSTUDY scheme that include an amount identified as living allowance are not being paid to another person; and
  - (f) the person is not covered by a determination under subsection 43(3A); and
  - (g) the person is not subject to the income management regime under section 123UC, 123UCB, 123UCC or 123UF; and
  - (h) subsection (3) does not apply to the person; and
  - (i) the person is not covered by a determination under subsection 124PHA(1); and

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- (j) the person is not covered by a determination under subsection 124PHB(3).
- (2) To avoid doubt, if a person's usual place of residence becomes within the Ceduna area and subsection (1) applies to the person, the person is a trial participant on and after the day that the person's usual place of residence becomes within that area.
- (3) This subsection applies to a person if:
  - (a) the person is undertaking full-time study (as defined by section 541B of the 1991 Act); and
  - (b) while undertaking that study, the person is living outside the Ceduna area.

**124PGA Trial participants—East Kimberley area**

- (1) A person is a *trial participant* if:
  - (a) the person's usual place of residence is, becomes or was within the East Kimberley area; and
  - (b) the person is receiving a trigger payment; and
  - (c) the person has not reached pension age; and
  - (d) the person does not have a Part 3B payment nominee (within the meaning of Part 3B); and
  - (e) the person's payments (if any) under the scheme known as the ABSTUDY scheme that include an amount identified as living allowance are not being paid to another person; and
  - (f) the person is not covered by a determination under subsection 43(3A); and
  - (g) the person is not subject to the income management regime under section 123UC, 123UCB, 123UCC or 123UF; and
  - (h) subsection (3) does not apply to the person; and
  - (i) the person is not covered by a determination under subsection 124PHA(1); and
  - (j) the person is not covered by a determination under subsection 124PHB(3).

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- (2) To avoid doubt, if a person's usual place of residence becomes within the East Kimberley area and subsection (1) applies to the person, the person is a trial participant on and after the day that the person's usual place of residence becomes within that area.
- (3) This subsection applies to a person if:
  - (a) the person is undertaking full-time study (as defined by section 541B of the 1991 Act); and
  - (b) while undertaking that study, the person is living outside the East Kimberley area.

**124PGB Trial participants—Goldfields area**

- (1) A person is a *trial participant* if:
  - (a) the person's usual place of residence is, becomes or was within the Goldfields area; and
  - (b) the person is receiving a trigger payment; and
  - (c) the person has not reached pension age and will not reach pension age before 26 March 2019; and
  - (d) the person does not have a Part 3B payment nominee (within the meaning of Part 3B); and
  - (e) the person's payments (if any) under the scheme known as the ABSTUDY scheme that include an amount identified as living allowance are not being paid to another person; and
  - (f) the person is not covered by a determination under subsection 43(3A); and
  - (g) the person is not subject to the income management regime under section 123UC, 123UCB, 123UCC or 123UF; and
  - (h) subsection (3) does not apply to the person; and
  - (i) the person is not covered by a determination under subsection 124PHA(1); and
  - (j) the person is not covered by a determination under subsection 124PHB(3).
- (2) To avoid doubt, if a person's usual place of residence becomes within the Goldfields area and subsection (1) applies to the person,

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the person is a trial participant on and after the day that the person's usual place of residence becomes within that area.

- (3) This subsection applies to a person if:
- (a) the person is undertaking full-time study (as defined by section 541B of the 1991 Act); and
  - (b) while undertaking that study, the person is living outside the Goldfields area.

**124PGC Trial participants—Bundaberg and Hervey Bay area**

- (1) A person is a *trial participant* if:
- (a) the person's usual place of residence is, becomes or was within the Bundaberg and Hervey Bay area; and
  - (b) the person is receiving newstart allowance, youth allowance (where neither section 540AA of the 1991 Act (about new apprentices) nor paragraph 541(1)(a) of the 1991 Act (about full-time study) applies) or parenting payment; and
  - (c) the person is under 35 years of age on the day this section commences and the person has not turned 36 years of age; and
  - (d) the person does not have a Part 3B payment nominee (within the meaning of Part 3B); and
  - (e) the person is not covered by a determination under subsection 43(3A); and
  - (f) the person is not subject to the income management regime under section 123UC, 123UCB, 123UCC or 123UF; and
  - (g) subsection (3) does not apply to the person; and
  - (h) the person is not covered by a determination under subsection 124PHA(1); and
  - (i) the person is not covered by a determination under subsection 124PHB(3).
- (2) To avoid doubt, if a person's usual place of residence becomes within the Bundaberg and Hervey Bay area and subsection (1) applies to the person, the person is a trial participant on and after



the day that the person's usual place of residence becomes within that area.

- (3) This subsection applies to a person if:
- (a) the person is undertaking full-time study (as defined by section 541B of the 1991 Act); and
  - (b) while undertaking that study, the person is living outside the Bundaberg and Hervey Bay area.

### **Subdivision B—Voluntary participation in cashless welfare arrangements**

#### **124PH Voluntary participants**

- (1) A person may notify the Secretary, orally or in writing, that the person wishes to be subject to cashless welfare arrangements if:
- (a) the person is receiving a trigger payment or an age pension; and
  - (b) the person's usual place of residence is within a trial area (except the Bundaberg and Hervey Bay area); and
  - (ba) the person does not have a Part 3B payment nominee (within the meaning of Part 3B); and
  - (bb) the person's payments (if any) under the scheme known as the ABSTUDY scheme that include an amount identified as living allowance are not being paid to another person; and
  - (bc) the person is not covered by a determination under subsection 43(3A); and
  - (bd) the person is not subject to the income management regime under Part 3B; and
  - (c) the person is not otherwise a trial participant.
- (2) A person may withdraw the notification at any time.
- (3) Until a person withdraws the notification, the person is a ***voluntary participant***, unless the Secretary determines that the person is not to be subject to cashless welfare arrangements under subsection (4).

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- (4) The Secretary may determine that a person who is a voluntary participant is not to be subject to cashless welfare arrangements. If the Secretary makes such a determination, the Secretary must notify the person, in writing, accordingly.

**Subdivision C—When persons not subject to cashless welfare arrangements**

**124PHA Person’s mental, physical or emotional wellbeing at serious risk**

- (1) The Secretary must determine that a person is not a trial participant if the Secretary is satisfied that being a trial participant would pose a serious risk to the person’s mental, physical or emotional wellbeing.
- (2) The Secretary is not required to inquire into whether a person being a trial participant would pose a serious risk to the person’s mental, physical or emotional wellbeing.
- (3) The Secretary must not revoke a determination under subsection (1).
- (4) A determination under subsection (1) is not a legislative instrument.

**124PHB Person can responsibly manage the person’s affairs**

- (1) A person may apply to the Secretary to exit the trial of cashless welfare arrangements.

*Form of application*

- (2) The application must be in a form approved by the Secretary.

*Secretary’s decision on application*

- (3) The Secretary may determine that the person is not a trial participant if the Secretary is satisfied that:

- (a) the person can demonstrate reasonable and responsible management of the person's affairs (including financial affairs), taking into account all of the following:
    - (i) the interest of any children for whom the person is responsible;
    - (ii) whether the person was convicted of an offence against a law of the Commonwealth, a State or a Territory, or was serving a sentence of imprisonment for such an offence, at any time in the last 12 months;
    - (iii) risks of homelessness;
    - (iv) the health and safety of the person and the community;
    - (v) the responsibilities and circumstances of the person;
    - (vi) the person's engagement in the community, including the person's employment or efforts to obtain work; and
  - (b) the person satisfies any requirements determined in an instrument under subsection (6).
- (4) The Secretary must give the person written notice of the Secretary's decision on the application. If the Secretary refuses to make a determination, the notice must set out the reasons for the refusal.
- (5) A determination under subsection (3) is not a legislative instrument.

*Minister's instrument*

- (6) The Minister may, by legislative instrument, determine requirements for the purposes of paragraph (3)(b).
- (7) Before the Minister makes a determination under subsection (6), the Minister must:
- (a) consult with local communities and trial participants; and
  - (b) have regard to any feedback received as a result of those consultations.

**Part 3D** Trial of cashless welfare arrangements

**Division 2** Persons subject to cashless welfare arrangements

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*Reconsideration of Secretary's determination*

- (8) If a health or community worker considers that it is necessary for the person who is the subject of a determination under subsection (3) to be a trial participant for medical or safety reasons, the worker may request the Secretary to reconsider the determination.
- (9) If the Secretary receives such a request and the Secretary is no longer satisfied of the matters in paragraphs (3)(a) and (b), the Secretary must revoke the determination.

*Person may make another application*

- (10) Subsection (9) does not prevent the person from making another application under subsection (1).

## **Division 3—Cashless welfare arrangement rules**

### **Subdivision A—Splitting and payment of restrictable payments**

#### **124PJ Restrictable payment to be split into restricted and unrestricted portions**

- (1) If an instalment of a restrictable payment is payable to a trial participant or voluntary participant:
  - (a) 80% of the gross amount of the payment is restricted (the *restricted portion*); and
  - (b) 20% of the gross amount of the payment is unrestricted (the *unrestricted portion*).
- (2) If a restrictable payment is payable to a trial participant or voluntary participant otherwise than by instalments, 100% of the gross amount of the payment is restricted.
- (3) For a person who is a trial participant or voluntary participant, the Secretary may make a determination that:
  - (a) varies the percentage amount in paragraph (1)(a) to 0%; and
  - (b) varies the percentage amount in paragraph (1)(b) to 100%; and
  - (c) varies the percentage amount in subsection (2) to 0%.
- (4) The Secretary may make a determination under subsection (3) only if:
  - (a) the Secretary is satisfied that the person is unable to use the person's debit card that was issued to the person and that is attached to the person's welfare restricted bank account, or is unable to access that account, as a direct result of:
    - (i) a technological fault or malfunction with that card or account; or
    - (ii) a natural disaster; or

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- (b) the person's restrictable payment is payable in instalments and the Secretary is satisfied that any part of the payment is payable:
    - (i) at a time determined under subsection 43(2), where that determination is made because the person is in severe financial hardship as a result of exceptional and unforeseen circumstances; or
    - (ii) under a determination under subsection 51(1).
- (5) A determination under subsection (3) takes effect on the day specified in the determination (which must not be earlier than the day on which the determination is made).
- (6) A determination under subsection (3) is not a legislative instrument.

**124PK Secretary must comply with directions given by a community body**

- (1) A community body may give the Secretary a written direction to vary the percentage amounts in paragraphs 124PJ(1)(a) and (b) that apply in respect of restrictable payments made to a trial participant or voluntary participant after the direction is given.

Note: Paragraphs 124PJ(1)(a) and (b) set out the percentage amounts for splitting a restrictable payment into a restricted portion and an unrestricted portion, respectively.

- (2) A written direction relating to a trial participant or voluntary participant:
  - (a) must reflect an agreement between the community body and the trial participant or voluntary participant; and
  - (b) may only be changed by the community body with the agreement of the trial participant or voluntary participant; and
  - (c) must be revoked by the community body if there is no longer agreement between the body and the trial participant or voluntary participant; and

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- (d) ceases to have effect on and after the day that the community body stops being authorised as a community body.
- (3) The percentage amounts specified in the written direction:
  - (a) must total 100%; and
  - (b) may:
    - (i) for the restricted portion of a restrictable payment, be a percentage in the range of 50% to 80%; and
    - (ii) for the unrestricted portion of a restrictable payment, be a percentage in the range of 20% to 50%.
- (5) Subject to subsection (6), the Secretary must comply with the written direction.
- (6) The written direction has no effect in relation to a trial participant or voluntary participant during the period a determination under subsection 124PJ(3) is in effect in relation to the trial participant or voluntary participant.

**124PL Payment of restricted portion of restrictable payment**

- (1) This section applies if a restrictable payment is payable to a trial participant or voluntary participant.
- (2) The Secretary must pay the balance of the restricted portion of the restrictable payment to the credit of a welfare restricted bank account maintained by the trial participant or voluntary participant.
- (3) In this section:

***balance of the restricted portion of the restrictable payment***  
means, if a deduction is made from, or an amount is set off against, the restrictable payment under:

- (a) section 61, 61A or 238 of this Act; or
- (b) section 1231 of the 1991 Act; or
- (c) section 84, 84A, 92, 92A, 225, 226, 227 or 228A of the Family Assistance Administration Act;

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so much of the restricted portion of the restrictable payment as remains after the deduction is made or the set-off occurs, as the case may be.

**Subdivision B—Recipient’s use of restrictable payments etc.**

**124PM Recipient’s use of funds from restrictable payments**

A person who receives a restrictable payment:

- (a) may use the restricted portion of the payment, as paid under subsection 124PL(2), to obtain goods or services, other than:
  - (i) alcoholic beverages; or
  - (ii) gambling; or
  - (iii) a cash-like product that could be used to obtain alcoholic beverages or gambling; and
- (b) may use the unrestricted portion of the payment, as paid to the person, at the person’s discretion.

Note: For *cash-like product*, see section 124PQA.



**Division 4—Information****124PN Disclosure of information to the Secretary—financial institution**

- (1) Despite any law (whether written or unwritten) in force in a State or Territory, an officer or employee of a financial institution may give the Secretary information about a person if:
  - (a) the person is a trial participant or voluntary participant; and
  - (b) the disclosed information is relevant to the operation of this Part.
- (2) If information about a person is disclosed as mentioned in subsection (1), the Secretary may disclose information about the person to an officer or employee of the financial institution for the purposes of the performance of the duties, or the exercise of the powers, of the officer or employee.

**124PO Disclosure of information to the Secretary—community body**

- (1) Despite any law (whether written or unwritten) in force in a State or Territory, a member, officer or employee of a community body may give the Secretary information about a person if:
  - (a) the person is a trial participant or voluntary participant; and
  - (b) the disclosed information is relevant to the operation of this Part.
- (2) If information about a person is disclosed as mentioned in subsection (1), the Secretary may disclose information about the person to a member, officer or employee of the community body for the purposes of the performance of the functions and duties, or the exercise of the powers, of the member, officer or employee.

## **Division 5—Miscellaneous**

### **124PP Welfare restricted bank accounts**

- (1) For the purposes of this Part, the Secretary may, by legislative instrument, determine a kind of bank account to be maintained by a trial participant or voluntary participant for the receipt of restrictable payments.
- (2) A legislative instrument determining a kind of bank account may also prescribe terms and conditions relating to the establishment, ongoing maintenance and closure of the bank account so determined.

### **124PQ Exceptions to Part IV of the *Competition and Consumer Act 2010***

- (1) For the purposes of subsection 51(1) of the *Competition and Consumer Act 2010*, the declining of a transaction by a financial institution is specified and specifically authorised if the transaction would involve:
  - (a) money in a welfare restricted bank account; and
  - (b) a business of a kind specified in a legislative instrument made under subsection (2).
- (2) The Secretary may, by legislative instrument, declare a kind of business, whether by reference to merchant category codes, terminal identification codes, card accepted identification codes or otherwise, in relation to which transactions involving money in a welfare restricted bank account may be declined by a financial institution.
- (2A) For the purposes of subsection 51(1) of the *Competition and Consumer Act 2010*, the declining of a transaction by a supplier of goods or services is specified and specifically authorised if the transaction would involve:
  - (a) money in a welfare restricted bank account; and

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- (b) the obtaining of:
  - (i) alcoholic beverages; or
  - (ii) gambling; or
  - (iii) a cash-like product that could be used to obtain alcoholic beverages or gambling.

Note: For *cash-like product*, see section 124PQA.

- (3) To avoid doubt, for the purposes of this section, it does not matter whether money in a welfare restricted bank account represents the restricted portion or unrestricted portion of a restrictable payment.

**124PQA Cash-like products**

Without limiting sections 124PM and 124PQ, *cash-like product* includes any of the following:

- (a) a gift card, store card, voucher or similar article (whether in a physical or electronic form);
- (b) a money order, postal order or similar order (whether in a physical or electronic form);
- (c) digital currency.

**124PR This Part has effect despite other provisions etc.**

This Part has effect despite anything in:

- (a) any other provision of this Act; or
- (b) the 1991 Act; or
- (c) the Family Assistance Act; or
- (d) the Family Assistance Administration Act.

**124PS Evaluation of trial review**

- (1) If the Minister or the Secretary causes a review of the trial of the cashless welfare arrangements mentioned in section 124PF to be conducted, the Minister must cause the review to be evaluated.
- (2) The evaluation must:

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- (a) be completed within 6 months from the time the Minister receives the review report; and
  - (b) be conducted by an independent evaluation expert with significant expertise in the social and economic aspects of welfare policy.
- (3) The independent expert must:
  - (a) consult trial participants; and
  - (b) make recommendations as to:
    - (i) whether cashless welfare arrangements are effective; and
    - (ii) whether such arrangements should be implemented outside of a trial area.
- (4) The Minister must cause a written report about the evaluation to be prepared.
- (5) The Minister must cause a copy of the report to be laid before each House of Parliament within 15 days after the completion of the report.

## **Part 4—Internal review of decisions**

### **Division 1—Effect of Part**

#### **124Q Application of Part to decisions under repealed laws**

This Part applies as if a decision under:

- (a) the 1947 Act; or
- (b) the 1991 Act as in force immediately before the commencement of this Part;

were a decision under the social security law.

#### **125 Decisions by officers under instruments**

For the purposes of this Part, a decision made by an officer under an instrument (other than an instrument that is a legislative instrument) made or issued under this Act or the 1991 Act is taken to be a decision under the social security law.

## **Division 2—Internal review**

### **126 Review of decisions by Secretary**

- (1) The Secretary may review, subject to subsection (2), a decision of an officer under the social security law if the Secretary is satisfied that there is sufficient reason to review the decision.
- (2) The Secretary may review a decision:
  - (a) whether or not any person has applied for review of the decision; and
  - (b) even if an application has been made to the AAT for review of the decision.
- (3) The Secretary may:
  - (a) affirm a decision; or
  - (b) vary a decision; or
  - (c) set a decision aside and substitute a new decision.
- (4) If:
  - (a) the Secretary sets a decision aside under subsection (3); and
  - (b) the Secretary is satisfied that an event that did not occur would have occurred if the decision had not been made;the Secretary may, if satisfied that it is reasonable to do so, determine that the event is taken to have occurred for the purposes of the social security law.

### **126A Review of determination of youth allowance rate in relation to maintenance income**

The Secretary must review a decision under section 126 if:

- (a) the decision is a determination of the rate of youth allowance payable to a person for a period in an income year; and
- (b) in making the determination, the Secretary had regard to an estimate of the amount of maintenance income for a parent of the person; and

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- (c) at a time after the end of the income year, the Secretary becomes satisfied that the Secretary has sufficient information to work out the annualised amount of maintenance income for the parent for the income year for the purposes of point 1067G-GA1 of the Youth Allowance Rate Calculator in section 1067G of the 1991 Act, without regard to an estimate.

Note: Section 123AB (verification of maintenance income) applies to the review of the decision.

**127 Decisions that are not reviewable by the Secretary**

- (1) The Secretary may not, on an application under section 129, review a decision made by the Secretary himself or herself.
- (2) The Secretary may not review a decision made by the Employment Secretary declaring, under section 28 of the 1991 Act, a program of work to be an approved program of work for income support payment.
- (3) The Secretary may not review a decision made personally by the Agriculture Minister or the Secretary of the Agriculture Department under or in relation to the *Farm Household Support Act 2014*.
- (4) The Secretary may not review:
  - (a) a decision that is a reviewable decision under section 138A (decision by Commissioner about deferring or amending assessment relating to student start-up loans); or
  - (b) a decision under section 138D or 138F (decision following reconsideration of a decision that is a reviewable decision under section 138A); or
  - (c) a decision to give a notice under subsection 1061ZVJD(1) or 1061ZVJF(1) of the 1991 Act (decision by Commissioner to notify Secretary that incorrect or cancelled tax file number has been given in relation to student start-up loans).

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**128 Notice to AAT Registrar**

If the Secretary makes a review decision under section 126 to vary or substitute a decision after a person has applied to the AAT for a review in relation to the decision, the Secretary must give written notice of the Secretary's review decision to the Registrar of the AAT.

**129 Application for review**

- (1) Subject to subsections (3) and (4), a person affected by a decision of an officer under the social security law may apply to the Secretary for review of the decision.
- (3) If:
  - (a) an officer makes a decision under the social security law in relation to pension bonus or essential medical equipment payment; and
  - (b) notice is given to the person concerned;the person is not entitled to make an application under subsection (1) for review of the decision more than 13 weeks after the giving of the notice.
- (4) A person may not apply under subsection (1) for review of:
  - (a) a decision made by the Secretary himself or herself; or
  - (c) a decision made by the Employment Secretary:
    - (i) under section 28 of the 1991 Act; or
    - (ii) approving a course of study or a labour market program; or
    - (iii) exempting a person from the application of a provision of the social security law; or
  - (d) a decision made personally by the Agriculture Minister or the Secretary of the Agriculture Department under or in relation to the *Farm Household Support Act 2014*; or
  - (da) a decision that is a reviewable decision under section 138A (decision by Commissioner about deferring or amending assessment relating to student start-up loans); or



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- (db) a decision under section 138D or 138F (decision following reconsideration of a decision that is a reviewable decision under section 138A); or
  - (dc) a decision by the Commissioner to give a notice under subsection 1061ZVJD(1) or 1061ZVJF(1) of the 1991 Act (notifying Secretary that incorrect or cancelled tax file number has been given in relation to student start-up loans); or
  - (f) a decision made by the Chief Executive Centrelink himself or herself in the exercise of a delegated power.
- (5) A reference in this section to a decision of an officer under the social security law includes a reference to a determination that the Secretary is taken, by virtue of a provision of the social security law, to have made.

**130 Withdrawal of application**

- (1) A person who has applied for review of a decision may withdraw the application at any time before the review has been completed.
- (2) If an application for review of a decision is withdrawn, the application is taken never to have been made.
- (3) An application may be withdrawn orally or in writing or in any other manner approved by the Secretary.

**131 Secretary may continue payment pending outcome of application for review**

- (1) If:
  - (a) an adverse decision is made in relation to a social security payment; and
  - (aa) the adverse decision is not made under Division 3AA of Part 3 (compliance with participation payment obligations: persons other than declared program participants); and
  - (b) the adverse decision:

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- (i) depends on the exercise of a discretion, or the holding of an opinion, by a person; or
  - (ii) would result in the application of a compliance penalty period; and
  - (c) a person applies to the Secretary under section 129 for review of the adverse decision;
- the Secretary may declare that the payment of the social security payment is to continue pending the determination of the review as if the adverse decision had not been made.
- (3) A declaration under subsection (1) must be by notice in writing.
- (4) While a declaration under subsection (1) is in force in relation to an adverse decision, the social security law (other than this Part) applies as if the adverse decision had not been made.
- (5) A declaration under subsection (1) in relation to an adverse decision:
  - (a) takes effect on the day on which it is made or on such earlier day (if any) as is specified in the declaration; and
  - (b) ceases to have effect:
    - (i) if the application for review is withdrawn—on the day the application is withdrawn; or
    - (ii) if a decision (the **review decision**) is made by the Secretary on the review of the adverse decision—at the end of the period of 13 weeks beginning on the day the review decision is made, or on such earlier day (if any) within that 13 week period as is specified by the Secretary; or
    - (iii) if the declaration is revoked by the Secretary—on the day the declaration is revoked.
- (5A) If:
  - (a) an adverse decision results in a serious failure period or an unemployment non-payment period; and
  - (b) a declaration in relation to the decision ceases to have effect under subsection (5); and

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- (c) after the declaration ceases, the serious failure period or the unemployment non-payment period, or the balance of that period, remains to be served;  
the period or the balance of the period continues from the day the declaration ceases.
- (6) A reference in subsection (1) to a person's holding of an opinion is a reference to the person's holding that opinion, whether or not the social security law expressly requires the opinion to be held before the decision concerned is made.
- (7) In this section:
  - adverse decision*, in relation to a social security payment, means:
    - (a) a decision to cancel or suspend the social security payment;  
or
    - (b) a decision to reduce the rate of the social security payment.

**132 Guidelines for exercise of Secretary's power to continue payment**

The Minister, by legislative instrument:

- (a) is to determine guidelines for the exercise of the Secretary's power to make declarations under section 131 in relation to social security payments to persons who are subject to a compliance penalty period; and
- (b) may revoke or vary those guidelines.

**135 Review of decisions following application under section 129**

- (1) Subject to subsection (3) and subsection 127(1), if a person applies under section 129 for review of a decision, the Secretary, the Chief Executive Centrelink or an authorised review officer must:
  - (a) review the decision; and
  - (b) do one of the following:
    - (i) affirm the decision;
    - (ii) vary the decision;

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- (iii) set the decision aside and substitute a new decision.
- (2) In the case of an application for review of a decision made by an officer of the Employment Department as a delegate of the Secretary, the reference in subsection (1) to an authorised review officer is to be read as a reference to an authorised review officer who is an officer of that Department.
- (3) An authorised review officer may not review a decision relating to the exercise of the Secretary's power under section 181 of this Act.
- (5) If:
  - (a) a person sets aside a decision under subsection (1); and
  - (b) the Secretary is satisfied that an event that did not occur would have occurred if the decision had not been made;the Secretary may, if satisfied that it is reasonable to do so, determine that the event is taken to have occurred for the purposes of the social security law.

### 136 Notice of decision on review

If a person makes a decision under subsection 135(1), the person must give the applicant written notice of the decision.

### 137 Certain decisions not to be revived

- (1) This section has effect if:
  - (a) the Secretary makes a determination (the *first determination*) that:
    - (i) a social security payment is granted or is payable to a person; or
    - (ii) a social security payment is payable to a person at a particular rate; and
  - (b) the Secretary makes a determination (the *second determination*):
    - (i) cancelling the social security payment; or
    - (ii) reducing the rate at which the social security payment is payable; and

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- (c) notice of the second determination is given to the person; and
  - (d) the person applies under section 129 for review of the second determination; and
  - (e) the application is made more than 13 weeks after notice of the second determination was given; and
  - (f) a decision (the **review decision**) is made by the Secretary, an authorised review officer or the AAT; and
  - (g) the review decision, or the effect of the review decision, is:
    - (i) to set aside the second determination; or
    - (ii) to affirm a decision setting aside the second determination.
- (2) This section has effect if:
- (a) the Secretary makes a determination (the **first determination**) that:
    - (i) a social security payment is granted or is payable to a person; or
    - (ii) a social security payment is payable to a person at a particular rate; and
  - (b) the Secretary makes a determination (the **second determination**):
    - (i) cancelling the social security payment; or
    - (ii) reducing the rate at which the social security payment is payable; and
  - (c) notice of the second determination is given to the person; and
  - (d) the Secretary reviews the second determination under section 126 without any application under section 129 for review of the decision having been made; and
  - (e) the decision of the Secretary on the review is to set aside the second determination; and
  - (f) the decision on the review is made more than 13 weeks after notice of the second determination was given.
- (3) This section has effect if:
- (a) the Secretary makes a determination (the **first determination**) that:
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- (i) a person's claim for a concession card is granted; or
    - (ii) a person is qualified for a concession card; and
  - (b) the Secretary makes a determination (the ***second determination***) cancelling the concession card; and
  - (c) notice of the second determination is given to the person; and
  - (d) the person applies under section 129 for review of the second determination; and
  - (e) the application is made more than 13 weeks after notice of the second determination was given; and
  - (f) a decision (the ***review decision***) is made by the Secretary, an authorised review officer or the AAT; and
  - (g) the review decision, or the effect of the review decision, is:
    - (i) to set aside the second determination; or
    - (ii) to affirm a decision setting aside the second determination.
- (4) This section has effect if:
- (a) the Secretary makes a determination (the ***first determination***) that:
    - (i) a person's claim for a concession card is granted; or
    - (ii) a person is qualified for a concession card; and
  - (b) the Secretary makes a determination (the ***second determination***) cancelling the concession card; and
  - (c) notice of the second determination is given to the person; and
  - (d) the Secretary reviews the second determination under section 126 without any application under section 129 for review of the declaration having been made; and
  - (e) the decision of the Secretary on the review is to set aside the second determination; and
  - (f) the decision is made more than 13 weeks after notice of the second determination was given.
- (5) If this section has effect:
- (a) the second determination does not become void from the time when it was made; and

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- (b) the mere setting aside of the second determination does not of itself revive the first determination.
- (6) For the purposes of this section, a person is taken to have applied for review of a determination (the **primary determination**) if:
  - (a) the person applies for review of another determination or decision; and
  - (b) a review of the primary determination is necessary to resolve the issues raised by the review of that other determination or decision.

**138 Notification of further rights of review**

- (1) If a person (the **decision-maker**) gives another person notice under section 136, the notice must include:
  - (a) a statement to the effect that the other person may, subject to the social security law and the AAT Act, apply to the AAT for review of the decision-maker's decision; and
  - (b) a statement about the decision-maker's decision that:
    - (i) sets out the reasons for the decision; and
    - (ii) sets out the findings by the decision-maker on material questions of fact; and
    - (iii) refers to the evidence or other material on which those findings were based.
- (2) A contravention of subsection (1) in relation to notice of a decision does not affect the validity of the decision.
- (3) Paragraph (1)(a) does not apply in relation to a decision that is not reviewable by the AAT (see section 144).

## **Division 2A—Internal review of certain Commissioner decisions relating to student start-up loans**

### **138A Decisions reviewable under this Division**

Each of the following is a *reviewable decision* for the purposes of this Division:

- (a) a decision by the Commissioner under section 1061ZVHE of the 1991 Act (Commissioner may defer making assessments);
- (b) a decision by the Commissioner under section 1061ZVHF of the 1991 Act (Commissioner may amend assessments).

### **138B Commissioner must give reasons for reviewable decisions**

- (1) The Commissioner's notice to a person of the making of a reviewable decision must include reasons for the decision.
- (2) Subsection (1) does not affect an obligation, imposed upon the Commissioner by any other law, to give reasons for a decision.

### **138C Reviewer of decisions**

- (1) The Commissioner is the *reviewer* of a reviewable decision for the purposes of this Division, subject to subsection (2).
- (2) If:
  - (a) the reviewable decision was made by a delegate of the Commissioner; and
  - (b) the decision is to be reconsidered by a delegate of the Commissioner;then the delegate who reconsiders the decision must be a person who:
  - (c) was not involved in making the decision; and
  - (d) occupies a position that is senior to that occupied by any person involved in making the decision.



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**138D Reviewer may reconsider reviewable decisions**

- (1) The reviewer of a reviewable decision may reconsider the decision if the reviewer is satisfied that there is sufficient reason to do so.
- (2) The reviewer may reconsider the decision even if:
  - (a) an application for reconsideration of the decision has been made under section 138F; or
  - (b) the decision has been confirmed, varied or set aside under section 138F and an application has been made under section 138H for review of the decision.
- (3) After reconsidering the decision, the reviewer must:
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set the decision aside and substitute a new decision.
- (4) The reviewer's decision (the ***decision on review***) to confirm, vary or set aside the decision takes effect:
  - (a) on the day specified in the decision on review; or
  - (b) if a day is not specified—on the day on which the decision on review was made.
- (5) The reviewer must give written notice of the decision on review to the person to whom that decision relates.
- (6) The notice:
  - (a) must be given within a reasonable period after the decision is made; and
  - (b) must contain a statement of the reasons for the reviewer's decision on review.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

**138E Notice to AAT Registrar**

If:

- (a) a reviewer makes a decision under subsection 138D(3); and

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- (b) at the time of the reviewer's decision, a person has applied to the Administrative Appeals Tribunal for review of the decision reviewed by the reviewer;
- the reviewer must give the Registrar of the Administrative Appeals Tribunal written notice of the reviewer's decision under subsection 138D(3).

**138F Reconsideration of reviewable decisions on request**

- (1) A person whose interests are affected by a reviewable decision may request the reviewer to reconsider the decision.
- (2) The person's request must be made by written notice given to the reviewer within 28 days, or such longer period as the reviewer allows, after the day on which the person first received notice of the decision.
- (3) The notice must set out the reasons for making the request.
- (4) After receiving the request, the reviewer must reconsider the decision and:
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set the decision aside and substitute a new decision.
- (5) The reviewer's decision (the *decision on review*) to confirm, vary or set aside the decision takes effect:
  - (a) on the day specified in the decision on review; or
  - (b) if a day is not specified—on the day on which the decision on review was made.
- (6) The reviewer must give the person written notice of the decision on review.
- (7) The notice:
  - (a) must be given within a reasonable period after the decision on review is made; and

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- (b) must contain a statement of the reasons for the decision on review.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

- (8) The reviewer is taken, for the purposes of this Division, to have confirmed the decision if the reviewer does not give notice of a decision to the person within 45 days after receiving the person's request.

### **138G Withdrawal of request**

- (1) A person who has requested the reviewer to reconsider a reviewable decision may, by written notice given to the reviewer, withdraw the request at any time before the review has been completed.
- (2) If a request is withdrawn, the request is taken never to have been made.

### **138H AAT review of reviewable decisions**

Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions that have been confirmed, varied or set aside under section 138D (Reviewer may reconsider reviewable decisions) or 138F (Reconsideration of reviewable decisions on request).

### **138J Decision changed before AAT review completed**

#### *Decision varied*

- (1) If the reviewer varies a reviewable decision under subsection 138D(3) after an application has been made to the Administrative Appeals Tribunal for review of that decision but before the determination of the application, the application is taken to be an application for review of the decision as varied.

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*Decision set aside and a new decision substituted*

- (2) If the reviewer sets aside a reviewable decision under subsection 138D(3) and substitutes a new decision, after an application has been made to the Administrative Appeals Tribunal for review of the reviewable decision but before the determination of the application, the application is taken to be an application for review of the new decision.

## **Part 4A—Review by the AAT**

### **Division 1—Preliminary**

#### **139 Simplified outline of this Part**

If a person is dissatisfied with a decision of an officer under the social security law, the person may apply to the AAT for a review (an “AAT first review”) of the decision.

If a person is dissatisfied with a decision of the AAT on AAT first review, the person may apply to the AAT for further review (an “AAT second review”).

The rules relating to AAT review of decisions are mainly in the AAT Act, but the operation of that Act is modified in some ways by this Part for the purposes of those reviews.

The AAT Act allows a person to appeal to a court from a decision of the AAT on AAT second review.

## Division 2—AAT first review

### Subdivision A—Preliminary

#### 140 Application of Division

- (1) This Division applies to the review by the AAT of a decision of an officer under the social security law, including an employment pathway plan decision and a section 525B decision.

Note: A review for which an application may be made in accordance with this Division is an *AAT first review* (see section 142).

- (2) A reference in this section to a decision of an officer under the social security law includes a reference to a determination that the Secretary is taken, by virtue of a provision of the social security law, to have made.

#### 140A Definitions of *employment pathway plan decision* and *section 525B decision*

In this Act:

*employment pathway plan decision* means any of the following:

- (a) a decision under section 501A of the 1991 Act, to the extent to which it relates to the terms of a Parenting Payment Employment Pathway Plan that is in force;
- (b) a decision under section 544B of the 1991 Act, to the extent to which it relates to the terms of a Youth Allowance Employment Pathway Plan that is in force;
- (c) a decision under section 606 of the 1991 Act, to the extent to which it relates to the terms of a Newstart Employment Pathway Plan that is in force;
- (d) a decision under section 731M of the 1991 Act, to the extent to which it relates to the terms of a Special Benefit Employment Pathway Plan that is in force.

**section 525B decision** means a decision under section 525B of the 1991 Act (as previously in force), to the extent to which it related to the terms of a Job Search Activity Agreement that was previously in force.

## **Subdivision B—AAT first review: applications**

### **142 Reviewable decisions**

- (1) Subject to section 144, application may be made to the AAT for review (***AAT first review***) of:
  - (a) a decision of the Secretary, the Chief Executive Centrelink or an authorised review officer made under section 126 or 135; or
  - (b) a decision under this Act made personally by the Secretary or the Chief Executive Centrelink.
- (4) For the purposes of subsection (1), the decision made by the Secretary, the Chief Executive Centrelink or the authorised review officer is taken to be:
  - (a) if the Secretary, the Chief Executive Centrelink or the authorised review officer affirms a decision—that decision as affirmed; and
  - (b) if the Secretary, the Chief Executive Centrelink or the authorised review officer varies a decision—that decision as varied; and
  - (c) if the Secretary, the Chief Executive Centrelink or the authorised review officer sets a decision aside and substitutes a new decision—the new decision.

### **142A Person who made the decision**

For the purposes of AAT first review of a decision, a reference in the AAT Act to the person who made the decision is taken to be a reference to:

- (a) the Secretary; and

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- (b) if the decision was made by the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) as a delegate of the Secretary or the Employment Secretary—the Chief Executive Centrelink.

**143 Application requirement—employment pathway plan decisions**

The AAT may only carry out an AAT first review of an employment pathway plan decision if the application for AAT first review is expressed to be for that decision.

**144 Non-reviewable decisions**

The AAT cannot review any of the following decisions:

- (d) a decision under section 36 or 36A of the 1991 Act;
- (daa) a decision under the 1991 Act or this Act in relation to Part 2.27 of the 1991 Act (Northern Territory CDEP transition payment);
- (da) a decision under section 1061ZZGC of the 1991 Act;
- (e) a decision under a provision dealing with the approval by the Secretary of a course, labour market program, program of work for income support payment or rehabilitation program;
- (f) a decision under section 16 of this Act;
- (faa) a decision under subsection 42AM(1) of this Act;
- (fa) a decision under subsection 42P(3) of this Act;
- (g) a decision under section 58 or 59 to pay an amount to a person;
- (h) a decision to make a payment under section 75 of this Act;
- (i) a decision, under subsection 59(3) of this Act, to grant a claim for a pension bonus after the claimant has died;
- (k) a decision to give a notice under Subdivision B of Division 6 of Part 3 of this Act;
- (m) a decision under section 131 or 145 of this Act;
- (n) a decision under Division 1 of Part 5 of this Act;
- (o) a decision under section 238 of this Act;



- (p) a decision of the Secretary:
  - (i) determining, under subsection 1100(2) of the 1991 Act, that it is not appropriate for that subsection to apply in respect of a payment or a class or kind of payments; or
  - (ii) determining, in accordance with section 1100 of the 1991 Act, that a rate of exchange is appropriate for the calculation of the value in Australian currency of an amount (the *foreign amount*) received by a person in a foreign currency if that rate does not differ by more than 5% from the rate of exchange that was applied when the person received Australian currency for the foreign amount;
- (s) a decision relating to the Secretary's power under section 182 of this Act to settle proceedings before the AAT.

#### **145 Secretary may continue payment pending outcome of application for review**

- (1) If:
  - (a) an adverse decision is made in relation to a social security payment; and
  - (aa) the adverse decision is not made under Division 3AA of Part 3 (compliance with participation payment obligations: persons other than declared program participants); and
  - (b) the adverse decision:
    - (i) depends on the exercise of a discretion by a person or the holding of an opinion by a person; or
    - (ii) would result in the application of a compliance penalty period; and
  - (c) a person applies for AAT first review of the adverse decision; the Secretary may declare that payment of the social security payment is to continue, pending the determination of the review, as if the adverse decision had not been made.
- (2) A declaration must be by notice in writing.

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- (3) While a declaration under subsection (1) is in force in relation to an adverse decision, the social security law (other than this Division) applies as if the adverse decision had not been made.
- (4) A declaration under subsection (1) in relation to an adverse decision:
  - (a) takes effect on the day on which the declaration is made or on such earlier day (if any) as is specified in the declaration; and
  - (b) ceases to have effect:
    - (i) if the application for AAT first review is dismissed—on the day the application is dismissed; or
    - (ii) if the AAT makes a decision on AAT first review of the adverse decision—at the end of the period of 13 weeks beginning on the day the AAT’s decision is made, or on an earlier day specified by the Secretary; or
    - (iii) if the declaration is revoked by the Secretary—on the day the declaration is revoked.
- (4A) If:
  - (a) an adverse decision results in a serious failure period or an unemployment non-payment period; and
  - (b) a declaration in relation to the decision ceases to have effect under subsection (4); and
  - (c) after the declaration ceases, the serious failure period or the unemployment non-payment period, or the balance of that period, remains to be served;the period or the balance of the period continues from the day the declaration ceases.
- (5) A reference in subsection (1) to a person’s holding of an opinion is a reference to the person’s holding that opinion, whether or not the social security law expressly requires the opinion to be held before the decision concerned is made.
- (5A) If a declaration under subsection (1) is in force in relation to a decision for which an application for AAT first review has been

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made, the President of the AAT must take reasonable steps to ensure the decision is reviewed as quickly as possible.

(6) In this section:

***adverse decision***, in relation to a social security payment, means:

- (a) a decision to cancel or suspend the social security payment;  
or
- (b) a decision to reduce the rate of the social security payment.

### 146 Guidelines for exercise of Secretary's power to continue payment

The Minister, by legislative instrument:

- (a) is to set guidelines for the exercise of the Secretary's power to make a declaration under subsection 145(1) affecting payments to persons who are subject to a compliance penalty period; and
- (b) may revoke or vary those guidelines.

## Subdivision C—AAT first review: relationship with AAT Act

### 147 Application and modification of AAT Act

For the purposes of AAT first review under this Division, a provision of the AAT Act listed in an item of the following table is disapplied or modified as set out in that item, in relation to the decision or matter under this Act set out in that item.

<b>Application and modification of AAT Act</b>			
<b>Item</b>	<b>Decision or matter</b>	<b>Provision of AAT Act</b>	<b>Application or modification of provision of AAT Act</b>
1	A decision to which this Division applies	Paragraph 29(1)(d) (time limit for lodging review application)	The paragraph does not apply

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<b>Application and modification of AAT Act</b>			
<b>Item</b>	<b>Decision or matter</b>	<b>Provision of AAT Act</b>	<b>Application or modification of provision of AAT Act</b>
2	A decision to which this Division applies	Subsections 35(1) and (2) (public and private hearings)	The subsections do not apply
3	A decision to which this Division applies	Section 40A (power to summon person to give evidence or produce documents)	The section does not apply
4	A decision to which this Division applies	Subsection 41(2) (operation and implementation of decision subject to review)	The subsection does not apply
5	A decision to which this Division applies, other than an employment pathway plan decision or a section 525B decision	Subsection 43(1) (AAT's decision on review)	<p>The subsection does not apply in relation to a power or discretion conferred by the social security law on the Secretary under the following provisions:</p> <ul style="list-style-type: none"><li>(a) a provision dealing with the form and place of lodgement of a claim;</li><li>(b) a provision dealing with the manner of payment of a social security payment;</li><li>(c) section 1061ZZGC of the 1991 Act;</li><li>(d) section 1233 of the 1991 Act;</li><li>(e) a provision dealing with the giving of a notice requiring information;</li><li>(f) section 1100 of the 1991 Act;</li></ul>

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<b>Application and modification of AAT Act</b>			
<b>Item</b>	<b>Decision or matter</b>	<b>Provision of AAT Act</b>	<b>Application or modification of provision of AAT Act</b>
			<p>(g) section 131 or 145 of this Act;</p> <p>(h) a provision dealing with the imposition of requirements before the grant of a social security payment;</p> <p>(i) a provision dealing with the deduction of amounts from payments of a social security payment for tax purposes</p>
6	An employment pathway plan decision or a section 525B decision	Subsection 43(1) (AAT's decision on review)	<p>The subsection has effect as if the following were omitted:</p> <p>(a) the words “may exercise all the powers and discretions that are conferred by any relevant enactment on the person who made the decision and”;</p> <p>(b) paragraph (b);</p> <p>(c) subparagraph (c)(i)</p>
7	A decision to which this Division applies	Subsections 43(2) and (2A) (AAT must give reasons for its decision)	The subsections do not apply
8	Date of effect of decision on AAT first review, other than an AAT decision in relation to an employment pathway plan decision	Subsection 43(6) (AAT's decision taken to be decision of decision-maker)	<p>The subsection has effect as if the decision under review had taken effect on the day a person applied for AAT first review of the decision, if:</p> <p>(a) the person is given written notice of the decision under the social security law; and</p> <p>(b) the person applies for AAT first review more than 13</p>

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<b>Application and modification of AAT Act</b>			
<b>Item</b>	<b>Decision or matter</b>	<b>Provision of AAT Act</b>	<b>Application or modification of provision of AAT Act</b>
			weeks after the notice was given; and
			(c) on AAT first review, the AAT varies the decision or sets the decision aside and substitutes a new decision; and
			(d) the effect of the AAT's decision is:
			(i) to grant the person's claim for a social security payment or a concession card; or
			(ii) to direct the making of a payment of a social security payment to the person or the issue of a concession card to the person, as the case may be; or
			(iii) to increase the rate of the person's social security payment

**Subdivision D—AAT first review: other matters**

**148 Procedure on receipt of application for AAT first review**

- (1) The AAT may, in relation to an application for AAT first review, request the Secretary to lodge with the AAT the statement and other documents referred to in subsection 37(1) of the AAT Act before the end of the period that otherwise applies under that subsection.

- (2) If the AAT does so, the Secretary must take reasonable steps to comply with the request.
- (3) Nothing in this section prevents the operation of subsection 37(1A) of the AAT Act.

### **165 Provision of further information by Secretary**

- (1) The AAT may ask the Secretary to provide the AAT with any information or document in the Secretary's possession that is relevant to an AAT first review of a decision.
- (2) The Secretary must comply with a request under subsection (1) as soon as practicable and, in any event, not later than 14 days after the request is made.

### **165A Power to obtain information or documents**

- (1) If the AAT reasonably believes that a person has information or a document that is relevant to an AAT first review, the AAT may, by written notice given to a person, require the person:
  - (a) to give to the AAT, within the period and in the manner specified in the notice, any such information; or
  - (b) to produce to the AAT, within the period and in the manner specified in the notice, any such documents.
- (2) A person commits an offence if:
  - (a) the AAT gives the person a notice under subsection (1); and
  - (b) the person fails to comply with the notice.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

- (3) Subsection (2) does not apply if complying with the notice might tend to incriminate the person.

Note: See item 3 of the table in section 147.

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**166 Exercise by Secretary of powers under section 192**

- (1) The AAT may ask the Secretary to exercise the Secretary's powers under section 192 if the AAT reasonably believes that a person will be able to give information, or produce a document, that is relevant to an AAT first review of a decision.
- (2) The Secretary must comply with a request under subsection (1) as soon as practicable and, in any event, within 7 days after the request is made.
- (3) Section 191A does not apply to the Secretary when complying with a request under subsection (1).

**168 Hearing in private**

- (1) The hearing of an AAT first review is to be in private.
- (2) The AAT may give directions, in writing or otherwise, as to the persons who may be present at the hearing.
- (3) In giving directions under subsection (2), the AAT must have regard to the wishes of the parties and the need to protect their privacy.

Note: See item 2 of the table in section 147.

**176 Costs of review**

- (1) Subject to subsection (4), a party to an AAT first review must bear any expenses incurred by the party in connection with the review.
- (2) The AAT may determine that the Commonwealth is to pay the reasonable costs that are:
  - (a) incurred by a party for travel and accommodation in connection with the review; and
  - (b) specified in the determination.
- (3) If the AAT arranges for the provision of a medical service in relation to a party to the review, the AAT may determine that the Commonwealth is to pay the costs of the provision of the service.



- (4) If the AAT makes a determination under subsection (2) or (3), the costs to which the determination relates are payable by the Commonwealth.

### **177 Assessment of rate of social security payment**

If, on AAT first review, the AAT sets aside a decision (other than an employment pathway plan decision) and substitutes for it a decision that a person is entitled to a social security payment, the AAT must:

- (a) assess the rate at which the social security payment is to be paid to the person; or
- (b) ask one of the following persons to assess the rate at which the social security payment is to be paid:
  - (i) for a decision in relation to a pension bonus or pension bonus bereavement payment—the Secretary;
  - (ii) for other decisions—the Secretary or the Chief Executive Centrelink, as the case requires.

### **178 Notification of decisions and reasons for AAT first review**

- (1) If, on AAT first review of a decision, the AAT makes a decision under subsection 43(1) of the AAT Act to affirm the decision under review, the AAT must, within 14 days of making its decision:
- (a) give a written notice to the parties that sets out the decision; and
  - (b) either:
    - (i) give reasons for the decision orally to the parties and explain that they may request a written statement of reasons; or
    - (ii) give the parties a written statement of reasons for the decision.
- (2) If, on AAT first review of a decision, the AAT makes a decision under subsection 43(1) of the AAT Act that is other than to affirm

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the decision under review, the AAT must, within 14 days of making its decision:

- (a) give a written notice to the parties that sets out the decision; and
  - (b) give the parties a written statement of reasons for the decision.
- (3) A failure to comply with subsection (1) or (2) does not affect the validity of the decision.
- (4) A party to whom oral reasons are given may, within 14 days after the oral reasons are given, request a written statement of reasons for the decision. If the party does so, the AAT must give the party the statement requested within 14 days after receiving the request.

## **Division 3—AAT second review**

### **Subdivision A—AAT second review: applications**

#### **179 Application for AAT second review**

- (1) Application may be made to the AAT for review (***AAT second review***) of a decision of the AAT on AAT first review made under subsection 43(1) of the AAT Act.
- (2) For the purposes of subsection (1), the decision of the AAT on AAT first review is taken to be:
  - (a) if an AAT first review affirms a decision—that decision as affirmed; or
  - (b) if an AAT first review varies a decision—that decision as varied; or
  - (c) if an AAT first review sets a decision aside and substitutes a new decision—the new decision; or
  - (d) if an AAT first review sets a decision aside and sends the matter back to the Secretary for reconsideration in accordance with any directions or recommendations of the AAT—the directions or recommendations of the AAT.

### **Subdivision B—AAT second review: relationship with AAT Act**

#### **180 Application and modification of AAT Act**

For the purposes of AAT second review under this Division, a provision of the AAT Act listed in an item of the following table is disapplied or modified as set out in that item.

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<b>Application and modification of AAT Act</b>		
<b>Item</b>	<b>Provision of AAT Act</b>	<b>Modification of provision of AAT Act</b>
2	Paragraph 30(1)(b) (parties to proceeding)	The paragraph has effect as if the reference to the person who made the decision were a reference to each party to the relevant AAT first review, other than the applicant for AAT second review.
3	Section 41 (operation and implementation of decision subject to review)	The section has effect as if references to the decision to which the relevant proceeding relates were references to: (a) if, on AAT first review, the AAT affirmed the decision (the <b><i>original decision</i></b> ) the subject of that review—the original decision; and (b) otherwise—both the original decision and whichever of the following is applicable in relation to the AAT first review: (i) the original decision as varied by the AAT; (ii) the decision substituted by the AAT; (iii) the decision made as a result of reconsideration by the Secretary in accordance with any directions or recommendations of the AAT
4	Subsection 41(4) (submissions on stay of decision)	The subsection has effect as if the references to the person who made the decision were references to each party to the relevant AAT first review
5	Subsection 42A(2) (dismissal of review application for failure to appear)	The subsection has effect as if the reference to the person who made the decision were a reference to the Secretary.

## **Division 4—Matters relating to AAT first review and AAT second review**

### **181 Settlement of proceedings before the AAT**

- (1) The Secretary may agree, in writing, with other parties to settle proceedings before the AAT that relate to the recovery of a debt.
- (2) If proceedings are settled and the Secretary gives the AAT a copy of the agreement to settle the proceedings, the application for review of the decision the subject of the proceedings is taken to have been dismissed.

### **182 Variation or substitution of decision before AAT review determined**

- (1) If an officer varies or substitutes a decision after an application has been made to the AAT for AAT first review of the decision, the application is taken to be an application for review of the decision as varied or substituted.
- (2) If an officer varies or substitutes a decision after an application has been made for AAT second review in relation to the decision:
  - (a) the AAT is taken, on AAT first review, to have varied or substituted the decision under review in the way the officer did; and
  - (b) the application is taken to be an application for AAT second review of the decision as varied or substituted.
- (3) If the person who made the application does not want the AAT to review the decision as varied or substituted, the person may notify the AAT under subsection 42A(1A) or (1AA) of the AAT Act that the application is discontinued or withdrawn.

### **183 Secretary or AAT may treat event as having occurred**

- (1) If:

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- (a) on AAT first review of a decision, the AAT sets the decision aside; and
  - (b) the Secretary or the AAT, as the case may be, is satisfied that an event that did not occur would have occurred if the decision had not been made;the Secretary or the AAT may, if satisfied that it is reasonable to do so, treat the event as having occurred for the purposes of the social security law.
- (2) If:
  - (a) on AAT second review of a decision, the AAT sets the decision aside; and
  - (b) the Secretary is satisfied that an event that did not occur would have occurred if the decision had not been made;the Secretary may, if satisfied that it is reasonable to do so, treat the event as having occurred for the purposes of the social security law.

## **Part 5—Information management**

### **Division 1—Information gathering**

#### **191 Application of Division**

This Division:

- (a) binds the Crown in each of its capacities; and
- (b) extends to:
  - (i) acts, omissions, matters and things outside Australia, whether or not in a foreign country; and
  - (ii) all persons, irrespective of their nationality or citizenship.

#### **191A Reasonable belief needed to require information or documents**

The Secretary can only require a person to:

- (a) give information; or
- (b) produce a document;

under this Division if the Secretary reasonably believes that the person will be able to give the information or produce the document.

#### **192 General power to obtain information**

The Secretary may require a person to give information, or produce a document, to the Department if the Secretary considers that the information or document may be relevant to one or more of the following:

- (a) the question whether a person who has made a claim for a social security payment is or was qualified for a social security payment;
- (aa) the question whether a person is or was qualified for a social security payment for which a claim is not required;

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- (b) the question whether a social security payment is payable to a person who is receiving the payment;
- (c) the question whether a social security payment was payable to a person who has received the payment;
- (d) the rate of social security payment that is or was applicable to a person;
- (daa) the operation of Division 3AA or 3A of Part 3;
- (da) the question whether a person who has made a claim under the Social Security (Fares Allowance) Rules 1998 was eligible for fares allowance;
- (db) the operation of Part 3B;
- (e) the administration of an agreement between Australia and a foreign country on social security matters;
- (f) the question whether a person who has been granted a concession card is or was qualified for the card;
- (g) the question whether a person who has applied for financial supplement is eligible for the supplement;
- (h) the question whether a person who has obtained a financial supplement is or was eligible for the supplement;
- (i) the determination of the maximum amount of financial supplement that a person is eligible for;
- (j) the question whether an assurance of support given under Chapter 2C of the 1991 Act should be accepted or rejected;
- (k) an inquiry or investigation into a matter mentioned in any of the above paragraphs.

**193 Power to obtain information from a person who owes a debt to the Commonwealth**

The Secretary may require a person who owes a debt to the Commonwealth under or as a result of the social security law:

- (a) either to:
  - (i) give to the Department information that is relevant to the person's financial situation; or
  - (ii) produce to the Department a document that is relevant to the person's financial situation; and



- (b) if the person's address changes—to inform the Department of the new address within 14 days after the change.

#### **194 Obtaining information about a person who owes a debt to the Commonwealth**

The Secretary may require a person to give information, or produce a document, to the Department if the Secretary considers the information or document:

- (a) would help the Department locate another person (the *debtor*) who owes a debt to the Commonwealth under or as a result of the social security law; or
- (b) is relevant to the debtor's financial situation.

#### **195 Obtaining information to verify claims etc.**

- (1) The Secretary may require a person to give information about a class of persons to the Department for any or all of the following purposes:
  - (a) to detect cases in which amounts of social security payment under the social security law have been paid when they should not have been paid;
  - (b) to detect cases in which concession cards have been granted to persons to whom they should not have been granted;
  - (c) to verify the qualification of persons who have made claims for social security payments under the social security law for those payments;
  - (ca) to facilitate the administration of Part 3B;
  - (cb) to facilitate the administration of Part 3C (schooling requirements);
  - (cc) to facilitate the administration of Part 3D (about cashless welfare arrangements);
  - (d) to verify the eligibility of persons who have applied for financial supplement.

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- (2) The information that the Secretary may require about each person in the class of persons is all or any of the following information (but no other information):
- (a) full name and any previous name;
  - (b) address;
  - (c) sex;
  - (d) marital status;
  - (e) date of birth;
  - (f) date of death;
  - (g) dates of entries into and departures from Australia;
  - (h) any payments received by the person from the person given the notice, within the period of 52 weeks before the giving of the notice, and the account number of the account into which any of those payments were paid;
  - (ha) in relation to any legal or equitable estate or interest in real property held by the person:
    - (i) the name of the owner of the property;
    - (ii) the address of the property;
    - (iii) the details of the title documents for the property;
  - (i) in relation to a course of study being undertaken by the person:
    - (i) the name of the educational institution that the person is attending; and
    - (ii) the name of any educational institution previously attended by the person; and
    - (iii) the person's enrolment status; and
    - (iv) the person's student identification number; and
    - (v) the name of the course; and
    - (vi) the course code; and
    - (vii) the date on which the course started or starts; and
    - (viii) the date on which the course ends; and
    - (ix) the subject or unit code; and
    - (x) the normal full-time study work load for the course; and

- (xi) indicators of the person's work load, including (but not limited to) effective full-time student units, credit points, contact hours, number of subjects undertaken and number of assignments completed; and
- (xii) the number of semesters required to complete the course; and
- (xiii) the date on which the person first attended, or will first attend, the course; and
- (xiv) the date on which the person last attended, or will last attend, the course; and
- (xv) whether the person has discontinued the course and, if the person has discontinued the course, the date on which it happened; and
- (xvi) details of any unapproved absences from the course; and
- (xvii) the results or grade obtained by the person; and
- (xviii) the amount or value of a disqualifying accommodation scholarship or disqualifying education costs scholarship received by the person;
- (j) in relation to any employment of the person by the person given the notice:
  - (i) the date on which the person's employment started; and
  - (ii) the date on which the person's employment ended;
- (ja) in relation to an income stream received by the person:
  - (i) the type of income stream; and
  - (ii) a unique identifier allocated to the income stream (also known as a product reference number); and
  - (iii) the date on which the income stream was purchased; and
  - (iv) the purchase price; and
  - (v) the commencement day; and
  - (vi) the date of the first payment under the income stream; and
  - (vii) the relevant number; and
  - (viii) the account balance of the income stream as at the date of the notice; and

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- (ix) the account balance of the income stream on 1 July of the financial year in which the notice is given; and
- (x) for every payment made under the income stream in the 52 weeks before the date of the notice—the gross amount of the payment, the date on which it was paid and, if the payment is paid as a lump sum, the period to which the payment relates; and
- (xi) for every payment to be made under the income stream in the 52 weeks after the date of the notice—the gross amount of the payment and the date on which it is to be paid; and
- (xii) the date on which, rate at which and way in which the income stream is indexed; and
- (xiii) the residual capital value; and
- (xiv) if there is a reversionary beneficiary to which the income stream reverts on the death of the person—the name of the reversionary beneficiary and the percentage of the income stream that the reversionary beneficiary will receive; and
- (xv) if the income stream was purchased before 20 September 2007—whether the income stream satisfies section 9A, 9B or 9BA of the 1991 Act, as those sections applied immediately before that date; and
- (xvi) if the income stream was purchased on or after 20 September 2007—whether the income stream was purchased with funds resulting from the commutation of an asset-test exempt income stream and whether it is eligible to retain its asset-test exempt income stream status; and
- (xvii) if the income stream is commuted—the date of commutation and the commuted amount; and
- (xviii) if the income stream is a defined benefit income stream—the deductible amount for the year in which the notice is given and the method used to work out the tax free components of that deductible amount; and

- (xix) if payments made under the income stream represent an amount for a child of the person—the number of children for which payment is made and the gross amount of each payment made under the income stream for each child; and
  - (xx) any other information required by the Minister in an instrument made under subsection (3A);
  - (k) for the purposes of Part 3C (schooling requirements), in relation to a schooling requirement child—any information relevant to the child's past or present enrolment, or attendance, at school (within the meaning of that Part);
  - (l) for the purposes of Part 3C (schooling requirements), in relation to a person in respect of whom a compliance notice is in force—any information relevant to the person's compliance with the notice.
- (3) The Secretary may require information about a particular class of persons whether or not the Secretary is able to identify any of the persons in that class as being:
- (a) persons:
    - (i) who have received; or
    - (ii) who are receiving; or
    - (iii) who have made claims for; social security payments; or
  - (b) persons:
    - (i) who are the holders of concession cards; or
    - (ii) who have made claims for concession cards; or
  - (c) persons who have applied for financial supplement.
- (3A) The Minister may, by legislative instrument, specify information required to be given in relation to an income stream received by a person.
- (3B) Before making an instrument under subsection (3A), the Minister must consult the Information Commissioner in relation to matters that relate to the privacy functions (within the meaning of the *Australian Information Commissioner Act 2010*) and have regard
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to any submissions made by the Information Commissioner because of that consultation.

- (4) Within 13 weeks after information is given in response to a requirement under subsection (1), the Secretary must decide which (if any) of the information is, or is likely to be, relevant to a matter referred to in subsection (1).
- (5) If the Secretary decides, within the 13 week period, that some or all of the information given in response to the requirement is not, or is not likely to be, relevant to a matter referred to in subsection (1), the Secretary must ensure that any record of the irrelevant information is destroyed.
- (6) If the Secretary has not made a decision under subsection (4) at the end of the 13 week period, the Secretary must ensure that any record of all or any part of the information is destroyed.

**196 Written notice of requirement**

- (1) A requirement under this Division must be made by written notice given to the person of whom the requirement is made.
- (2) The notice:
  - (a) may be given personally or by post or in any other manner approved by the Secretary; and
  - (b) must specify:
    - (ia) a description of the information or document to which the requirement relates; and
    - (i) how the person is to give the information or produce the document to which the requirement relates; and
    - (ii) the period within which the person is to give the information or produce the document to the Department; and
    - (iii) the officer (if any) to whom the information is to be given or the document is to be produced; and
    - (iv) that the notice is given under this section.

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Note: The notice may describe the information or documents by class (see subsection 33(3AB) of the *Acts Interpretation Act 1901*).

- (3) For the purposes of subparagraph (2)(b)(ii), the period must not end earlier than 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of the social security law, to specify a shorter period.
- (4) The notice may require the person to give the information by appearing before a specified officer to answer questions.
- (5) If the notice requires the person to appear before an officer, the notice must specify:
  - (a) a time and place at which the person is to appear; and
  - (b) that the person may be accompanied by a lawyer.
- (6) For the purposes of subsection (5), the time must be at least 14 days after the notice is given, unless the Secretary is satisfied that it is reasonable in the circumstances, for the purposes of the effective administration of the social security law, to specify an earlier time.

**197 Offence—failure to comply with requirement**

- (1) A person must not refuse or fail to comply with a requirement under this Division to give information or produce a document.

Penalty: Imprisonment for a term not exceeding 12 months.

- (2) Subsection (1) applies only to the extent to which the person is capable of complying with the requirement.
- (3) Subsection (1) does not apply if the person has a reasonable excuse.

**197A Self-incrimination**

- (1) A person is not excused from giving information, or producing a document, under this Division on the ground that the information,

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or production of the document, might tend to incriminate the person or expose the person to a penalty.

- (2) However, in the case of an individual:
- (a) the information given or document produced; and
  - (b) giving the information or producing the document; and
  - (c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;
- are not admissible in evidence against the individual in any criminal proceedings, other than:
- (d) proceedings for an offence against subsection 197(1); or
  - (e) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division; or
  - (f) proceedings for an offence against Division 145 of the *Criminal Code*; or
  - (g) proceedings for an offence against section 217 that relates:
    - (i) to this Division; and
    - (ii) to a contravention of subsection 212(1), 213(1), 214(1), 214(2) or 216(3).

**197B Use of information in investigations etc.**

Subject to subsection 197A(2), nothing in this Division prevents information given, or a document produced, under this Division by a person from being used in:

- (a) an inquiry or investigation into a matter; or
- (b) criminal proceedings.

**198 Relationship with other laws**

- (1) Nothing contained in a law of a State or a Territory operates to prevent a person from:
- (a) giving information; or
  - (b) producing a document; or
  - (c) giving evidence;



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that the person is required to give or produce to the Department or an officer for the purposes of the social security law.

- (2) This Division does not require a person to give information or produce a document to the extent that in doing so the person would contravene a law of the Commonwealth (other than a law of a Territory).

## **Division 2—End-of-employment statements**

### **199 Request for end-of-employment statement**

If a person's employment (including employment under a contract for services) ceases, the person may request his or her former employer to give the person a statement, in accordance with a form approved by the Secretary, about that employment.

### **200 Offence—failure to give end-of-employment statement**

- (1) If a person makes a request under section 199, the former employer must comply with the request as soon as practicable.

Penalty: Imprisonment for a term not exceeding 12 months.

- (2) Strict liability applies to the element of an offence against subsection (1) that a request is a request under section 199.

## **Division 3—Confidentiality**

### **201 Operation of Division**

- (1) Nothing in this Division prevents a person from disclosing information to another person if the information is disclosed for the purposes of the *Child Support (Registration and Collection) Act 1988* or the *Child Support (Assessment) Act 1989*.
- (2) The provisions of this Division that relate to the disclosure of information do not affect the operation of the *Freedom of Information Act 1982*.

### **201A Definition of *officer***

In this Division:

***officer*** means:

- (a) a person who is or has been an officer within the meaning of subsection 23(1) of the 1991 Act; or
- (b) a person who is or has been appointed or employed by the Commonwealth and who, as a result of that appointment or employment, may acquire or has acquired information concerning a person under the social security law; or
- (c) a person who, although not appointed or employed by the Commonwealth, performs or did perform services for the Commonwealth and who, as a result of performing those services, may acquire or has acquired information concerning a person under the social security law.

### **202 Protection of personal information**

- (1) A person may obtain protected information if the information is obtained for the purposes of:
  - (a) the social security law; or
  - (c) the *Dental Benefits Act 2008*; or

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- (d) the Family Homelessness Prevention and Early Intervention Pilot; or
  - (da) administering scholarships:
    - (i) provided for under Part 2-2A of the *Higher Education Support Act 2003* (Indigenous student assistance grants); and
    - (ii) specified by the Secretary under subsection (2DA) of this section for the purposes of this subparagraph; or
  - (e) administering Commonwealth scholarships payable under Part 2-4 of the *Higher Education Support Act 2003*; or
  - (f) the Digital Switch-over Household Assistance Program; or
  - (g) the *Business Services Wage Assessment Tool Payment Scheme Act 2015*; or
  - (h) the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.
- (2) A person may:
- (a) make a record of protected information; or
  - (b) disclose such information to any person; or
  - (c) otherwise use such information;
- if the record, disclosure or use made of the information by the person is made:
- (d) for the purposes of the social security law or the *Dental Benefits Act 2008*; or
  - (daa) for the purposes of the family assistance law; or
  - (dab) for the purposes of the *Paid Parental Leave Act 2010*; or
  - (dac) for the purposes of the *Student Assistance Act 1973*; or
  - (da) for the purposes of the Family Homelessness Prevention and Early Intervention Pilot; or
  - (daaa) for the purposes of the administration of scholarships:
    - (i) provided for under Part 2-2A of the *Higher Education Support Act 2003* (Indigenous student assistance grants); and
    - (ii) specified by the Secretary under subsection (2DA) of this section for the purposes of this subparagraph; or

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- (db) for the purposes of the administration of Commonwealth scholarships payable under Part 2-4 of the *Higher Education Support Act 2003*; or
  - (dc) for the purposes of the Digital Switch-over Household Assistance Program; or
  - (dd) for the purposes of the *Business Services Wage Assessment Tool Payment Scheme Act 2015*; or
  - (de) for the purposes of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*; or
  - (e) for the purpose for which the information was disclosed to the person under section 207 or 208 of this Act; or
  - (f) with the express or implied authorisation of the person to whom the information relates.
- (2AA) A person may use protected information to produce information in an aggregated form that does not disclose, either directly or indirectly, information about a particular person.
- (2A) A person engaged (whether as an employee or otherwise) by a service organisation may:
- (a) obtain protected information; or
  - (b) make a record of protected information; or
  - (c) disclose protected information to another person; or
  - (d) otherwise use protected information;
- if the person believes, on reasonable grounds, that the obtaining, recording, disclosure or use that is proposed to be made of the information by the person is reasonably necessary for one or more of the purposes specified in subsection (2B).
- (2B) The purposes for which the person may obtain, record, disclose or use protected information are as follows:
- (a) facilitating access by a service recipient to a work-related service provided by a service organisation;
  - (b) facilitating efficient and effective delivery of a work-related service by a service organisation;

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- (c) facilitating efficient and effective performance of duties or exercise of functions relating to the provision of work-related services by a service organisation;
- (d) facilitating efficient and effective administration by the Commonwealth of one or more of the matters mentioned in paragraphs (a), (b) or (c) (for example, payments to service organisations by the Commonwealth);
- (e) any other purpose determined by the Secretary under subsection (2E).

(2C) A person may:

- (a) obtain protected information; or
- (b) make a record of protected information; or
- (c) disclose protected information to another person; or
- (d) otherwise use protected information;

if the Secretary believes, on reasonable grounds, that the obtaining, recording, disclosure or use that is proposed to be made of the information by the person is reasonably necessary for one or more of the following purposes:

- (e) research into matters of relevance to a Department that is administering any part of the social security law;
- (f) statistical analysis of matters of relevance to a Department that is administering any part of the social security law;
- (g) policy development.

(2D) In this section:

***service organisation*** means:

- (a) an Agency (within the meaning of the *Public Service Act 1999*); or
- (b) another authority of the Commonwealth; or
- (c) an organisation that performs services for the Commonwealth.

***service recipient*** means a person:

- (a) who is receiving a social security payment, benefit or allowance; or

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- (b) who has made a claim for a social security payment, benefit or allowance; or
- (c) who has contacted the Department about the receipt of, or an existing or future claim for, a social security payment, benefit or allowance; or
- (d) on whose behalf another person, with the person's authority, has contacted the Department about any of the matters mentioned in paragraphs (a) to (c) relating to the person.

***work-related service*** means a service of the following kind:

- (a) assessment of the capacity to work of a service recipient;
  - (b) assistance given to a service recipient with the purpose of preparing the service recipient to seek or undertake work;
  - (c) placement of a service recipient in a position of employment;
  - (d) a service of a kind determined by the Secretary under subsection (2E).
- (2DA) The Secretary may, by legislative instrument, specify a scholarship for the purposes of subparagraph (1)(da)(ii) or (2)(daaa)(ii).
- (2E) The Secretary may, by legislative instrument, determine either or both of the following:
- (a) that a specified purpose that is related to a matter mentioned in paragraphs (2B)(a) to (d) is a purpose for which the person may obtain, record, disclose or use protected information under subsection (2A);
  - (b) services of a specified kind are work-related services for the purposes of this section.
- (3) The Minister may, by legislative instrument, specify additional purposes relating to other programs administered by the Department for which protected information may be obtained under subsection (1), or recorded, disclosed or otherwise used under subsection (2).
- (5) For the purposes of subsection 12(1) of the *Legislation Act 2003*, an instrument does not commence until the end of the period in which it could be disallowed in either House of the Parliament.

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*Enrolment and attendance at school*

- (6) If protected information relates to a matter covered by subsection (7), a person may do any of the following:
  - (a) obtain the information;
  - (b) make a record of the information;
  - (c) disclose the information to a person responsible for the operation of the relevant school, or any other school;
  - (d) otherwise use the information.
- (7) This subsection covers matters in relation to the following:
  - (a) the enrolment, or non-enrolment, of a child at a school;
  - (b) a person whose child is, or is not, enrolled at a school;
  - (c) the attendance, or non-attendance, of a child at a school;
  - (d) a person whose child is, or is not, attending a school;
  - (e) a person's compliance with a compliance notice given to the person.
- (8) If a person does something under subsection (6) for the purposes of Part 3C (schooling requirements), in subsection (6) or (7) of this section the following terms have the same meaning as in Part 3C (see section 124A):
  - (a) ***attendance*** (at a school);
  - (b) ***enrolment*** (at a school);
  - (c) ***person responsible*** (for the operation of a school).

*Welfare restricted bank accounts*

- (9) If protected information relates to the establishment or ongoing maintenance of a welfare restricted bank account (within the meaning of section 124PD), a person may do any of the following:
  - (a) obtain the information;
  - (b) make a record of the information;
  - (c) disclose the information to a financial institution;
  - (d) otherwise use the information.



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Note: In addition to the requirements of this section, information disclosed under this section must be dealt with in accordance with the Australian Privacy Principles.

**203 Offence—unauthorised access to information**

- (1) If:
- (a) a person intentionally obtains information; and
  - (b) the person is not authorised by or under the social security law to obtain the information; and
  - (c) the person knows or ought reasonably to know that the information is protected information;
- the person commits an offence.
- (2) An offence against subsection (1) is punishable on conviction by imprisonment for a term not exceeding 2 years.
- (3) Strict liability applies to the element of an offence against subsection (1) that a person not authorised to do something is not authorised by or under the social security law to do that thing.

**204 Offence—unauthorised use of protected information**

- (1) If:
- (a) a person intentionally:
    - (i) makes a record of; or
    - (ii) discloses to any other person; or
    - (iii) otherwise makes use of;information; and
  - (b) the person is not authorised or required by or under the social security law or the family assistance law to make the record, disclosure or use of the information that is made by the person; and
  - (c) the person knows or ought reasonably to know that the information is protected information;
- the person commits an offence.

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- (2) An offence against subsection (1) is punishable on conviction by imprisonment for a term not exceeding 2 years.
- (3) Strict liability applies to the element of an offence against subsection (1) that a person not authorised or required to do something is not authorised or required by or under the social security law to do that thing.

**204A Use of tax file numbers**

- (1) The Secretary may require the Commissioner of Taxation to provide the Secretary with information about people, including tax file numbers, that was contained in TFN declarations lodged with the Commissioner under Division 3 of Part VA of the *Income Tax Assessment Act 1936*.
- (2) Information provided to the Secretary under a requirement made under subsection (1) may be used only for the following purposes:
  - (a) to detect cases in which amounts of social security payments under the social security law have been paid when they should not have been paid;
  - (b) to verify, in respect of persons who have made claims for social security payments under the social security law, the qualification of those persons for those payments;
  - (ba) to verify, in respect of persons who have made claims under the social security law for seniors health cards, or health care cards that are income-tested for those persons, the qualification of those persons for those cards;
  - (c) to establish whether the rates at which social security payments under the social security law are being, or have been, paid are, or were, correct.

**205 Offence—soliciting disclosure of protected information**

- (1) If:
  - (a) a person (the ***first person***) solicits the disclosure of protected information from an officer or another person; and
  - (b) the disclosure would be in contravention of this Division; and

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- (c) the first person knows or ought reasonably to know that the information is protected information;  
the first person commits an offence, whether or not any protected information is actually disclosed.
- (2) An offence against subsection (1) is punishable on conviction by imprisonment for a term not exceeding 2 years.
- (3) Strict liability applies to the element of an offence against subsection (1) that a contravention is a contravention of this Division.

**206 Offence—offering to supply protected information**

- (1) A person who offers to supply (whether to a particular person or otherwise) information about another person, knowing the information to be protected information, commits an offence.
- (2) A person who holds himself or herself out as being able to supply (whether to a particular person or otherwise) information about another person, knowing the information to be protected information, commits an offence.
- (3) An offence against subsection (1) or (2) is punishable on conviction by imprisonment for a term not exceeding 2 years.
- (4) Nothing in subsection (1) or (2) has the effect that an officer acting in the performance or exercise of his or her duties, functions or powers under the social security law commits an offence.

**207 Protection of certain documents etc. from production to court etc.**

An officer must not, except for the purposes of the social security law, be required:

- (a) to produce any document in his or her possession; or
  - (b) to disclose any matter or thing of which he or she had notice;
- because of the performance or exercise of his or her duties, functions or powers under the social security law to:

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- (c) a court; or
- (d) a tribunal; or
- (e) an authority; or
- (f) a person;  
having power to require the production of documents or the  
answering of questions.

**208 Disclosure of information by Secretary**

- (1) Despite sections 204 and 207, the Secretary may:
  - (a) if the Secretary certifies that it is necessary in the public interest to do so in a particular case or class of cases—disclose information acquired by an officer in the performance of his or her functions or duties or in the exercise of his or her powers under the social security law to such persons and for such purposes as the Secretary determines; or
  - (b) disclose any such information:
    - (i) to the Secretary of a Department of State of the Commonwealth or to the head of an authority of the Commonwealth for the purposes of that Department or authority; or
    - (ii) to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it; or
    - (iii) to a competent authority or competent institution of a foreign country that is a party to a scheduled international social security agreement for any purpose relating to giving effect to that agreement; or
    - (iv) to the Chief Executive Centrelink for the purposes of a centrelink program; or
    - (v) to the Chief Executive Medicare for the purposes of a medicare program.
- (2) In giving certificates for the purposes of paragraph (1)(a), the Secretary must act in accordance with guidelines (if any) from time to time in force under section 209.

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- (3) In disclosing information under subparagraph (1)(b)(i), the Secretary must act in accordance with guidelines (if any) from time to time in force under section 209.
- (3A) In spite of any other provision of this Part, the Secretary may disclose information of a kind referred to in paragraph (a) or (b) of the definition of ***protected information*** in subsection 23(1) of the 1991 Act to a person who is the payment nominee or correspondence nominee, within the meaning of Part 3A, of the person to whom the information relates (the ***principal***) as if the nominee were the principal.
- (4) If an expression used in subsection (1) in relation to a foreign country is defined in a scheduled international social security agreement to which that country is a party, the expression has the same meaning, when used in this section, in relation to that country as it has in the agreement.

**209 Guidelines for exercise of Secretary's disclosure powers**

The Minister may, by legislative instrument, make guidelines for the exercise of either or both of the following:

- (a) the Secretary's power to give certificates for the purposes of paragraph 208(1)(a);
- (b) the Secretary's power under subsection 208(1) to disclose information to a person referred to in subparagraph 208(1)(b)(i).

**210 Officer's declaration**

An officer must make a declaration in a form approved by the Minister or the Secretary if required to do so by the Minister or the Secretary.

## **Part 6—Offences**

### **Division 1—Preliminary**

#### **211 Application of Part**

This Part extends to:

- (a) acts, omissions, matters and things outside Australia, whether or not in a foreign country; and
- (b) all persons, irrespective of their nationality, who are making, or have made, a claim for a social security payment under the social security law; and
- (c) all persons, irrespective of their nationality, who are receiving, or have received, a payment of a social security payment under the social security law.

## **Division 2—Offences**

### **212 False statement in connection with claim or hardship request**

- (1) A person contravenes this subsection if:
  - (a) the person makes a statement; and
  - (b) the statement is false or misleading; and
  - (c) the person is reckless as to whether the statement is false or misleading; and
  - (d) the statement is made in connection with, or in support of, the person's or any other person's:
    - (i) claim for a social security payment under the social security law; or
    - (ii) request under paragraph 1129(1)(d) of the 1991 Act that section 1129 of that Act apply to the person; or
    - (iii) request under paragraph 1131(1)(f) of the 1991 Act that section 1131 of that Act apply to the person.
- (2) For the purposes of an offence against section 217 that relates to subsection (1) of this section, strict liability applies to the following elements of the offence:
  - (a) the element that a payment is a social security payment under the social security law;
  - (b) the element that a request is a request under paragraph 1129(1)(d) of the 1991 Act;
  - (c) the element that a request is a request under paragraph 1131(1)(f) of the 1991 Act;

### **213 False statement to deceive or affect rates**

- (1) A person contravenes this subsection if:
  - (a) the person makes a statement; and
  - (b) the statement is false or misleading; and
  - (c) the person is reckless as to whether the statement is false or misleading; and

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- (d) the person is reckless as to whether the statement:
  - (i) deceives, or might deceive, an officer doing duty in relation to the social security law; or
  - (ii) affects, or might affect, the rate of a social security payment under the social security law.
- (2) For the purposes of an offence against section 217 that relates to subsection (1) of this section, strict liability applies to the following elements of the offence:
  - (a) the element that a duty is a duty in relation to the social security law;
  - (b) the element that a rate of payment is a rate of social security payment under the social security law.

**214 False statement or document**

- (1) A person contravenes this subsection if:
  - (a) the person makes a statement to an officer; and
  - (b) the statement is false or misleading in any particular; and
  - (c) the person is reckless as to whether the statement is false or misleading in any particular.
- (2) A person contravenes this subsection if:
  - (a) the person presents a document to an officer; and
  - (b) the document is false or misleading in any particular; and
  - (c) the person is reckless as to whether the document is false or misleading in any particular.

**215 Obtaining payment that is not payable**

- (1) A person must not obtain:
  - (a) payment of a social security payment under the social security law; or
  - (b) payment of an instalment of a social security payment under the social security law;knowing that the payment is:
  - (c) not payable at all; or



- (d) only payable in part.
- (2) For the purposes of an offence against section 217 that relates to subsection (1) of this section, strict liability applies to the following elements of the offence:
  - (a) the element that a payment is a social security payment under the social security law;
  - (b) the element that an instalment is an instalment of a social security payment under the social security law.

## **216 Payment obtained through fraud etc.**

- (1) A person contravenes this subsection if:
  - (a) the person obtains:
    - (i) payment of a social security payment under the social security law; or
    - (ii) payment of an instalment of a social security payment under the social security law; and
  - (b) the person does so:
    - (i) by means of impersonation; or
    - (ii) by means of a fraudulent device.
- (2) For the purposes of an offence against section 217 that relates to subsection (1) of this section, strict liability applies to the following elements of the offence:
  - (a) the element that a payment is a social security payment under the social security law;
  - (b) the element that an instalment is an instalment of a social security payment under the social security law.
- (3) A person contravenes this subsection if:
  - (a) the person makes a statement; and
  - (b) the statement is false or misleading; and
  - (c) the person is reckless as to whether the statement is false or misleading; and
  - (d) as a result the person obtains:

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- (i) payment of a social security payment under the social security law; or
  - (ii) payment of an instalment of a social security payment under the social security law.
- (4) For the purposes of an offence against section 217 that relates to subsection (3) of this section, strict liability applies to the following elements of the offence:
  - (a) the element that a payment is a social security payment under the social security law;
  - (b) the element that an instalment is an instalment of a social security payment under the social security law.

## **Division 3—Penalties**

### **217 Penalty for contravention of Division 2**

A person who contravenes a provision of Division 2 commits an offence punishable on conviction by imprisonment for a term not exceeding 12 months.

### **218 Repayment of social security payment**

- (1) If a person is convicted of an offence against section 217, the court may:
  - (a) impose a penalty in respect of the offence; and
  - (b) order the person to pay the Commonwealth an amount equal to any amount paid by way of social security payment because of the act, failure or omission that constituted the offence.
- (2) In spite of anything in the social security law or any other law, a person is not to be imprisoned for failing to pay an amount payable to the Commonwealth under paragraph (1)(b).

### **219 Penalty where person convicted of more than one offence**

- (1) Subject to subsection (2), if a person is convicted of more than one offence against section 217, the court may, if it thinks fit, impose one penalty for all the offences.
- (2) A single penalty imposed under subsection (1) must not exceed the sum of the maximum penalties that could be imposed if a separate penalty were imposed for each offence.

## **Division 4—Procedural matters**

### **220 Joining of charges**

Charges against the same person for a number of offences against section 217 may be joined in one complaint, information or declaration if those charges:

- (a) are founded on the same facts; or
- (b) form a series of offences of the same or a similar character; or
- (c) are part of a series of offences of the same or a similar character.

### **221 Particulars of each offence**

If 2 or more charges are included in the same complaint, information or declaration, particulars of each offence charged are to be set out in a separate paragraph.

### **222 Trial of joined charges**

If charges are joined, the charges are to be tried together unless:

- (a) the court considers it just that any charge should be tried separately; and
- (b) the court makes an order to that effect.

### **223 Evidentiary effect of Secretary's certificate**

- (1) For the purposes of paragraph 218(1)(b), a certificate signed by the Secretary is prima facie evidence of the matters specified in the certificate.
- (2) Without limiting subsection (1), a certificate may specify:
  - (a) a person; and
  - (b) an amount that has been paid to the person by way of social security payment because of:

- (i) an act; or
- (ii) a failure; or
- (iii) an omission; and
- (c) the act, failure or omission that caused the amount to be paid.

## **224 Enforcement of court certificate as judgment**

If:

- (a) a court makes an order under paragraph 218(1)(b), under paragraph 1351(1)(b) of the 1991 Act as in force before 20 March 2000 or under subsection 239(7) of the 1947 Act; and
- (b) the clerk or other appropriate officer of the court gives a certificate specifying:
  - (i) the amount ordered to be paid to the Commonwealth; and
  - (ii) the person by whom the amount is to be paid; and
- (c) the certificate is filed in a court (which may be the court that made the order) that has civil jurisdiction to the extent of the amount to be paid;

the certificate is enforceable in all respects as a final judgment of the court in which the certificate is filed.

## **Division 5—Liability of certain employers and principals for offences**

### **Subdivision A—Interpretation**

#### **225 State of mind of a person**

A reference in this Division to the state of mind of a person includes a reference to:

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

#### **228 Offence**

A reference in this Division to an offence against the social security law includes a reference to:

- (a) an offence against the social security law that is taken to have been committed because of section 11.2 or 11.2A of the *Criminal Code*; or
- (b) an offence created by:
  - (i) section 11.1, 11.4 or 11.5 of the *Criminal Code*; or
  - (ii) section 6 of the *Crimes Act 1914*;that relates to the social security law.

### **Subdivision C—Proceedings against non-corporations**

#### **231 State of mind of individual**

If, in proceedings for an offence against the social security law in respect of conduct engaged in by a person other than a corporation, it is necessary to establish the state of mind of the person, it is sufficient to show that:

- (a) the conduct was engaged in by an employee or agent of the person within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind.

### **232 Conduct of employee or agent**

If:

- (a) conduct is engaged in on behalf of a person other than a corporation by an employee or agent of the person; and
- (b) the conduct is within the scope of the employee's actual or apparent authority;

the conduct is taken, for the purposes of a prosecution for an offence against the social security law, to have been engaged in by the person unless the person establishes that he or she took reasonable precautions, and exercised due diligence, to avoid the conduct.

### **233 Exclusion of imprisonment as penalty for certain offences**

In spite of any other provision of the social security law, if:

- (a) a person is convicted of an offence; and
- (b) the person would not have been convicted if sections 231 and 232 had not been in force;

the person is not liable to be punished by imprisonment for that offence.

## Part 7—Miscellaneous

### 234 Delegation

- (1) Subject to subsection (3), the Secretary may, in writing, delegate to an officer all or any of the powers of the Secretary under the social security law.
- (2) Subject to subsection (3), the Secretary may, in writing, delegate to the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) all or any of the powers of the Secretary under the social security law.
- (3) The Secretary cannot delegate to anyone except the Chief Executive Centrelink the Secretary's power under subsection 208(1) to disclose information to a person referred to in subparagraph 208(1)(b)(i).
- (4) If the Secretary delegates to the Chief Executive Centrelink the Secretary's power under subsection 208(1) to disclose information to a person referred to in subparagraph 208(1)(b)(i), the Chief Executive Centrelink cannot, in spite of any provision to the contrary in the *Human Services (Centrelink) Act 1997*, delegate the power to a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).
- (7) Without limiting the operation of the definition of **officer** in subsection 23(1) of the 1991 Act, in this section **officer** includes a person engaged (whether as an employee or otherwise) by:
  - (a) an Agency (within the meaning of the *Public Service Act 1999*); or
  - (b) another authority of the Commonwealth; or
  - (c) an organisation that performs services for the Commonwealth;



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but does not include the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

**235 Authorised review officers**

The Secretary may, in writing, authorise an officer to perform duties as an authorised review officer for the purposes of the social security law.

**236 Decisions to be in writing**

- (1) A decision of an officer under the social security law must be in writing.
- (2) A decision under the social security law is taken to be in writing if it is made, or recorded, by means of a computer.

**237 Notice of decisions**

- (1) If notice of a decision under the social security law is:
  - (a) delivered to a person personally; or
  - (b) left at the address of the place of residence or business of the person last known to the Secretary; or
  - (c) sent by prepaid post to the postal address of the person last known to the Secretary;notice of the decision is taken, for the purposes of the social security law, to have been given to the person.
- (2) Notice of a decision under the social security law may be given to a person by properly addressing, prepaying and posting the document as a letter.
- (3) If notice of a decision is given in accordance with subsection (2), notice of the decision is taken to have been given to the person at the time at which the notice would be delivered in the ordinary course of the post unless the contrary is proved.

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- (4) This section only applies to notices of decisions, and nothing in this section affects the operation of sections 28A and 29 of the *Acts Interpretation Act 1901* in relation to other notices under the social security law (for example, a notice that requires a person to inform the Department about some matter or a notice that requires a person to give the Secretary a statement about some matter).

### **238 Payments to Commissioner of Taxation or the Child Support Registrar**

- (1) The Secretary must, in accordance with section 218 of the *Income Tax Assessment Act 1936*, or Subdivision 260-A in Schedule 1 to the *Taxation Administration Act 1953*, for the purpose of enabling the collection of an amount that is, or may become, payable by a recipient of a social security payment:
- (a) make deductions from the instalments of, or make a deduction from, the social security payment payable to a person; and
  - (b) pay the amount deducted to the Commissioner of Taxation.
- (1A) Subsection (1) does not apply to a social security payment that is a payment of an essential medical equipment payment.
- (1B) Subsection (1) does not apply to a social security payment that is a student start-up loan.
- (2) The Secretary must, in accordance with a notice given to the Secretary under section 72AA of the *Child Support (Registration and Collection) Act 1988* in relation to the recipient of a social security pension or a social security benefit:
- (a) make deductions from the instalments of the pension or benefit payable to the person; and
  - (b) pay the amounts deducted to the Registrar.

**239 Judicial notice of certain matters**

- (1) All courts are to take judicial notice of a signature that purports to be attached or appended to any official document if the signature is of a person who:
  - (a) holds or has held the office of:
    - (i) Secretary; or
    - (ii) Director-General of Social Security; or
    - (iii) Director-General of Social Services; or
  - (b) is or has been an officer.
- (2) If the signature of a person referred to in subsection (1) purports to be attached or appended to any official document, all courts are to take judicial notice of the fact that the person holds, or has held, an office referred to in subsection (1) or is, or has been, an officer.

**240 Documentary evidence**

- (1) If the signature of any person who:
  - (a) holds or has held the office of:
    - (i) Secretary; or
    - (ii) Director-General of Social Security; or
    - (iii) Director-General of Social Services; or
  - (b) is or has been an officer;purports to be attached or appended to any official document, the document is to be received in all courts as prima facie evidence of the facts and statements contained in it.
- (2) A statement in writing signed by a person referred to in subsection (1) that a person is or was receiving a social security payment under the social security law or the 1947 Act on a certain date at a certain rate is to be received in all courts as prima facie evidence that the person is or was receiving the social security payment on the date, and at the rate, stated.
- (3) A certificate given by the Secretary stating:

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- (a) that a specified amount was the principal sum at a particular time under a specified financial supplement contract; or
- (b) that a specified amount was the sum of the amounts repaid, or the sum of the amounts notionally repaid, before a particular time or during a particular period in respect of a specified financial supplement contract; or
- (c) that a specified amount was the amount, or the total of the amounts, of subsidy paid by the Commonwealth to a specified participating corporation in respect of a specified financial supplement contract in lieu of interest on the principal sum or in lieu of interest on the principal sum in relation to a specified period; or
- (d) that a specified amount was, at a particular time, the amount outstanding under a specified financial supplement contract; or
- (e) that a specified amount was, at a particular time, the indexation amount in relation to a specified financial supplement contract; or
- (f) that the rights, or specified rights, of a specified participating corporation in respect of a specified person under a specified financial supplement contract were transferred by the corporation to the Commonwealth on a specified date; or
- (g) that, on a specified day, a person had an FS debt or FS debts to the Commonwealth of a specified amount or specified amounts; or
- (h) that, on a specified day, a notice, to a specified effect, under a provision of Chapter 2B was given to a specified person by the Secretary;

is to be received in all courts as prima facie evidence of the matters stated in the certificate.

- (4) In any proceeding, a document purporting to be a certificate by the Secretary under subsection (3) is to be taken, unless the contrary is established, to be such a certificate and to have been duly given.

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**240A Form of cards**

- (1) A pensioner concession card, a seniors health card or a health care card must be in a form approved in writing by the Secretary for that card.
- (2) Subject to subsection (3), an approval under subsection (1) may extend to:
  - (a) the inclusion on a card of information in a form not capable of being read except by the use of equipment of a particular kind; and
  - (b) the specification in a card of a day as the day at the end of which the card will expire; and
  - (c) a form of card that is not an actual card carrying visible information.
- (3) In the case of a concession card other than an automatic issue card or a card issued under subsection 1061ZJA(3) or (4) of the 1991 Act:
  - (a) the card must specify the day at the end of which the card expires; and
  - (b) the day to be so specified is the last day of the period specified, for the purposes of subsection 37(9) or (10), in the determination granting the card.
- (4) Subject to section 240B, a concession card is to include the name of each person (if any) who is a dependant of the holder of the card.
- (5) The specification of a day in a card under paragraph (2)(b) does not affect the qualification of the person to whom the card is issued for a card of the same or any other type.
- (6) The expiry of a card on a day specified under paragraph (2)(b) does not affect the qualification of the person to whom the card was issued for a card of the same or any other type.

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- (7) A failure to comply with subsection (4) in relation to a concession card does not alone render the card ineffective for the purposes of this or any other Act.
- (8) In this section:  
*dependant* has the same meaning as in Part 2A.1 of the 1991 Act.

### **240B Restrictions on listing of dependants**

- (1) A seniors health card is not to include the name of any person as a dependant of the holder of the card.
- (2) A health care card issued to a person by virtue of subsection 1061ZK(7) or 1061ZO(9) of the 1991 Act is not to include the name of any person as a dependant of the holder of the card.
- (3) A health care card is not to include the name of a person (other than the partner of the holder of the card) as a dependant of the holder of the card if the person is the holder of a pensioner concession card or a health care card.
- (4) A pensioner concession card or a health care card is not to include the name of the partner of the holder of the card as a dependant of the holder of the card unless:
  - (a) the partner is in Australia and is:
    - (i) an Australian resident; or
    - (ia) is a special category visa holder residing in Australia; or
    - (ii) the holder of a visa included in a class of visas determined by the Minister for the purposes of this paragraph; or
    - (iii) a person declared by the Minister to be a person to whom this subparagraph applies; or
  - (b) the partner is a New Zealand citizen and the holder of the card:
    - (i) is in Australia; and

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- (ii) is receiving a social security pension or benefit solely because of the operation of the scheduled international agreement between Australia and New Zealand.
- (4A) The Minister may, by legislative instrument, determine a class of visas for the purposes of paragraph (4)(a).
- (5) The Minister may, by legislative instrument, declare that a person who:
  - (a) is included in a specified class of persons; and
  - (b) is, or has been, in Australia in specified circumstances;is a person to whom subparagraph (4)(a)(iii) applies.
- (6) The circumstances that may be specified in a declaration under subsection (5) include circumstances that existed or exist at any time before or after the making of the declaration.
- (8) In this section:  
*dependant* has the same meaning as in Part 2A.1 of the 1991 Act.

**240C Issue of replacement card on expiry of certain concession cards**

- (1) If:
  - (a) a day is specified in an automatic issue card, or in a card issued under subsection 1061ZJA(3) or (4) of the 1991 Act, under paragraph 240A(2)(b) of this Act; and
  - (b) on the day following that day, the person who was the holder of the card remains qualified for the card; and
  - (c) a further card has not been issued to the person under subsection (2);the Secretary must issue a further card to the person.
- (2) If:
  - (a) a day (the *expiry day*) is specified in an automatic issue card, or in a card issued under subsection 1061ZJA(3) or (4) of the 1991 Act, under paragraph 240A(2)(b) of this Act; and

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(b) the Secretary is satisfied that the person is likely to remain qualified for the card after the end of the expiry day;  
the Secretary may, at any time before the expiry day, issue to the person a further card to take effect on the day following the expiry day.

### 241 Annual report

- (1) As soon as practicable after 30 June in each year, the Secretary must give to the Minister a written report on the administrative operation of the social security law during the financial year that ended on that 30 June.
- (2) The Minister is to cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

### 242 Appropriation

Payments under the social security law and payments by the Commonwealth to financial corporations under the Student Financial Supplement Scheme established under Chapter 2B of the 1991 Act are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

### 243 Regulations

- (1) The Governor-General may make regulations prescribing matters:
  - (a) required or permitted by this Act or the 1991 Act to be prescribed; or
  - (b) necessary or convenient for carrying out or giving effect to this Act or the 1991 Act and, in particular, may make regulations prescribing penalties of a fine not exceeding 10 penalty units for any breach of the regulations.
- (2) Without limiting subsection (1), the matters that may be prescribed by regulations include:



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- (a) ways (other than ways involving the use of a document) in which a claim, application, submission, declaration or determination may be made or withdrawn, or information or a notice, statement, certificate, direction or consent may be given, for the purposes of a provision of the social security law; and
  - (b) matters relating to the doing of anything in a way referred to in paragraph (a), including matters relating to proof of the doing of things in such a way.
- (3) The reference in subsection (2) to ways by which something may be made, withdrawn or given includes, but is not limited to:
  - (a) the use of electronic equipment; and
  - (b) ways that involve the use of a telecommunications system.
- (4) Anything made, withdrawn or given in a way prescribed by regulations made by virtue of subsection (2) is taken, for the purposes of the social security law:
  - (a) to have been made, withdrawn or given in writing; and
  - (b) to have been made, withdrawn or given in accordance with the social security law.
- (5) The reference in paragraph (2)(a) to a determination does not include a reference to a determination that is an instrument that is a legislative instrument.

**243A Review of operation of Youth Jobs PaTH program**

- (1) Before the end of the period of 2 years after the commencement of Schedule 2 to the *Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Act 2017*, the Employment Minister must cause to be conducted a review into the operation of the program established by the Commonwealth and known as “Youth Jobs PaTH”.
- (2) The Employment Minister must cause to be prepared a report of a review under subsection (1).

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- (3) The Employment Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.
- (4) In this section:

***Employment Minister*** means the Minister administering the *Fair Entitlements Guarantee Act 2012*.

## **Part 8—Transitional and saving provisions**

### **244 Construction of references to 1991 Act**

A reference in:

- (a) a provision of a law of the Commonwealth or a Territory enacted before 20 March 2000 (whether or not the provision has come into operation); or
- (b) an instrument or a document;

to a provision of the 1991 Act that has been repealed by the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999* is, on and after 20 March 2000, to be construed as a reference to the corresponding provision of this Act.

### **245 Correspondence of provisions**

- (1) If one provision of the 1991 Act and one provision of this Act have the same legal effect, the 2 provisions correspond to each other.
- (2) If:
  - (a) a provision of the 1991 Act has a particular legal effect in relation to a number of payment types; and
  - (b) a provision of this Act has that legal effect in relation to one or more, but not all, of those payment types;the provisions correspond to each other, for the purpose of subsection (1), in relation to the payment types referred to in paragraph (b).
- (3) In this section:

***legal effect*** includes conferring the power to issue an instrument.

***payment type*** means a pension, benefit or allowance.

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**246 Saving of social security payments and concession cards**

- (1) If a determination under the 1991 Act granting a claim for a social security payment or concession card is in force immediately before 20 March 2000, the determination has effect, on and from 20 March 2000, as if it were a determination under this Act granting a claim for the payment or card.
- (2) If a determination under the 1991 Act directing the making of a payment of a social security payment is in force immediately before 20 March 2000, the determination has effect, on and from 20 March 2000, as if it were a determination under this Act directing the making of a payment of the social security payment.

**247 Saving of instruments under 1991 Act**

- (1) An instrument that was in force, immediately before 20 March 2000, under a provision of the 1991 Act that is amended or repealed by the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999* has effect, on and from 20 March 2000, as if it were an instrument made under the corresponding provision of this Act.
- (2) Without limiting subsection (1), the instrument may be:
  - (a) a determination; or
  - (b) a direction; or
  - (c) an approval; or
  - (d) a notice; or
  - (e) a declaration; or
  - (f) an authorisation.
- (3) Subsection (1) does not apply to:
  - (a) a determination to which section 246 applies; or
  - (b) a delegation under section 1299 of the 1991 Act.
- (4) If an instrument to which subsection (1) applies was, when made, to have effect only for a limited period, the instrument has effect

under subsection (1) only for so much of the period as had not already expired before 20 March 2000.

## **248 Saving of claims for social security payments and concession cards**

(1) If:

- (a) a person has lodged a claim for a social security payment or a concession card under the 1991 Act before 20 March 2000; and
- (b) the claim has not been determined before 20 March 2000; the claim has effect, on and from 20 March 2000, as if it were a claim under this Act for the payment or card.

(2) If:

- (a) subsection (1) applies to a claim; and
  - (b) the claim is granted under this Act;
- the determination granting the claim may have a date of effect before 20 March 2000.

(3) If:

- (a) subsection (1) applies to a claim; and
  - (b) the claim is granted under this Act; and
  - (c) the determination granting the claim has a date of effect before 20 March 2000;
- the payment of instalments during the period that starts on the date of effect of the determination and ends on 19 March 2000 is taken to be made under this Act and the person making the claim has no rights under the 1991 Act arising from the claim.

## **249 Transitional instalment period**

If:

- (a) an instalment period relating to an instalment of a social security payment payable to a person under the 1991 Act commenced before 20 March 2000; and
- (b) the instalment period would have ended after 20 March 2000;

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this Act has effect in relation to that period and that instalment as if:

- (c) this Act had been in force throughout the whole of the instalment period; and
- (d) the instalment period had been a period determined under subsection 43(1) of this Act.

### **250 Application for amount owing at recipient's death**

If:

- (a) before 20 March 2000, a person made an application under a provision of the 1991 Act that relates to the payment of a social security payment after a person has died; and
- (b) the application was not determined before 20 March 2000;

then:

- (c) the application has effect, on and from 20 March 2000, as if it had been made under the corresponding provision of this Act and:
- (d) this Act has effect as if the amount in respect of which the application was made were an amount payable under this Act; and
- (e) the application has no effect for the purposes of the 1991 Act.

### **251 Power to obtain information about events etc. before 20 March 2000**

If a provision of this Act gives the Secretary power to request a person to give information or produce a document, the power extends to requesting a person:

- (a) to give information about matters that arose before 20 March 2000; or
- (b) to produce a document that came into existence, or relates to matters that arose, before 20 March 2000.

### **252 Unfinished reviews by Secretary**

(1) If:

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**Section 255**

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- (a) a person made an application under section 1240 of the 1991 Act before 20 March 2000; and
  - (b) the application was not determined before 20 March 2000; the application has effect, from 20 March 2000, as if it were an application under section 129 of this Act.
- (2) The date of effect of the decision made in response to the application may be before 20 March 2000.
- (3) If:
  - (a) subsection (1) applies to an application; and
  - (b) the date of effect of the decision made in response to the application is before 20 March 2000;the decision has effect, for the period that starts on the date of effect of the decision and ends on 19 March 2000, as if it were a decision made under the 1991 Act.

**255 Saving of steps in review process**

- If:
- (a) a person made an application under section 1240, 1247 or 1283 of the 1991 Act before 20 March 2000; and
  - (b) the application was not determined before 20 March 2000;
- anything done under, or for the purposes of, a provision of the 1991 Act before 20 March 2000 has effect, on and after that date, as if it had been done under, or for the purposes of, the corresponding provision of this Act.

**256 Entitlements and liabilities**

- (1) Subsection (2) applies to an amount that:
  - (a) would have been payable on or after 20 March 2000; and
  - (b) represents an entitlement that arose before 20 March 2000 under a provision of the 1991 Act as in force before that date.

**Section 257**

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- (2) For the purposes of section 242, an amount to which this subsection applies is taken to be payable, on and after 20 March 2000, under the social security law.
- (3) A debt due under the 1991 Act before 20 March 2000 and remaining unpaid on that date is taken to be a debt due under the social security law.

**257 Transitional regulations**

- (1) The Governor-General may make regulations prescribing matters in relation to any transitional matters (including prescribing any saving or application provisions) arising out of the enactment of this Act.
- (2) Without limiting subsection (1), and in spite of any other provision of this or any other Act, regulations made by virtue of subsection (1) may:
  - (a) modify the effect of a provision of this Part (other than this section); or
  - (b) substitute another provision for any provision of this Part (other than this section); or
  - (c) add a provision to this Part (other than this section).



## Schedule 1—Dictionary

Note: See section 3.

### 1 Definitions

(1) In this Act:

*1991 Act* means the *Social Security Act 1991*.

*AAT* means the Administrative Appeals Tribunal.

*AAT Act* means the *Administrative Appeals Tribunal Act 1975*.

*AAT first review* has the meaning given by section 142.

*AAT second review* has the meaning given by section 179.

*activity supplement* has the meaning given by the *Farm Household Support Act 2014*.

*Agriculture Department* means the Department administered by the Agriculture Minister.

*Agriculture Minister* means the Minister administering the *Farm Household Support Act 2014*.

*alcoholic beverage* means a beverage that contains more than 1.15% by volume of ethyl alcohol.

*attendance*, at a school, for the purposes of Part 3C (schooling requirements), has the meaning given by section 124A.

*attendance notice* has the meaning given by section 124K.

*authorised review officer* means an officer authorised under section 235 to perform duties as an authorised review officer for the purposes of the social security law.

*compliance notice* has the meaning given by section 124ND.

Clause 1

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**connection failure** has the meaning given by subsection 42E(1).

**CSC** (short for Commonwealth Superannuation Corporation) has the same meaning as in the *Governance of Australian Government Superannuation Schemes Act 2011*.

**Digital Switch-over Household Assistance Program** means the program that:

- (a) is administered by the Commonwealth; and
- (b) involves the provision and/or installation of any or all of the following:
  - (i) set-top boxes;
  - (ii) cables;
  - (iii) antennas;

for the purposes of enabling the members of certain households to view television programs transmitted in digital mode (within the meaning of Schedule 4 to the *Broadcasting Services Act 1992*).

**employment pathway plan decision**: see section 140A.

**enrolment**, at a school, for the purposes of Part 3C (schooling requirements), has the meaning given by section 124A.

**enrolment notice** has the meaning given by section 124F.

**farm financial assessment supplement** has the meaning given by the *Farm Household Support Act 2014*.

**farm household allowance** has the meaning given by the *Farm Household Support Act 2014*.

**FHA supplement** has the meaning given by the *Farm Household Support Act 2014*.

**further reconnection requirement** has the meaning given by section 42J.

***gambling*** means a service provided to a person in the capacity of a customer of a gambling service (within the meaning of the *Interactive Gambling Act 2001*).

***goods*** has the same meaning as in the *Competition and Consumer Act 2010*.

***mutual obligation failure*** has the meaning given by section 42AC.

***non-attendance failure*** has the meaning given by subsection 42SC(1).

***no show no pay failure*** has the meaning given by subsection 42C(1).

***participation payment*** is any of the following payments that are paid to a person:

- (a) newstart allowance;
- (b) if the person is neither undertaking full-time study (see section 541B of the 1991 Act) nor is a new apprentice—youth allowance;
- (c) if the person is subject to participation requirements—parenting payment;
- (d) if the person is a nominated visa holder—special benefit.

***payment suspension period*** has the meaning given by subsection 42AL(1).

***penalty amount*** for a person for a no show no pay failure, a reconnection failure or a non-attendance failure means the amount worked out for the person in accordance with the legislative instrument made under section 42T.

***person responsible***, for the operation of a school, for the purposes of Part 3C (schooling requirements), has the meaning given by section 124A.

***post-cancellation non-payment period*** has the meaning given by subsection 42AP(5).

Clause 1

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***reconnection failure*** has the meaning given by subsection 42H(1).

***reconnection failure period*** has the meaning given by subsection 42H(4).

***reconnection requirement:***

- (a) for a mutual obligation failure or a work refusal failure—has the meaning given by subsection 42AM(1); and
- (b) for a failure mentioned in section 42G—has the meaning given by that section.

***relocation assistance*** has the meaning given by subsection 42AO(2).

***schooling requirement child*** has the meaning given by section 124B.

***schooling requirement determination*** has the meaning given by section 124C.

***schooling requirement payment*** has the meaning given by section 124D.

***schooling requirement person*** has the meaning given by section 124.

***section 525B decision:*** see section 140A.

***serious failure*** has the meanings given by subsections 42M(1) and 42N(1).

***serious failure period*** has the meaning given by subsection 42P(2).

***serious failure requirement*** has the meaning given by subsection 42P(3).

***service*** has the same meaning as in the *Competition and Consumer Act 2010*.

***social security bereavement payment*** means a payment under any of the following provisions of the 1991 Act:

- (a) Division 9 of Part 2.2;
- (b) Division 10 of Part 2.3;
- (c) Subdivision B of Division 9 of Part 2.4;
- (d) Subdivision B or D of Division 9 of Part 2.5;
- (e) Division 9 of Part 2.7;
- (f) Division 9 of Part 2.8;
- (g) Subdivision B or C of Division 9 of Part 2.10;
- (h) Subdivision A of Division 10 of Part 2.11;
- (i) Division 10 of Part 2.11A;
- (j) Subdivision AA of Division 9 of Part 2.12;
- (k) Subdivision C of Division 11 of Part 2.12B;
- (l) Division 9 of Part 2.14;
- (m) Division 9 of Part 2.15;
- (n) Subdivision C of Division 9 of Part 2.15A;
- (o) Division 10 of Part 2.16;
- (p) Subdivision C of Division 10 of Part 2.19;
- (q) Subdivision B of Division 10 of Part 2.20.

***social security periodic payment*** means:

- (a) a social security benefit; or
- (b) a social security pension; or
- (c) carer allowance; or
- (f) double orphan pension; or
- (g) mobility allowance; or
- (i) pensioner education supplement; or
- (j) Northern Territory CDEP transition payment; or
- (k) Disaster Recovery Allowance.

***transfer day***, in relation to a transferee to a social security pension or benefit, has the meaning given by subclause (2) or (3), as the case requires.

Clause 1

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**transferee**, in relation to a social security pension or benefit, has the meaning given by subclause (2) or (3), as the case requires.

**unemployment failure** has the meaning given by section 42AE.

**unemployment non-payment period** has the meaning given by subsection 42S(3).

**unemployment preclusion period** has the meaning given by subsection 42AO(1).

**work refusal failure** has the meaning given by section 42AD.

(1A) For the purpose of the definition of **alcoholic beverage**, the volume of ethyl alcohol in a beverage is to be measured at 20°C and is to be calculated on the basis that the specific gravity of ethyl alcohol is 0.79067 (at 20°C in a vacuum).

(2) If:

- (a) a social security pension or benefit (the **old payment**) ceases to be payable to a person otherwise than because another social security payment becomes payable to the person; and
- (b) immediately after the old payment ceases to be payable, the person is qualified for another social security pension or benefit (the **new payment**); and
- (c) the person makes a claim for the new payment;

the person is a transferee to the new payment and the person's transfer day is the day that immediately follows the last day on which the old payment is payable to the person.

(3) If:

- (a) a person becomes qualified for a social security pension or benefit (the **new payment**); and
- (b) immediately before becoming qualified for the new payment:
  - (i) the person is a member of a couple; and
  - (ii) the person's partner is receiving a social security benefit; and
- (c) the person makes a claim for the new payment;

Clause 1

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the person is a transferee to the new payment and the person's transfer day is the day on which the person becomes qualified for the new payment.

## **Schedule 2—Rules for working out start day**

Note: See section 42.

### **Part 1—Introductory**

#### **1 Definitions**

In this Schedule, unless the contrary intention appears:

*benefit* means a social security benefit.

*pension* means a social security pension.

#### **2 Different start days under Parts 2 and 3**

(1) If:

(a) but for this subclause, a person would have a start day under Part 2 of this Schedule in relation to a social security payment and would also have a start day under Part 3 of this Schedule in relation to the same payment; and

(b) the start day under Part 3 would be earlier than the start day under Part 2;

the day worked out under Part 3 is the person's start day in relation to the social security payment.

(2) If, but for this subclause, a person would have 2 start days under Part 3 of this Schedule in relation to the same social security payment, one day earlier than the other, the earlier day is the person's start day under Part 3 in relation to the social security payment.

(3) If:

(a) 2 or more clauses of Part 3 of this Schedule apply to the working out of a person's start day in relation to a social security payment; and



(b) the person's start day under both or all of those clauses is the same day;  
that day is the person's start day under Part 3 in relation to the social security payment.

(4) If:

(a) but for this subclause, a person would have a start day under Part 2 of this Schedule in relation to a concession card and would also have a start day under Part 3 of this Schedule in relation to the same card; and

(b) the start day under Part 3 would be earlier than the start day under Part 2;

the day worked out under Part 3 is the person's start day in relation to the concession card.

## **Part 2—General rules**

### **3 Start day—general rule**

- (1) If:
- (a) a person makes a claim for a social security payment; and
  - (b) the person is qualified for the payment on the day on which the claim is made;
- the person's start day in relation to the payment is the day on which the claim is made.
- Note: Clause 4A applies instead of this subclause to claims for newstart allowance and youth allowance in certain circumstances.
- (2) A person's start day in relation to a concession card for which the person is qualified under:
- (a) Division 1 of Part 2A.1 of the 1991 Act; or
  - (b) Subdivision A of Division 3 of that Part;
- is the first day on which the person is qualified for the card.
- (3) If:
- (a) a person makes a claim for a seniors health card or a health care card under Subdivision B of Division 3 of Part 2A.1 of the 1991 Act; and
  - (b) the person is qualified for the card on the day on which the claim is made;
- the person's start day in relation to the card is the day on which the claim is made.
- (4) If:
- (a) section 1061ZJA of the 1991 Act applies in relation to a person; and
  - (b) as mentioned in subsection 1061ZJA(3) of the 1991 Act, the person is qualified for a seniors health card on 1 January 2017;
- the person's start day in relation to the card is 1 January 2017.

- (5) If:
- (a) section 1061ZJA of the 1991 Act applies in relation to a person; and
  - (b) as mentioned in subsection 1061ZJA(4) of the 1991 Act, the person is qualified for a seniors health card on the day the person returns to Australia;
- the person's start day in relation to the card is the day the person returns to Australia.

#### **4 Start day—early claim**

- (1) If:
- (a) a person (other than a detained person) makes a claim for a relevant social security payment; and
  - (b) the person is not, on the day on which the claim is made, qualified for the payment; and
  - (c) assuming the person does not sooner die, the person will, because of the passage of time or the occurrence of an event, become qualified for the payment within the period of 13 weeks after the day on which the claim is made; and
  - (d) the person becomes so qualified within that period;
- the claim is taken to be made on the first day on which the person is qualified for the social security payment.
- (2) For the purposes of subclause (1), the following provisions have effect:
- (a) subject to paragraph (b), any social security payment, other than special benefit, is a relevant social security payment;
  - (b) parenting payment is not a relevant social security payment in the case of a person who becomes qualified for the payment because of the birth of a child.
- (3) If:
- (a) a detained person makes a claim for a social security payment; and
  - (b) the person is not, on the day on which the claim is made, qualified for the payment; and

Clause 4A

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- (c) the person becomes qualified for the payment within 3 weeks after the claim is made;  
the claim is taken to be made on the first day on which the person is qualified for the payment.
- (4) Subclause (3) does not have effect in relation to a claim for a crisis payment or for a social security pension or benefit.
- (6) If:
  - (a) a person makes a claim for a newstart allowance or youth allowance; and
  - (b) when the claim is made, the person is serving a liquid assets test waiting period;  
the claim is taken to be made on the first day on which the person is qualified for a newstart allowance or youth allowance, as the case may be.
- (7) In this clause:  
***detained person*** means a person who:
  - (a) is in gaol; or
  - (b) is undergoing psychiatric confinement because the person has been charged with an offence.

**4A Start day for newstart allowance and youth allowance if claimant required to attend interview**

*When this clause applies and subclause 3(1) does not*

- (1) This clause applies, and subclause 3(1) does not apply, in relation to a person's:
  - (a) claim for newstart allowance; or
  - (b) claim for youth allowance that is not based on the person being a new apprentice or undertaking full-time study;  
if the Secretary gives the person a notice under section 63 requiring the person to attend a particular place for an interview on a day specified in the notice (the ***specified day***).

Clause 4A

Note: Clause 5 may override the start day under this clause in certain circumstances.

*Secretary may decide that this clause does not apply*

- (2) This clause does not apply to a person if the Secretary is satisfied, in accordance with any guidelines under subclause (3), that it should not apply to the person.
- (3) The Secretary may, by legislative instrument, make guidelines to be complied with in deciding under subclause (2) whether this clause applies to a person.

*Start day*

- (4) The start day for the person is the day worked out using the following table.

<b>Start day</b>	
<b>If the period between the time the Secretary imposes the requirement under section 63 and the specified day is:</b>	<b>The start day is:</b>
1 2 business days or less	The specified day
2 More than 2 business days (otherwise than at the person's request)	The day the Secretary imposes the requirement under section 63
3 More than 2 business days (at the person's request)	The specified day

*Start day—failure to comply with requirement to attend interview*

- (5) Despite subclause (4), if:
  - (a) the person does not comply with the requirement; and
  - (b) because of that failure to comply, either section 547AA or 615 of the 1991 Act applies to the person;the person's start day is the day on which that section ceases to apply to the person.

Clause 5

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*Start day—person not qualified on start day*

- (6) Despite subclauses (4) and (5), if a person is not qualified for the allowance on the day that would, but for this subclause, be the person's start day, the person's start day is the first day, after what would otherwise (under subclause (4) or (5)) be the person's start day, on which the person is qualified for the allowance.

*When this clause ceases to apply*

- (7) This clause ceases to apply if the Secretary revokes the requirement before the specified day.

Note: In that case, subclause 3(1) will apply.

**5 Effect of exclusion period**

- (1) If, on the day that would, but for this clause, be a person's start day under this Schedule in relation to a social security payment, the person is subject to one or more exclusion periods, the person's start day in relation to the payment is worked out as follows:
- (a) if the person is subject to one exclusion period—the start day is the first day after the end of that period;
  - (b) if the person is subject to 2 or more exclusion periods—the start day is the first day after all the periods have ended.
- (1A) This clause does not apply in relation to payment of parenting payment to a person who is a member of a couple if the Secretary is satisfied that it should not so apply.

Note: Clause 5A deals with the start day of parenting payment where one member of a couple commits a serious failure or is unemployed as a result of a voluntary act or misconduct.

- (1B) Subclause (1) applies only in relation to a start day for a participation payment to a person if the exclusion period to which the person is subject is:
- (a) for a person other than a declared program participant:
    - (i) a payment suspension period; or
    - (ii) an unemployment preclusion period; or

- (iii) a post-cancellation non-payment period; or
  - (b) for a declared program participant:
    - (i) a serious failure period; or
    - (ii) an unemployment non-payment period.
- (2) In this clause:

***exclusion period*** means a period during which, because of a provision of the social security law, a social security payment that would otherwise be payable to a person is not payable to the person, including:

- (a) a waiting period; and
- (b) a non-payment period (including a compliance penalty period); and
- (c) a compensation preclusion period; and
- (d) a period during which a person is in gaol; and
- (e) if the payment is a youth allowance or newstart allowance—a period during which the payment is not payable because of the operation of subparagraph 547AA(1)(b)(ii) or subparagraph 615(1)(b)(ii) of the 1991 Act; and
- (f) if the payment is a schooling requirement payment within the meaning of Part 3C—a period during which the payment is suspended under section 124H, 124M or 124NF.

#### **5A Start day for parenting payment if one member of a couple fails to comply with certain participation payment obligations**

- (1) If:
- (a) one member of a couple is receiving parenting payment; and
  - (b) the other member of the couple is receiving a participation payment; and
  - (c) any of the following apply:
    - (i) the Secretary determines under Subdivision C of Division 3AA (compliance with participation payment obligations: persons other than declared program participants) that the other member's participation payment is not payable for a period;

Clause 6

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- (ii) the Secretary determines under that Subdivision that the other member's participation payment is cancelled;
    - (iii) the Secretary determines that the other member of the couple, being a declared program participant, commits a serious failure; or
    - (iv) the Secretary makes a determination under subsection 42S(1) (unemployment as a result of a voluntary act or misconduct obligation—declared program participants) in relation to the other member of the couple; and
  - (d) the other member of the couple claims parenting payment; then, the other member's start day under this Schedule in relation to the parenting payment is worked out in accordance with subclause (2).
- (2) For the purposes of subclause (1), the other member's start day is the first day after the end of:
- (a) if subparagraph (1)(c)(i) applies—the other member's payment suspension period or unemployment preclusion period; and
  - (b) if subparagraph (1)(c)(ii) applies—the other member's post-cancellation non-payment period; and
  - (c) if subparagraph (1)(c)(iii) applies—the other member's serious failure period; and
  - (d) if subparagraph (1)(c)(iv) applies—the other member's unemployment non-payment period.

## **6 Saving**

Nothing in this Schedule operates to make a social security payment payable to a person on a day on which, because of another provision of the social security law, the payment is not payable to the person.



## **Part 3—Backdated start day**

### **Division 1—Explanatory**

#### **7 Explanation of Part**

In some circumstances, a person's start day in relation to a social security payment may be earlier than the day worked out under Part 2 of this Schedule. This Part contains rules that enable the start day to be worked out in those circumstances.

## **Division 2—Rules applying to all or most social security payments**

### **8 Claim made soon after partner's claim**

If:

- (a) a person makes a claim for a social security benefit or pension within 14 days after the person's partner makes a claim for a social security benefit or pension; and
  - (b) the person's claim and the partner's claim are both granted;
- the person's start day in relation to the benefit or pension is the first day on which the person is qualified for the pension or benefit in the period starting on the partner's start day in relation to the pension or benefit granted to the partner and ending on the day on which the person made the claim for the pension or benefit.

### **9 Claim by transferee**

(1) If:

- (a) a person is a transferee to a benefit or pension; and
  - (b) the person makes a claim for the benefit or pension within 14 days after the day that is the person's transfer day in relation to the benefit or pension;
- the transfer day is also the person's start day in relation to the benefit or pension.

(2) If:

- (a) a person is a transferee to a benefit or pension; and
- (b) the person makes a claim for the benefit or pension more than 14 days, but not more than 13 weeks, after the person's transfer day; and
- (c) the Secretary determines that:
  - (i) during the period beginning on the person's transfer day and ending on the day on which the person made the

claim, the person suffered from an illness or from an incapacity due to a medical condition; and

- (ii) the illness or incapacity was the sole or principal cause of the person's failure to make the claim within 14 days after the person's transfer day;

the person's transfer day is also the person's start day in relation to the benefit or pension.

## **10 Claim soon after childbirth**

If a woman makes a claim for a social security payment within 4 weeks after giving birth to a child, the woman's start day in relation to the payment is the first day on which the woman is qualified for the payment in the period starting on the birth of the child and ending on the day on which the claim is made.

## **11 Incapacitated claimant**

(1) If:

- (a) a person becomes incapacitated for work as a result of a medical condition; and
- (b) the person makes a claim for a benefit or pension within 5 weeks after the day on which the incapacity begins; and
- (c) the person continues to suffer the medical condition from the day on which the incapacity begins until the claim is made;

the person's start day in relation to the benefit or pension is the first day on which the person was qualified for the benefit or pension in the period starting on the day on which the incapacity began and ending on the day on which the claim was made.

(2) If:

- (a) a person becomes incapacitated for work as a result of a medical condition; and
- (b) the person makes a claim for a benefit or pension more than 5 weeks after the day on which the incapacity begins; and
- (c) the Secretary is satisfied that:

**Schedule 2** Rules for working out start day

**Part 3** Backdated start day

**Division 2** Rules applying to all or most social security payments

Clause 12

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- (i) the person has continued to suffer the medical condition from the day on which the incapacity began until the claim was made; and
- (ii) the medical condition was the sole or principal cause of the person's failure to make the claim within 5 weeks after the day on which the incapacity began;

the person's start day in relation to the pension or benefit is the first day on which the person was qualified for the benefit or pension in the period of 4 weeks ending immediately before the day on which the claim was made.

**12 Claim after death of partner**

If:

- (a) a person's partner dies; and
- (b) the person makes a claim for a social security payment within 4 weeks after the death of the partner;

the person's start day in relation to the payment is the first day on which the person was qualified for the payment in the period starting on the day on which the partner died and ending on the day on which the claim was made.

**13 Claim for social security payment following claim for AGDRP**

If a person:

- (a) is qualified for an AGDRP; and
- (b) makes a claim for the payment; and
- (ba) is in Australia when making that claim; and
- (c) within 14 days after making that claim, makes a claim for another social security payment;

the person's start day in relation to that other social security payment is the day on which the person became qualified for the AGDRP.

## **Division 3—Rules applying to particular social security payments**

### **15 Certain persons subject to cancellation of austudy payment, newstart allowance, youth allowance or special benefit**

If:

- (a) a person receives an austudy payment, newstart allowance, youth allowance or special benefit; and
- (b) either:
  - (i) the payment, allowance or benefit is not payable to the person because of subsection 63(4); or
  - (ii) a compliance penalty period applies to the person; and
- (c) payment of the payment, allowance or benefit is cancelled (other than under Division 3AA of Part 3); and
- (d) the person lodges a claim for an austudy payment, newstart allowance, youth allowance or special benefit within 14 days after the day (the ***cancellation day***) on which the cancellation of the payment, allowance or benefit referred to in paragraph (a) takes effect:

the person's start day in relation to the payment, allowance or benefit to which the claim referred to in paragraph (d) relates is the day after the cancellation day.

### **15A Carer payment claimed on or after 1 July 2009 and before 1 October 2009**

If:

- (a) a person is qualified for a carer payment other than under section 198 of the 1991 Act; and
- (b) the person makes a claim for a carer payment on or after 1 July 2009 and before 1 October 2009;

the person's start day in relation to the payment is the day on which the person became qualified for a carer payment other than under section 198 of that Act.

## **18 Double orphan pension**

If:

- (a) a person (the ***claimant***) is qualified for a double orphan pension for a young person; and
- (b) the claimant makes a claim for double orphan pension for the young person within 13 weeks after the birth of the young person;

the claimant's start day in relation to the pension is the first day on which the person was qualified for the pension in the period starting on the day of the young person's birth and ending on the day on which the claim was made.

## **19 Double orphan pension—claim following death of former recipient**

If:

- (a) a person (the ***former recipient***) who is receiving double orphan pension for a young person dies; and
- (b) another person (the ***claimant***) makes a claim for double orphan pension for the young person within 13 weeks after the death of the former recipient;

the claimant's start day in relation to the double orphan pension is the first day on which the claimant was qualified for the pension in the period starting on the day of the former recipient's death and ending on the day on which the claim was made.

## **28 Newstart allowance—claimant for disability support pension**

If:

- (a) a person makes a claim for a newstart allowance; and
- (b) the person is qualified for a newstart allowance under subsection 593(1B) of the 1991 Act;

the person's start day in relation to the newstart allowance is the day on which the person made the claim for a disability support pension referred to in paragraph 593(1B)(d) of that Act.

## **29 Parenting payment**

If:

- (a) a person has a PP child; and
- (b) the person makes a claim for parenting payment within 4 weeks after the day on which the child became a PP child of the person;

the person's start day in relation to the parenting payment is the first day on which the person was qualified for the payment in the period starting on the day on which the child became a dependent child of the person and ending on the day on which the claim was made.

## **30 Pensioner education supplement**

If:

- (a) a person makes a claim for a pensioner education supplement; and
- (b) when the claim is made, the person is qualified for the supplement; and
- (c) the claim is made within 4 weeks after the person became qualified for the supplement;

the person's start day in relation to the pensioner education supplement is the day on which the person became qualified for the supplement.

## **31 Pensioner education supplement: claim before 1 April**

If:

- (a) a person makes a claim for a pensioner education supplement after the beginning of a calendar year but before 1 April in that year; and
- (b) the person's course of education is a full year course that begins before 1 April in that year;

the person's start day in relation to the pensioner education supplement is the first day on which the person is qualified for pensioner education supplement on or after 1 January in that year.

### **32 Pensioner education supplement: claim before 1 August**

If:

- (a) a person makes a claim for a pensioner education supplement after the beginning of a calendar year but before 1 August in that year; and
- (b) the person's course of education is a full year course that starts in the month of July in that year;

the person's start day in relation to the pensioner education supplement is the first day on which the person is qualified for pensioner education supplement on or after 1 July in that year.

### **33 Sickness allowance: incapacitated claimant**

If:

- (a) a person stops receiving sickness allowance because the person fails to give the Secretary a certificate referred to in paragraph 669(5)(b) of the 1991 Act before the end of the person's maximum allowance period; and
- (b) the sole or principal cause of the person's failure is either:
  - (i) the person's medical condition; or
  - (ii) an act or omission of an officer of the Department; and
- (c) after the end of the person's maximum allowance period, the person makes a claim for sickness allowance in respect of the incapacity for which the allowance was previously granted;

the person's start day in relation to the sickness allowance is the first day on which the person was qualified for the allowance after the end of the person's maximum allowance period but not earlier than 4 weeks before the day on which the claim was made.

### **34 Youth allowance: incapacitated claimant**

If:

- (a) a person who is undertaking a course of full-time study becomes incapacitated for study as a result of a medical condition; and



- (b) the person makes a claim for a youth allowance within 5 weeks after the day on which the incapacity begins; and
  - (c) the person continues to suffer the medical condition from the day on which the incapacity begins until the claim is made;
- the person's start day in relation to the youth allowance is the first day on which the person was qualified for youth allowance in the period starting on the day on which the incapacity began and ending on the day on which the claim was made.

### **35 Youth allowance—claimant for disability support pension**

If:

- (a) a person makes a claim for a youth allowance; and
- (b) the person is qualified for a youth allowance under subsection 540A(1) of the 1991 Act;

the person's start day in relation to the youth allowance is the day on which the person made the claim for a disability support pension referred to in paragraph 540A(1)(c) of that Act.

### **36 Youth allowance—initial claim for family tax benefit**

If:

- (a) a claim is made for family tax benefit in respect of a person (the *initial claim*); and
- (b) on the day on which the initial claim is made, the person is qualified for youth allowance; and
- (c) the person afterwards makes a claim for youth allowance; and
- (d) the Secretary is satisfied that it is reasonable for this clause to apply to the person;

the person's start day in relation to youth allowance is the day on which the initial claim was made.

## Division 4—Rules applying to health care cards

### 37 Health care cards, other than automatic issue health care cards

- (1) If:
- (a) a person makes a claim for a health care card under Subdivision B of Division 3 of Part 2A.1 of the 1991 Act; and
  - (b) within the claim period, a professional service has been rendered to, or hospital treatment has been provided for, the person or a dependant of the person; and
  - (c) when the service was rendered or the treatment provided, as the case may be, the person was qualified for the card; and
  - (d) the person remained so qualified until the claim was made;
- the person's start day in relation to the health care card is:
- (e) the day on which the professional service was rendered or the hospital treatment was provided, as the case may be; or
  - (f) if there were 2 or more such days within the claim period, the earlier or earliest of those days, as the case may be.
- (2) For the purposes of subclause (1), any period earlier than 1 September 1981 that would, but for this subclause, be included in the claim period in respect of a particular claim is to be disregarded.
- (3) In this clause:
- claim period*** means:
- (a) the period of 13 weeks ending on the day on which a claim is made; or
  - (b) such longer period as the Secretary, having regard to all the circumstances of the case, approves.

***dependant*** has the same meaning as in Part 2A.1 of the 1991 Act.

***hospital treatment*** has the same meaning as in the *Health Insurance Act 1973*.

***professional service*** has the same meaning as in the *Health Insurance Act 1973*.

- (4) The Secretary must not approve, under subclause (3), a period that includes a period earlier than 1 September 1981.

## **Schedule 5—Provisions relating to the Chief Executive Centrelink etc.**

### **1 References to the Secretary and the Department—requirements etc. by delegate**

- (1) If the Secretary delegates to the CEO or an employee of the Agency a power under the social security law to require or request a person to give the Secretary a document or information, the delegate may, in exercising the power, require or request the person to give the document or information to the Chief Executive Centrelink instead of the Secretary.
- (2) If the Secretary delegates to the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) a power under the social security law to require or request a person to give or send to, or lodge with, the Department a document or information, the delegate may, in exercising the power, require or request the person to give or send the document or information to the Human Services Department, or lodge it with the Human Services Department, instead of the Department.
- (3) A person who:
  - (a) gives a document or information to the Chief Executive Centrelink; or
  - (b) gives or sends a document or information to the Human Services Department, or lodges it with the Human Services Department;in compliance with a requirement or a request by a delegate of the Secretary is to be treated for all purposes as if the person had:
  - (c) given the document or information to the Secretary; or
  - (d) given or sent the document or information to the Department, or lodged it with the Department;

as the case may be, in compliance with a requirement or request by the Secretary.

(4) A person who:

- (a) does not give a document or information to the Chief Executive Centrelink; or
- (b) does not give or send a document or information to the Human Services Department, or lodge it with the Human Services Department;

in compliance with a requirement or request by a delegate of the Secretary is to be treated for all purposes as if the person:

- (c) had not given the document or information to the Secretary; or
- (d) had not given or sent the document or information to the Department, or lodged it with the Department;

as the case may be, in compliance with a requirement or request by the Secretary.

## **2 References to the Secretary and the Department—directions by Secretary**

(1) Subject to subclause (3), if:

- (a) the Secretary delegates to the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*) all or any of the Secretary's powers under the social security law; and
- (b) the delegation makes a reference to the Secretary, the Department, or an officer of the Department, in another provision of the social security law inappropriate, whether for administrative reasons or any other reason;

the provision has effect as if:

- (c) the reference to the Secretary were a reference to the Chief Executive Centrelink; or
- (d) the reference to the Department were a reference to the Human Services Department; or

Clause 2

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- (e) the reference to an officer of the Department were a reference to a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);  
as the case requires.
- (2) The Secretary may, by legislative instrument, direct that a provision to which subclause (1) applies is to have an operation different from that provided for by that subclause.
- (3) If the Secretary gives a direction under subclause (2) in relation to a provision, the provision has effect in accordance with the direction while the direction is in force.
- (4) A direction under subclause (2) comes into force on the first moment of the day next following the day when it is registered in the Federal Register of Legislation under the *Legislation Act 2003*, or on such later day as is specified in it, and remains in force until it is revoked.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



## Endnote 2—Abbreviation key

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

#### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security (Administration) Act 1999	191, 1999	23 Dec 1999	s 1–6 and 257: 23 Dec 1999 (s 2(2)) s 54: 1 July 2000 (s 2(3)) Remainder: 20 Mar 2000 (s 2(1))	
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 824, 825): 20 Mar 2000 (s 2(4))	—
A New Tax System (Tax Administration) Act 1999	179, 1999	22 Dec 1999	Sch 5 (items 67, 68): 1 July 2000 (s 2(9)(a))	—
<b>as amended by</b> Family and Community Services Legislation Amendment Act 2003	30, 2003	15 Apr 2003	Sch 2 (item 90): 1 July 2000 (s 2(1) item 14)	—
Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999	192, 1999	23 Dec 1999	Schedules 1 and 2: 20 Mar 2000 Schedules 3 and 4: 1 July 2000 Remainder: Royal Assent	—
A New Tax System (Tax Administration) Act (No. 1) 2000	44, 2000	3 May 2000	Sch 3 (item 48): 20 Mar 2000 (s 2(7)(a))	—
A New Tax System (Family Assistance and Related Measures) Act 2000	45, 2000	3 May 2000	Sch 3 (items 16–55), Sch 5 and 6: 1 July 2000 (s 2(4))	Sch 5 and 6

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Family and Community Services Legislation Amendment Act 2000	70, 2000	27 June 2000	Sch 4 (item 1): 20 Mar 2000 (s 2(5)) Sch 4 (items 2, 3): 27 June 2000 (s 2(6))	—
Social Security and Veterans' Entitlements Legislation Amendment (Miscellaneous Matters) Act 2000	94, 2000	30 June 2000	Sch 2 (Pt 1): 1 July 2000 (s 2(5)) Sch 2 (Pt 2, 3): 20 Sept 2000 (s 2(2)(b))	Sch 2 (item 14)
Family and Community Services Legislation Amendment (New Zealand Citizens) Act 2001	18, 2001	30 Mar 2001	Sch 2 (items 16, 17): 30 Mar 2001 (s 2(1)) Sch 2 (item 18): 1 July 2001 (s 2(2))	—
Family and Community Services and Veterans' Affairs Legislation Amendment (Further Assistance for Older Australians) Act 2001	42, 2001	25 May 2001	Schedule 2: 1 Sept 2001 Remainder: 1 July 2001	—
Family and Community Services Legislation Amendment (One-off Payment to the Aged) Act 2001	43, 2001	25 May 2001	25 May 2001	—
Family and Community Services and Veterans' Affairs Legislation Amendment (Debt Recovery) Act 2001	47, 2001	12 June 2001	Sch 2: 12 June 2001 (s 2(1))	Sch 2 (item 3)

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### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Family and Community Services Legislation (Simplification and Other Measures) Act 2001	71, 2001	30 June 2001	Sch 1 (item 30): 20 Sept 2001 (s 2(2))	—
Child Support Legislation Amendment Act 2001	75, 2001	30 June 2001	Sch 5 (item 70): 30 June 2001 (s 2(1))	—
Social Security Legislation Amendment (Concession Cards) Act 2001	80, 2001	30 June 2001	1 July 2001	Sch. 1 (item 25)
Family and Community Services Legislation Amendment (Application of Criminal Code) Act 2001	137, 2001	1 Oct 2001	2 Oct 2001	s. 4
Veterans' Affairs Legislation Amendment Act (No. 1) 2002	73, 2002	6 Sept 2002	Schedule 2: Royal Assent	—
Family and Community Services Legislation Amendment (Budget Initiatives and Other Measures) Act 2002	95, 2002	10 Nov 2002	Schedules 1 and 2: 1 July 2003 Remainder: Royal Assent	Sch. 1 (item 11)
Family and Community Services Legislation Amendment (Special Benefit Activity Test) Act 2002	147, 2002	19 Dec 2002	Schedule 1 (items 28–41): 1 Jan 2003	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Family and Community Services Legislation Amendment Act 2003	30, 2003	15 Apr 2003	Sch 1 (items 77–111) and Sch 4 (item 117): 15 Apr 2003 Sch 1 (items 117–123): 20 Mar 2000 (s 2(1) item 5)	—
Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Act 2003 <b>as amended by</b>	35, 2003	24 Apr 2003	Schedules 1, 1A, 2 and 4–6: 20 Sept 2003 Schedule 3: 22 May 2003 Remainder: Royal Assent	s. 4
Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2005	154, 2005	14 Dec 2005	Schedule 23 (item 6): Royal Assent	—
Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Act 2003	122, 2003	5 Dec 2003	Sch 2 (item 23): 5 Dec 2003 Sch 3 (items 15–17) and Sch 4 (items 1, 5–8): 1 July 2004 Sch 7 (item 1): 22 May 2003 (s 2(1) item 4) Sch 7 (item 9): 20 Sept 2003 (s 2(1) item 12)	Sch. 4 (item 1)
Family Assistance Legislation Amendment (More Help for Families—One-off Payments) Act 2004	60, 2004	26 May 2004	26 May 2004	Sch. 3 (item 1)

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Family and Community Services and Veterans' Affairs Legislation Amendment (Sugar Reform) Act 2004	109, 2004	13 July 2004	13 July 2004	—
Family and Community Services and Veterans' Affairs Legislation Amendment (2004 Election Commitments) Act 2004	132, 2004	8 Dec 2004	Schedule 1 (items 8–16) and Schedule 2 (items 10–13): 1 Dec 2004	Sch. 2 (item 13)
Social Security Legislation Amendment (One-off Payments for Carers) Act 2005	55, 2005	25 May 2005	25 May 2005	Sch. 2 (item 1)
<b>as amended by</b>				
Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008	19, 2008	26 May 2008	Schedule 3 (item 70): Royal Assent	—
<b>as amended by</b>				
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 2 (item 20): 26 May 2008 (s 2(1) item 21)	—
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 5 (item 1): 19 June 2018 (s 2(1) item 4)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Act 2005	61, 2005	26 June 2005	Schedule 4 (items 19, 28): 1 July 2005 Schedule 4 (items 36–41): Royal Assent	Sch. 4 (item 28)
Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2005	154, 2005	14 Dec 2005	Sch 22 (items 1–10, 43–45): 14 Dec 2005 Sch 22 (items 11–42): 1 July 2006 Sch 22 (items 46, 47): 20 Sept 2006	Sch 22 (items 15–17, 25, 33, 45, 47)
<b>as amended by</b> Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) (Consequential Amendments) Act 2006	64, 2006	22 June 2006	Sch 14 (items 11, 12): 1 July 2006 (s 2(1) item 30)	—
Family Assistance, Social Security and Veterans' Affairs Legislation Amendment (2005 Budget and Other Measures) Act 2006	36, 2006	3 May 2006	Sch 6: 1 July 2006	—

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006	41, 2006	22 May 2006	22 May 2006	—
Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) (Consequential Amendments) Act 2006	64, 2006	22 June 2006	Sch 13 (items 1–20): 1 July 2006 (s 2(1) item 24) Sch 13 (item 21): 14 Dec 2005 (s 2(1) item 25) Sch 13 (items 22–24): 1 July 2006 (s 2(1) item 26)	Sch 13 (item 15)
Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Act 2006	82, 2006	30 June 2006	Schedule 4 (items 19–27): 1 Dec 2006 Schedule 13 (items 2–4): Royal Assent	—
Social Security and Family Assistance Legislation Amendment (Miscellaneous Measures) Act 2006	108, 2006	27 Sept 2006	Schedule 4 and Schedule 8 (items 204–224): Royal Assent	Sch. 4 (item 12)
Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006	146, 2006	6 Dec 2006	Schedule 3 (item 76): 1 Jan 2007	—



## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Act 2006	156, 2006	8 Dec 2006	Schedule 1: 1 Jan 2007 Remainder: Royal Assent	—
Statute Law Revision Act 2007	8, 2007	15 Mar 2007	Sch 1 (item 22): 1 July 2000 (s 2(1) item 19) Sch 1 (items 23, 24); 20 Mar 2000 (s 2(1) item 20)	—
Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Act 2007	65, 2007	15 Apr 2007	Schedule 1 (items 53, 54): Royal Assent	Sch. 1 (item 54)
Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007	66, 2007	11 May 2007	Schedule 1 (items 12–14) and Schedule 3 (items 7–9): Royal Assent	—
Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007	82, 2007	21 June 2007	Sch 12 (items 14, 15): 1 Dec 2006 (s 2(1) item 38) Sch 12 (item 16): 1 July 2000 (s 2(1) item 39) Sch 12 (item 17): 21 June 2007	Sch. 12 (item 15)

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### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Families, Community Services and Indigenous Affairs Legislation Amendment (Child Care and Other 2007 Budget Measures) Act 2007	113, 2007	28 June 2007	Schedule 1: 1 July 2007 Schedule 2: 1 Oct 2007 Remainder: Royal Assent	—
Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007	130, 2007	17 Aug 2007	18 Aug 2007	ss. 4–7
<b>as amended by</b> Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010	93, 2010	29 June 2010	Schedule 1 (items 3, 4): 31 Dec 2010	Sch. 1 (item 4)
Social Security Amendment (2007 Measures No. 2) Act 2007	173, 2007	28 Sept 2007	Schedule 1 (items 1–5, 8–34, 36–48): 1 Jan 2008 Schedule 1 (items 6, 7): 29 Sept 2007 Schedule 1 (item 35): 20 Mar 2000 Remainder: Royal Assent	Sch. 1 (item 48)
Families, Community Services and Indigenous Affairs Legislation Amendment (Child Disability Assistance) Act 2007	182, 2007	28 Sept 2007	Schedule 1: 1 Oct 2007 Remainder: Royal Assent	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Families, Community Services and Indigenous Affairs Legislation Amendment (Further 2007 Budget Measures) Act 2007	183, 2007	28 Sept 2007	1 Jan 2008	Sch. 1 (items 33, 36)
Social Security and Veterans' Affairs Legislation Amendment (Enhanced Allowances) Act 2008	5, 2008	20 Mar 2008	20 Mar 2008	—
Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Act 2008	19, 2008	26 May 2008	Sch 1 (items 11–14): 26 May 2008 (s 2(1) items 2, 3, 5, 6) Sch 3 (items 7–10): 26 May 2008 (s 2(1) items 5, 6) Sch 5 (items 13, 25): 1 July 2008	Sch 1 (item 14), Sch 3 (item 10) and Sch 5 (item 25)
Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Act 2008	26, 2008	23 June 2008	Schedule 1 (items 113– 116): Royal Assent	—
Dental Benefits (Consequential Amendments) Act 2008	42, 2008	25 June 2008	Schedule 1 (items 19, 20): 26 June 2008 ( <i>see</i> s. 2(1))	—

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Act 2008	63, 2008	30 June 2008	s. 4 and Schedule 4 (items 11–13): Royal Assent Schedule 3 (items 4–11): 1 Sept 2008 Schedule 4 (items 1–10): 1 July 2008	s. 4, Sch. 3 (item 11) and Sch. 4 (item 13)
Social Security and Other Legislation Amendment (Employment Entry Payment) Act 2008	64, 2008	30 June 2008	1 July 2008	Sch. 1 (item 11(3), (5), (6))
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 1 (item 46): 20 Sept 2003 (item 30)	—
Social Security and Other Legislation Amendment (Economic Security Strategy) Act 2008	131, 2008	1 Dec 2008	Schedule 1 (items 5–7) and Schedule 5 (items 15, 16): Royal Assent	—
Tax Laws Amendment (Education Refund) Act 2008	141, 2008	9 Dec 2008	Schedule 1 (items 6, 10): Royal Assent	Sch. 1 (item 10)
Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Act 2008	149, 2008	11 Dec 2008	Schedule 1 (items 3–21, 34): Royal Assent	Sch. 1 (item 34)
Household Stimulus Package Act (No. 2) 2009	4, 2009	18 Feb 2009	Schedule 1 (items 6–10), Schedule 4 and Schedule 5 (items 18–20): Royal Assent	Sch. 4

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Security Legislation Amendment (Employment Services Reform) Act 2009	7, 2009	24 Feb 2009	Schedule 1 (items 1, 34– 55, 56(1), (3), (4)), Schedule 2 (items 200– 208) and Schedule 4 (items 11–14): 1 July 2009	Sch. 1 (item 56(1), (3), (4)), Sch. 2 (item 208) and Sch. 4 (item 12)
Social Security Amendment (Liquid Assets Waiting Period) Act 2009	25, 2009	26 Mar 2009	Sch 1 (item 12): 20 Sept 2003 (s 2(1) item 3)	—
Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Act 2009	35, 2009	27 May 2009	Schedule 1 (items 5–12): Royal Assent	—
Employment and Workplace Relations Amendment Act 2009	37, 2009	3 June 2009	Schedule 2 (item 35): 4 June 2009	—
Social Security Legislation Amendment (Improved Support for Carers) Act 2009	44, 2009	23 June 2009	Schedule 2: 1 July 2009	Sch. 2 (item 4)
Social Security Legislation Amendment (Improved Support for Carers) (Consequential and Transitional) Act 2009	45, 2009	23 June 2009	Schedule 2: 1 July 2009 (s 2(1) item 2)	—
Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Act 2009	48, 2009	24 June 2009	Schedule 2: Royal Assent	Sch. 2 (item 2)

*Social Security (Administration) Act 1999*

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Compilation No. 129

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## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Security Legislation Amendment (Digital Television Switch-over) Act 2009	58, 2009	26 June 2009	Schedule 1: 27 June 2009 Remainder: Royal Assent	—
Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Act 2009	60, 2009	29 June 2009	Schedule 4 (items 34, 94–102, 104): 20 Sept 2009	Sch. 4 (item 104)
Veterans' Affairs and Other Legislation Amendment (Pension Reform) Act 2009	81, 2009	10 Sept 2009	Schedule 4 (items 144–148): 20 Sept 2009 (s 2(1) item 11) Schedule 4 (items 210(5), 211(4), 215(3)): 20 Sept 2009	Sch. 4 (items 210(5), 211(4), 215(3))
Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010	4, 2010	19 Feb 2010	Schedule 10 (item 28): 20 Feb 2010	—
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Schedule 5 (items 137(a), 138): 1 Mar 2010 (s 2(1) items 31, 38)	Sch 5 (item 138)
Social Security and Other Legislation Amendment (Income Support for Students) Act 2010	17, 2010	24 Mar 2010	Schedule 2 (items 24–31): 1 Apr 2010	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Act 2010	33, 2010	13 Apr 2010	Schedule 1 (items 15–24): 14 Apr 2010 Schedule 3 (item 7): Royal Assent	Sch. 1 (item 24)
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Act 2010	38, 2010	13 Apr 2010	Schedule 2 and Schedule 7 (items 34, 35): 14 Apr 2010 Schedule 3 (items 6–17, 95–134, 136–163): 11 May 2010 Schedule 3 (item 135): never commenced (s 2(1) item 8)	Sch. 2 (items 9, 10) and Sch. 3 (items 16, 17, 157–163)
Social Security and Family Assistance Legislation Amendment (Weekly Payments) Act 2010	45, 2010	14 Apr 2010	Schedule 1 (items 9, 11) and Schedule 2: Royal Assent	—
Social Security and Indigenous Legislation Amendment (Budget and Other Measures) Act 2010	89, 2010	29 June 2010	Schedule 2 (items 1–14, 16, 18, 20–37, 45–63): 30 June 2010 Schedule 2 (items 15, 19): 1 July 2010 (s 2(1) items 6, 10) Schedule 2 (item 17): never commenced (s 2(1) item 8)	Sch. 2 (items 37, 50, 57, 60, 63)

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010	93, 2010	29 June 2010	Schedule 2 (items 1–53, 62–64) and Schedule 6 (items 59–63): 1 July 2010	Sch. 2 (items 22–24, 51, 53)
Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010	103, 2010	13 July 2010	Schedule 6 (items 1, 96–99): 1 Jan 2011	—
Social Security Legislation Amendment (Connecting People with Jobs) Act 2010	130, 2010	24 Nov 2010	Schedule 1: 1 Jan 2011 Remainder: Royal Assent	Sch. 1 (item 5)
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 5 (items 202–204), Schedule 6 (items 102–104) and Schedule 7 (items 127, 128): 19 Apr 2011	—
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Schedule 4 (items 575–606, 656): 1 July 2011	—
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Act 2011	34, 2011	26 May 2011	Schedule 7 (items 2, 3): Royal Assent	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 1055–1058) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)



## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Security Legislation Amendment (Job Seeker Compliance) Act 2011	48, 2011	27 June 2011	Schedule 1: 1 July 2011 Remainder: Royal Assent	Sch. 1 (item 20)
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Election Commitments and Other Measures) Act 2011  <b>as amended by</b>  Statute Law Revision Act 2013	50, 2011	27 June 2011	Schedule 5 (items 3–96): 28 June 2011	Sch. 5 (item 61)
Family Assistance and Other Legislation Amendment Act 2011	52, 2011	28 June 2011	Schedule 4: Royal Assent	—
Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 2011	58, 2011	28 June 2011	Schedule 1 (items 158, 159): 1 July 2011 (s 2(1) item 2)	—
Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011	79, 2011	25 July 2011	Schedule 4 (item 8): never commenced (s 2(1) item 8) Schedule 4 (items 9–11): 26 July 2011	Sch. 4 (item 11) s. 2(1) (item 5) (rs. by 32, 2011, Sch. 4 [item 658]) s. 2(1) (items 6– 12) (ad. by 32, 2011, Sch. 4 [item 658])

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## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
<b>as amended by</b>				
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Schedule 4 (item 658): 25 July 2011 (s 2(1) item 7B)	—
Social Security and Other Legislation Amendment (Miscellaneous Measures) Act 2011	91, 2011	4 Aug 2011	Schedule 1: 20 Mar 2000 Schedule 3: Royal Assent	Sch. 1 (item 3) and Sch. 3
Clean Energy (Household Assistance Amendments) Act 2011	141, 2011	29 Nov 2011	Schedule 1 (item 11) and Schedule 10 (items 24–30): 14 May 2012 Schedule 1 (items 37, 50, 58, 59, 81–84): 20 Mar 2013 Schedule 6 (items 4–8) and Schedule 7 (items 10, 35, 36): 14 May 2012 (s 2(1) items 2, 14, 15)	Sch. 6 (item 8) and Sch. 7 (items 35, 36)
Social Security Legislation Amendment (Family Participation Measures) Act 2011	173, 2011	5 Dec 2011	Schedule 1 (items 10–20): 1 Jan 2012	—
Family Assistance and Other Legislation Amendment Act 2012	49, 2012	26 May 2012	Schedule 1 (items 48–51, 52(5)): 1 July 2012	Sch. 1 (item 52(5))
Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Act 2012	50, 2012	26 May 2012	Schedule 1 (items 16, 17) and Schedule 2 (item 18): 27 May 2012	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Security and Other Legislation Amendment (Disability Support Pension Participation Reforms) Act 2012	51, 2012	26 May 2012	Schedule 1 (items 5–8): 1 July 2012	Sch. 1 (item 8)
Social Security and Other Legislation Amendment (Income Support and Other Measures) Act 2012	52, 2012	26 May 2012	Schedule 4: Royal Assent Schedule 7: 1 July 2012	Sch. 4 (item 3) and Sch. 7 (item 2)
Social Security and Other Legislation Amendment (2012 Budget and Other Measures) Act 2012	98, 2012	29 June 2012	Schedule 2 (items 65, 88(1)): 1 Jan 2013	Sch. 2 (item 88(1))
Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012	101, 2012	29 June 2012	Schedule 5: 16 July 2012 (see s. 2(1))	—
Social Security Legislation Amendment Act 2012	102, 2012	29 June 2012	Schedule 1 (items 2–32): 27 July 2012 Schedule 2: 1 July 2012	Sch. 1 (items 18, 32 and Sch. 2 (item 18))
Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Act 2012	106, 2012	22 July 2012	Schedule 1 (items 12–14, 23–27): 22 Jan 2013	—

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Act 2012	154, 2012	17 Nov 2012	Schedule 1: Royal Assent Schedule 3 (items 117–158, 176–188): 15 Dec 2012	Sch. 3 (items 176–188)
Privacy Amendment (Enhancing Privacy Protection) Act 2012	197, 2012	12 Dec 2012	Sch 5 (item 79) and Sch 6 (items 15–19): 12 Mar 2014 (s 2(1) items 3, 19) Sch 6 (item 1): 12 Dec 2012 (s 2(1) item 16)	Sch 6 (items 1, 15–19)
Social Security and Other Legislation Amendment (Income Support Bonus) Act 2013	5, 2013	5 Mar 2013	Schedule 1 (items 8–10, 22, 23): Royal Assent	—
Social Security Legislation Amendment (Disaster Recovery Allowance) Act 2013	62, 2013	26 June 2013	Sch 1 (items 7–10): 1 Oct 2013	—
Family Assistance and Other Legislation Amendment Act 2013	70, 2013	27 June 2013	Sch 2A (items 53–61, 67): 1 Mar 2014 (s 2(1) items 9A, 9C) Sch 3 (items 68–76, 98–100): 28 June 2013 (s 2(1) items 14, 16) Sch 3 (items 92–95): 20 Mar 2013 (s 2(1) item 15)	Sch 2A (item 67)
Aged Care (Living Longer Living Better) Act 2013	76, 2013	28 June 2013	Sch 4 (items 27–32): 1 July 2014 (s 2(1) item 6)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Farm Household Support (Consequential and Transitional Provisions) Act 2014	13, 2014	28 Mar 2014	Sch 2 (items 94–134): 1 July 2014 (s 2(1) item 3)	Sch 2 (item 134)
Social Services and Other Legislation Amendment Act 2014	14, 2014	31 Mar 2014	Sch 2: 28 Apr 2014 (s 2(1) item 3)	—
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 4 (item 90): 24 June 2014 (s 2(1) item 9)	—
Social Security Legislation Amendment (Increased Employment Participation) Act 2014	35, 2014	18 June 2014	Sch 1 (items 3–8) and Sch 2: 1 July 2014 (s 2)	—
Social Security Legislation Amendment (Green Army Programme) Act 2014	73, 2014	30 June 2014	Sch 1 (items 4, 5): 1 July 2014 (s 2)	—
Minerals Resource Rent Tax Repeal and Other Measures Act 2014	96, 2014	5 Sept 2014	Sch 8 (items 8–11, 24–26) and Sch 9 (items 23, 24): 31 Dec 2016 (s 2(1) items 5, 7, 9)	Sch 8 (item 26) and Sch 9 (item 24)
Social Services and Other Legislation Amendment (Seniors Health Card and Other Measures) Act 2014	98, 2014	11 Sept 2014	Sch 2 (item 2) and Sch 3 (items 34–37): 12 Sept 2014 (s 2(1) item 2) Sch 4 (items 16, 17, 19, 20, 24, 26): never commenced (s 2(1) items 5, 7, 10, 12) Sch 4 (items 18, 21–23, 25, 27, 28): 9 Oct 2014 (s 2(1) items 6, 8, 9, 11, 13, 14)	Sch 4 (items 22, 28)

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 10 (item 16): 17 Oct 2014 (s 2(1) item 8)	—
Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014	116, 2014	3 Nov 2014	Sch 2 (item 7): 1 Dec 2014 (s 2(1) item 2)	—
Social Services and Other Legislation Amendment (2014 Budget Measures No. 6) Act 2014	122, 2014	26 Nov 2014	Sch 1 (items 124–138): 20 Sept 2014 (s 2(1) item 2)	Sch 1 (item 138)
Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Act 2014	131, 2014	12 Dec 2014	Sch 1 (items 1–9, 12): 1 Jan 2015 (s 2(1) item 2) Sch 1 (items 20–32): 1 July 2015 (s 2(1) item 3)	Sch 1 (items 12, 32)
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 5 (items 62, 74–79) and Sch 7: 14 Apr 2015 (s 2)	Sch 5 (items 74–79) and Sch 7
<b>as amended by</b> Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (item 334): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356–396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356–396)

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<b>as amended by</b>				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Tribunals Amalgamation Act 2015	60, 2015	26 May 2015	Sch 3 (items 11–72) and Sch 9: 1 July 2015 (s 2(1) items 16, 22)	Sch 9
Social Services and Other Legislation Amendment (Seniors Supplement Cessation) Act 2015	91, 2015	26 June 2015	Sch 1 (items 9–23, 24, 56): 20 June 2015 (s 2(1) item 2)	Sch 1 (items 24, 56)
Social Services Legislation Amendment (Fair and Sustainable Pensions) Act 2015	110, 2015	30 June 2015	Sch 3 (items 85–92): 1 Jan 2017 (s 2(1) item 6)	—
Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Act 2015	112, 2015	30 June 2015	Sch 1 (items 4, 5): 1 July 2015 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 534, 535): 5 Mar 2016 (s 2(1) item 2)	—
Social Services Legislation Amendment (No. 2) Act 2015	128, 2015	16 Sept 2015	Sch 1 (items 3–5, 9–28, 32, 33): 17 Sept 2015 (s 2(1) items 2, 4)	Sch 1 (items 32, 33)
Civil Law and Justice (Omnibus Amendments) Act 2015	132, 2015	13 Oct 2015	Sch 1 (item 69): 14 Oct 2015 (s 2(1) item 2)	—

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### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Services Legislation Amendment (Low Income Supplement) Act 2015	143, 2015	12 Nov 2015	Sch 1 (items 8–16, 20, 22): 1 July 2017 (s 2(1) items 2, 3, 5) Sch 1 (item 21): never commenced (s 2(1) item 4)	Sch 1 (item 22)
Social Security Legislation Amendment (Debit Card Trial) Act 2015	144, 2015	12 Nov 2015	Sch 1 (items 1, 11–20): 13 Nov 2015 (s 2(1) item 2)	—
Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Act 2015	159, 2015	26 Nov 2015	Sch 1 (items 38–47): 1 Jan 2017 (s 2(1) item 6)	Sch 1 (item 47)
Labor 2013-2014 Budget Savings (Measures No. 2) Act 2015	169, 2015	11 Dec 2015	Sch 1 (items 32–44, 111): 1 Jan 2016 (s 2(1) item 2)	Sch 1 (item 111)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 279, 280, 428): 10 Mar 2016 (s 2(1) item 6)	—
Omnibus Repeal Day (Autumn 2015) Act 2016	47, 2016	5 May 2016	Sch 5 (items 3, 5, 65, 66): 6 May 2016 (s 2(1) items 5, 7)	Sch 5 (items 5, 66)
Budget Savings (Omnibus) Act 2016	55, 2016	16 Sept 2016	Sch 4 (items 3–7, 13) and Sch 16: 1 Jan 2017 (s 2(1) items 5, 18) Sch 11 (items 13–19, 24): 1 July 2017 (s 2(1) item 13) Sch 21 (items 129–131): 20 Mar 2017 (s 2(1) item 23)	Sch 4 (item 13), Sch 11 (item 24), Sch 16 (item 2) and Sch 21 (item 131)



## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 3 (item 39): 21 Oct 2016 (s 2(1) item 1)	—
Higher Education Support Legislation Amendment (2016 Measures No. 1) Act 2016	74, 2016	23 Nov 2016	Sch 1 (items 22–26): 1 Jan 2017 (s 2(1) item 2)	—
Social Services Legislation Amendment Act 2017	33, 2017	12 Apr 2017	Sch 2: 13 Apr 2017 (s 2(1) item 3)	—
Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Act 2017	42, 2017	19 May 2017	Sch 2: 19 May 2017 (s 2(1) item 3)	—
Social Services Legislation Amendment (Energy Assistance Payment and Pensioner Concession Card) Act 2017	46, 2017	19 June 2017	Sch 1 (items 5–7): 19 June 2017 (s 2(1) item 2) Sch 2 (items 9–15): 9 Oct 2017 (s 2(1) item 3)	—
Social Services Legislation Amendment (Queensland Commission Income Management Regime) Act 2017	74, 2017	26 June 2017	26 June 2017 (s 2(1) item 1)	—
Veterans' Affairs Legislation Amendment (Omnibus) Act 2017	128, 2017	30 Nov 2017	Sch 8 (items 18, 19): 1 Dec 2017 (s 2(1) item 10)	Sch 8 (item 19)

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Services Legislation Amendment (Cashless Debit Card) Act 2018	3, 2018	20 Feb 2018	21 Feb 2018 (s 2(1) item 1)	—
Veterans' Affairs Legislation Amendment (Veteran-centric Reforms No. 1) Act 2018	17, 2018	28 Mar 2018	Sch 2 (items 194–213): 1 May 2018 (s 2(1) item 3)	—
Social Services Legislation Amendment (Welfare Reform) Act 2018	26, 2018	11 Apr 2018	Sch 1 (items 308–336, 342–354, 357–360, 373), Sch 2 (items 72–75, 82–93), Sch 3 (items 77–92, 98–111) and Sch 4 (items 95–100, 105–110): 20 Mar 2020 (s 2(1) items 2, 4–6) Sch 5 (items 130–137, 139–148): 20 Sept 2020 (s 2(1) item 8) Sch 6 (items 60–72) and Sch 7 (items 64–66, 68–77): 1 Jan 2022 (s 2(1) items 10, 11) Sch 10 (items 1–4), Sch 11, Sch 15 (items 1, 13–41), Sch 16 (items 1, 1A, 3–7) and Sch 17 (items 38–58): 1 July 2018 (s 2(1) items 14, 15, 18, 19, 21) Sch 14: 12 Apr 2018 (s 2(1) item 17)	Sch 1 (items 342–354), Sch 2 (items 82–93), Sch 3 (items 98–111), Sch 4 (items 105–110), Sch 5 (items 139–148), Sch 6 (items 63–72), Sch 7 (items 68–77), Sch 10 (item 4), Sch 11 (item 18), Sch 15 (items 39–41), Sch 16 (item 7) and Sch 17 (item 58)

## Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Act 2018	46, 2018	21 June 2018	Sch 4 (items 2, 3): 1 July 2018 (s 2(1) item 1)	—
Farm Household Support Amendment (Temporary Measures) Act 2018	87, 2018	24 Aug 2018	Sch 2 (items 9–12): 25 Aug 2018 (s 2(1) item 1)	—
Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Act 2018	110, 2018	21 Sept 2018	Sch 1A (items 1–15, 17) and Sch 1 (items 17–19): 22 Sept 2018 (s 2(1) items 1A, 3) Sch 1 (items 1–3, 7, 8, 10–12, 15A): 21 Dec 2018 (s 2(1) item 2) Sch 1 (item 20, 21): <u>awaiting commencement (s 2(1) item 4)</u> Sch 1 (item 22): <u>20 Mar 2020 (s 2(1) item 5)</u>	Sch 1A (items 15, 17), Sch 1 (items 12, 19) and <u>Sch 1 (item 21)</u>
Social Services Legislation Amendment (Student Reform) Act 2018	111, 2018	21 Sept 2018	Sch 1 (item 8, 9): 1 Jan 2019 (s 2(1) item 4)	Sch 1 (item 9)
Social Services Legislation Amendment (Energy Assistance Payment) Act 2019	28, 2019	5 Apr 2019	Sch 1 (items 5–7): 6 Apr 2019 (s 2(1) item 1)	—
Social Security (Administration) Amendment (Income Management and Cashless Welfare) Act 2019	45, 2019	5 Apr 2019	Sch 1: 6 Apr 2019 (s 2(1) item 2)	—

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<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Social Security (Administration) Amendment (Cashless Welfare) Act 2019	62, 2019	12 Aug 2019	13 Aug 2019 (s 2(1) item 1)	Sch 1 (item 10)

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
<b>Part 1</b>	
s 2A .....	ad No 137, 2001
s 3 .....	am No 45, 2000
s 6A .....	ad No 47, 2001
s 6B.....	ad No 59, 2015
<b>Part 2</b>	
s 8 .....	am No 60, 2015
s 9 .....	am No 38, 2010
	rep No 60, 2015
s 10 .....	am No 45, 2000; No 38, 2010; No 13, 2014; No 60, 2015
<b>Part 3</b>	
<b>Division 1</b>	
<b>Subdivision A</b>	
s 11 .....	am No 80, 2001; No 110, 2015; No 46, 2017
<b>Subdivision B</b>	
s 12 .....	rs No 173, 2007
s 12A .....	ad No 43, 2001
s 12AAA.....	ad No 41, 2006
	rs No 66, 2007
	am No 19, 2008
s 12AA.....	ad No 60, 2004
	rs No 19, 2008
s 12AB.....	ad No 55, 2005
	rep No 19, 2008
	ad No 131, 2008
	am No 4, 2009; No 13, 2014
s 12AC.....	ad No 41, 2006
	rep No 19, 2008

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### Endnote 4—Amendment history

Provision affected	How affected
	ad No 46, 2017
s 12AD.....	ad No 66, 2007
	rep No 19, 2008
	ad No 28, 2019
s 12B.....	ad No 35, 2003
s 12C.....	ad No 132, 2004
s 12D .....	ad No 132, 2004
	rs No 60, 2009
	am No 91, 2015
s 12DA.....	ad No 60, 2009
s 12DB.....	ad No 141, 2011
	am No 122, 2014
s 12E.....	ad No 182, 2007
s 12F .....	ad No 44, 2009
s 12G .....	ad No 35, 2009
s 12H .....	ad No 17, 2010
	am No 55, 2016
s 12J.....	ad No 93, 2010
	rep No 128, 2015
s 12K .....	ad No 141, 2011
s 12L.....	ad No 5, 2013
	rep No 96, 2014
	ad No 87, 2018
s 13 .....	am No 30, 2003; No 31 and 35, 2014; No 55, 2016; No 26, 2018
s 14 .....	am No 30, 2003; No 108, 2006; No 31, 2014; No 26, 2018
s 14A .....	ad No 26, 2018
s 15 .....	am No 45, 2000; No 30, 2003; No 64, 2008
s 15A .....	ad No 44, 2009
<b>Subdivision C</b>	
s 16.....	am No 82, 2006; No 141, 2011; No 106, 2012; No 143, 2015
s 17.....	am No 183, 2007

## Endnote 4—Amendment history

Provision affected	How affected
s 18 .....	am No 37, 2009
s 19 .....	rep No 45, 2000
	ad No 141, 2011
Subdivision D heading.....	rep No 33, 2010
<b>Subdivision E</b>	
s 21 .....	am No 183, 2007
<b>Subdivision EA</b>	
Subdivision EA.....	ad No 183, 2007
ss 26A, 26B .....	ad No 183, 2007
<b>Subdivision EB</b>	
Subdivision EB.....	ad No 169, 2015
s 26C.....	ad No 169, 2015
<b>Subdivision F</b>	
Subdivision F heading .....	rs No 30, 2003
s 27 .....	rep No 45, 2000
	ad No 30, 2003
<b>Subdivision FAA</b>	
Subdivision FAA.....	ad No 62, 2013
s 27AA.....	ad No 62, 2013
<b>Subdivision FA</b>	
Subdivision FA.....	ad No 82, 2006
s 27A .....	ad No 82, 2006
<b>Subdivision FB</b>	
Subdivision FB.....	ad No 106, 2012
s 27B.....	ad No 106, 2012
Subdivision FC .....	ad No 141, 2011
	rep No 143, 2015
s 27C.....	ad No 141, 2011
	rep No 143, 2015
Subdivision FD.....	ad No 35, 2014
	rep No 55, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
s 27D .....	ad No 35, 2014 rep No 55, 2016
<b>Subdivision H</b>	
s 29 .....	am No 18, 2001; No 108, 2006; <u>No 26, 2018</u>
s 30 .....	am No 108, 2006
s 30A .....	ad No 108, 2006
s 31 .....	am No 45, 2000; No 30, 2003; No 82, 2006; No 82, 2007; No 106, 2012; No 62, 2013
s 31A .....	ad No 18, 2001
s 32 .....	am No 98, 2012 rep <u>No 26, 2018</u>
<b>Subdivision J</b>	
Subdivision J heading .....	rs No 30, 2003
s 35 .....	am No 30, 2003
s 35A .....	ad No 30, 2003
s 35B .....	ad No 106, 2012
<b>Division 2</b>	
s 36 .....	am No 106, 2012; No 169, 2015
s 37 .....	am No 80, 2001; No 35, 2003; No 154, 2005; Nos 64 and 108, 2006; No 63, 2008; No 35, 2014; No 55, 2016; No 26, 2018 ( <u>Sch 1 items 308–314; Sch 5 item 132; Sch 6 item 60; Sch 7 item 64</u> )
s 37AA .....	ad No 149, 2008 am No 102, 2012
s 37A .....	ad No 80, 2001 am No 110, 2015; No 46, 2017
s 39 .....	am No 45, 2000; No 30, 2003; No 106, 2012; No 169, 2015
<b>Division 3</b>	
s 41 .....	am No 80, 2001
<b>Division 3AA</b>	
Division 3AA .....	ad No 26, 2018



## Endnote 4—Amendment history

Provision affected	How affected
<b>Subdivision A</b>	
s 42AA.....	ad No 26, 2018 am <u>No 26, 2018</u>
s 42AB.....	ad No 26, 2018
<b>Subdivision B</b>	
s 42AC.....	ad No 26, 2018
s 42AD.....	ad No 26, 2018
s 42AE.....	ad No 26, 2018
<b>Subdivision C</b>	
s 42AF.....	ad No 26, 2018
s 42AG.....	ad No 26, 2018
s 42AH.....	ad No 26, 2018
s 42AI.....	ad No 26, 2018
s 42AJ.....	ad No 26, 2018
s 42AK.....	ad No 26, 2018
<b>Subdivision D</b>	
s 42AL.....	ad No 26, 2018
s 42AM.....	ad No 26, 2018
s 42AN.....	ad No 26, 2018
s 42AO.....	ad No 26, 2018
s 42AP.....	ad No 26, 2018
<b>Subdivision E</b>	
s 42AQ.....	ad No 26, 2018
s 42AR.....	ad No 26, 2018
s 42AS.....	ad No 26, 2018
<b>Division 3A</b>	
Division 3A heading.....	rs No 26, 2018
Division 3A.....	ad No 7, 2009
<b>Subdivision A</b>	
Subdivision A.....	rs No 26, 2018
s 42A.....	ad No 7, 2009

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### Endnote 4—Amendment history

Provision affected	How affected
	am No 130, 2010; No 48, 2011; No 131, 2014
	rs No 26, 2018
	am <u>No 26, 2018</u>
s 42B.....	ad No 7, 2009
	rs No 26, 2018
<b>Subdivision B</b>	
s 42C.....	ad No 7, 2009
	am Nos 48 and 173, 2011; No 26, 2018
s 42D .....	ad No 7, 2009
<b>Subdivision C</b>	
s 42E.....	ad No 7, 2009
	am Nos 48 and 173, 2011; No 26, 2018 ( <u>Sch 1 item 315</u> )
s 42F .....	ad No 7, 2009
s 42G .....	ad No 7, 2009
	rs No 48, 2011
	am No 131, 2014
s 42H .....	ad No 7, 2009
	am Nos 48 and 173, 2011; No 26, 2018
ss 42J, 42K.....	ad No 7, 2009
	am No 48, 2011
s 42L.....	ad No 7, 2009
<b>Subdivision D</b>	
s 42M.....	ad No 7, 2009
	am No 173, 2011
s 42N .....	ad No 7, 2009
	am No 173, 2011; No 26, 2018
s 42NA.....	ad No 7, 2009
s 42NC.....	ad No 7, 2009
ss 42P–42R.....	ad No 7, 2009
<b>Subdivision E</b>	
s 42S .....	ad No 7, 2009

## Endnote 4—Amendment history

Provision affected	How affected
	am No 130, 2010; No 173, 2011; No 35, 2014; No 26, 2018
<b>Subdivision EA</b>	
Subdivision EA.....	ad No 48, 2011
s 42SA .....	ad No 48, 2011
	am No 173, 2011; No 131, 2014
<b>Subdivision EB</b>	
Subdivision EB.....	ad No 173, 2011
s 42SB .....	ad No 173, 2011
<b>Subdivision EC</b>	
Subdivision EC.....	ad No 131, 2014
s 42SC .....	ad No 131, 2014
	am No 26, 2018
s 42SD .....	ad No 131, 2014
<b>Subdivision F</b>	
s 42T .....	ad No 7, 2009
	am No 52, 2012; No 131, 2014
s 42U .....	ad No 7, 2009
	am No 173, 2011; No 131, 2014; No 26, 2018
s 42UA.....	ad No 48, 2011
	am No 173, 2011; No 131, 2014
s 42V .....	ad No 7, 2009
	am No 131, 2014
s 42W.....	ad No 7, 2009
s 42X .....	ad No 7, 2009
	am No 131, 2014
s 42Y .....	ad No 7, 2009
	am No 130, 2010
s 42YA.....	ad No 48, 2011
s 42Z.....	ad No 7, 2009
Subdivision G .....	rep No 48, 2011
s 42ZA .....	ad No 7, 2009

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## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
	rep No 48, 2011
<b>Division 4</b>	
s 43 .....	am No 60, 2009; No 45, 2010; No 141, 2011; No 70, 2013 (Sch 3 item 98 md); No 122, 2014
s 44 .....	am No 95, 2002
s 45 .....	am No 95, 2002
s 46A .....	ad No 82, 2006
s 46B .....	ad No 106, 2012
s 47 .....	am No 45, 2000; No 70, 2000; No 43, 2001; No 95, 2002; No 60, 2004; No 55, 2005; No 41, 2006; No 82, 2006; No 66, 2007; No 182, 2007; No 183, 2007; No 19, 2008; No 64, 2008; No 131, 2008; No 4, 2009; No 35, 2009; No 17, 2010; No 93, 2010; No 141, 2011; No 106, 2012; No 5, 2013; No 13, 2014; No 35, 2014; No 96, 2014; No 128, 2015; No 143, 2015; No 55, 2016; No 46, 2017; No 87, 2018; No 28, 2019
s 47A .....	ad No 43, 2001
s 47AA .....	ad No 41, 2006
	rs No 19, 2008
s 47AB .....	ad No 66, 2007
	rep No 19, 2008
	ad No 35, 2009
s 47AC .....	ad No 46, 2017
s 47AD .....	ad No 28, 2019
s 47B .....	ad No 60, 2004
	rs No 19, 2008
s 47BA .....	ad No 35, 2014
	rep No 55, 2016
s 47C .....	ad No 55, 2005
	rep No 19, 2008
	ad No 131, 2008
	am No 4, 2009; No 13, 2014
s 47CA .....	ad No 13, 2014

## Endnote 4—Amendment history

Provision affected	How affected
s 47CB .....	ad No 87, 2018
s 47D .....	ad No 41, 2006
	rep No 19, 2008
	ad No 141, 2011
s 47DAA .....	ad No 141, 2011
	am No 143, 2015
s 47DAB .....	ad No 5, 2013
	rep No 96, 2014
s 47DA .....	ad No 17, 2010
	am No 55, 2016
s 47DB .....	ad No 169, 2015
s 47E .....	ad No 66, 2007
	rep No 19, 2008
s 48 .....	am No 42, 2001; No 55, 2016
s 48A .....	ad No 132, 2004
	am No 5, 2008
s 48B .....	ad No 132, 2004
	am No 5, 2008
	rs No 60, 2009
	am No 141 2011; No 70, 2013; No 91, 2015
s 48C .....	ad No 60, 2009
	am No 81, 2009; No 70, 2013
s 48D .....	ad No 141, 2011
	am No 70, 2013; No 122, 2014
s 50A .....	ad No 182, 2007
s 52 .....	am No 130, 2007; <u>No 26, 2018</u>
s 53 .....	am <u>No 26, 2018</u>
s 54 .....	am No 45, 2010
s 55 .....	am No 95, 2002; No 30, 2003; No 132, 2004; No 60, 2009; No 141, 2011; No 169, 2015
s 58 .....	am No 183, 2007; No 169, 2015

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
s 59 .....	am No 183, 2007
<b>Division 5</b>	
s 60 .....	am No 130, 2007; No 144, 2015
s 61 .....	rs No 144, 2015
s 61A .....	ad No 144, 2015
<b>Division 6</b>	
Division 6 heading.....	rs No 30, 2003
<b>Subdivision A</b>	
s 63 .....	am No 147, 2002; Nos 35 and 122, 2003; No 154, 2005 rs No 7, 2009; No 48, 2011 am <u>No 26, 2018</u>
s 64 .....	am No 147, 2002; No 30, 2003; No 154, 2005 (as am by No 64, 2006) rs No 7, 2009 am No 48, 2011; No 131, 2014; No 26, 2018
s 65 .....	rep <u>No 26, 2018</u>
s 66 .....	am No 94, 2000; No 13, 2014; <u>No 26, 2018</u>
<b>Subdivision B</b>	
s 66A .....	ad No 91, 2011 am No 91, 2015
s 67 .....	am No 130, 2007
s 68 .....	am No 35, 2003; No 132, 2004; No 130, 2007; No 60, 2009; No 91, 2015
s 69 .....	am No 132, 2004; No 60, 2009; No 91, 2015
s 70 .....	am No 108, 2006; No 45, 2009
s 70A .....	ad No 130, 2007
s 70B.....	ad No 144, 2015
s 71 .....	rep No 45, 2000
s 72 .....	am No 45, 2000; No 137, 2001; No 35, 2003; No 130, 2007
s 73 .....	am No 91, 2011
s 74 .....	am No 137, 2001; No 130, 2007

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Provision affected	How affected
<b>Subdivision C</b>	
s 75 .....	am No 132, 2004; No 63, 2008; No 60, 2009; No 91, 2015 rs No 26, 2018
s 76 .....	am No 179, 1999 (as am by No 30, 2003); No 30, 2003; No 63, 2008 rs No 26, 2018
s 77 .....	am No 63, 2008 rs No 26, 2018
<b>Division 7</b>	
<b>Subdivision A</b>	
s 78A .....	ad No 132, 2004 am No 60, 2009; No 91, 2015
s 80 .....	am No 122, 2003; No 154, 2005 (as am by No 64, 2006); No 26, 2018 ( <a href="#">Sch 1 items 319, 320</a> )
s 81 .....	am No 45, 2000; Nos 30 and 122, 2003; <a href="#">No 26, 2018</a>
s 81A .....	ad No 61, 2005
s 82 .....	am No 94, 2000
s 85 .....	am No 35, 2003; No 149, 2008; No 102, 2012; No 42, 2017
s 85A .....	ad No 61, 2005
<b>Subdivision B</b>	
s 86 .....	am No 63, 2008; No 26, 2018
<b>Division 8</b>	
<b>Subdivision A</b>	
s 90A .....	ad No 132, 2004 am No 60, 2009; No 91, 2015
s 90 .....	am No 73, 2002; No 17, 2018
s 91 .....	am No 73, 2002; No 17, 2018
s 92 .....	rep No 30, 2003
ss 93–95 .....	am No 35, 2003
s 95A .....	ad No 108, 2006
s 95B .....	ad No 44, 2009

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### Endnote 4—Amendment history

Provision affected	How affected
s 95C.....	ad No 42, 2017
s 96.....	am No 73, 2002; No 154, 2005; No 51, 2012; No 17, 2018; <u>No 26, 2018</u>
s 97.....	am No 154, 2005; No 51, 2012; <u>No 26, 2018</u>
s 97A.....	ad No 154, 2005 am No 51, 2012; <u>No 26, 2018</u>
s 97B.....	ad No 154, 2005 am <u>No 26, 2018</u>
s 98.....	am No 73, 2002; No 35, 2003; No 17, 2018
s 99.....	am No 35, 2003; No 108, 2006
s 100.....	am No 35, 2003
s 101.....	am No 73, 2002; No 17, 2018
s 102.....	rep No 30, 2003
<b>Subdivision B</b>	
s 106A.....	ad No 80, 2001
<b>Subdivision C</b>	
Subdivision C.....	ad No 80, 2001
s 106B.....	ad No 80, 2001 am No 64, 2006; No 13, 2014; No 46, 2017; <u>No 26, 2018</u>
<b>Division 9</b>	
<b>Subdivision A</b>	
s 107.....	am No 30, 2003
<b>Subdivision B</b>	
Subdivision B heading.....	rs No 61, 2005
s 108.....	am No 61, 2005
s 109.....	am No 94, 2000; No 154, 2005; No 65, 2007; No 159, 2015
s 109A.....	ad No 159, 2015
s 110.....	am No 45, 2000; No 73, 2002; No 30, 2003; No 35, 2003; No 154, 2005; No 159, 2015; No 17, 2018
s 110A.....	ad No 154, 2005 am No 7, 2009; No 130, 2010; No 26, 2018



## Endnote 4—Amendment history

Provision affected	How affected
	ed C123
	am <u>No 26, 2018</u>
s 112 .....	rep No 35, 2003
s 113 .....	rep No 45, 2000
s 114 .....	am No 30, 2003; No 154, 2005; No 159, 2015
<b>Subdivision D</b>	
s 117 .....	am No 61, 2005
s 118 .....	am No 45, 2000; No 94, 2000; No 71, 2001; No 30, 2003; No 35, 2003; No 122, 2003; No 61, 2005; No 154, 2005; No 7, 2009; No 73, 2014; No 159, 2015; No 26, 2018 ( <u>Sch 1 item 325</u> )
s 119 .....	rep No 45, 2000
s 120 .....	am No 45, 2009
<b>Subdivision E</b>	
s 121 .....	am No 63, 2008; No 26, 2018
<b>Division 10</b>	
s 123 .....	am No 47, 2001; No 30, 2003; No 61, 2005; No 63, 2008; No 149, 2008; No 102, 2012; No 116, 2014; No 42, 2017; No 26, 2018
<b>Division 11</b>	
Division 11 .....	ad No 159, 2015
s 123AA .....	ad No 159, 2015
s 123AB .....	ad No 159, 2015
	am No 111, 2018
s 123AC .....	ad No 159, 2015
s 123AD .....	ad No 159, 2015
<b>Part 3A</b>	
Part 3A .....	ad No 95, 2002
<b>Division 1</b>	
s 123A .....	ad No 95, 2002
	am No 132, 2004; No 60, 2009; No 141, 2011; No 91, 2015; No 169, 2015
<b>Division 2</b>	
ss 123B–123D .....	ad No 95, 2002

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Provision affected	How affected
s 123E.....	ad No 95, 2002 am No 130, 2007; No 50, 2011
<b>Division 3</b>	
s 123F.....	ad No 95, 2002
<b>Division 4</b>	
ss 123G–123L.....	ad No 95, 2002
<b>Division 5</b>	
ss 123M–123S.....	ad No 95, 2002
<b>Part 3B</b>	
Part 3B.....	ad No 130, 2007
<b>Division 1</b>	
s 123TA.....	ad No 130, 2007 am No 63, 2008; No 93, 2010; No 102, 2012
s 123TB.....	ad No 130, 2007 rs No 93, 2010
s 123TC.....	ad No 130, 2007 am No 182, 2007; Nos 63 and 131, 2008; Nos 4, 25, 35 and 81, 2009; Nos 38, 89, 93 and 103, 2010; Nos 32, 50 and 141, 2011; Nos 49, 50 and 102, 2012; No 5 and 70, 2013; No 13, 2014; No 96, 2014; No 122, 2014; No 128, 2015; No 144, 2015; No 128, 2017; No 17, 2018; <u>No 26, 2018</u>
ss 123TD, 123TE.....	ad No 130, 2007 rep No 93, 2010
s 123TF.....	ad No 130, 2007
s 123TFA.....	ad No 93, 2010 rep No 102, 2012
s 123TG.....	ad No 130, 2007
s 123TGAA.....	ad No 102, 2012
s 123TGAB.....	ad No 102, 2012
s 123TGA.....	ad No 63, 2008
s 123TH.....	ad No 130, 2007
s 123TI.....	ad No 130, 2007

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Provision affected	How affected
s 123TJ .....	ad No 130, 2007
s 123TK .....	ad No 130, 2007
	am No 17, 2018
<b>Division 2</b>	
<b>Subdivision A</b>	
s 123UA .....	ad No 130, 2007
s 123UB .....	ad No 130, 2007
	rep No 93, 2010
s 123UC .....	ad No 130, 2007
	am No 50, 2011; No 144, 2015
s 123UCA .....	ad No 93, 2010
	am No 50, 2011; No 102, 2012
s 123UCB .....	ad No 93, 2010
	am No 50, 2011; No 102, 2012
s 123UCC .....	ad No 93, 2010
	am No 50, 2011; No 102, 2012
ss 123UD, 123UE .....	ad No 130, 2007
	am No 50, 2011
s 123UF .....	ad No 130, 2007
	am No 38, 2010; No 50, 2011; No 52, 2011; No 154, 2012; No 14, 2014; No 128, 2015; No 74, 2017; No 45, 2019
s 123UFAA .....	ad No 102, 2012
s 123UFA .....	ad No 63, 2008
Subdivision B .....	rep No 93, 2010
s 123UG .....	ad No 130, 2007
	rep No 93, 2010
<b>Subdivision BA</b>	
Subdivision BA .....	ad No 93, 2010
s 123UGA .....	ad No 93, 2010
<b>Subdivision BB</b>	
Subdivision BB .....	ad No 93, 2010

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### Endnote 4—Amendment history

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Provision affected	How affected
s 123UGB .....	ad No 93, 2010
s 123UGC .....	ad No 93, 2010
	am No 128, 2015; <u>No 26, 2018</u>
s 123UGD .....	ad No 93, 2010
	am No 102, 2012; No 128, 2015
s 123UGE .....	ad No 93, 2010
	rep No 128, 2015
s 123UGF .....	ad No 93, 2010
s 123UGG .....	ad No 93, 2010
<b>Subdivision C</b>	
s 123UH .....	ad No 130, 2007
	am No 128, 2015
s 123UI .....	ad No 130, 2007
s 123UJ .....	ad No 130, 2007
s 123UK .....	ad No 130, 2007
s 123UL .....	ad No 130, 2007
<b>Subdivision D</b>	
Subdivision D .....	ad No 63, 2008
s 123UM .....	ad No 63, 2008
	am No 93, 2010; No 50, 2011; No 102, 2012
s 123UN .....	ad No 63, 2008
	am No 93, 2010; No 50, 2011; No 102, 2012
s 123UO .....	ad No 63, 2008
	am No 93, 2010; No 50, 2011; No 102, 2012
s 123UP .....	ad No 63, 2008
	rep No 50, 2011
<b>Division 3</b>	
Division 3 heading .....	rs No 89, 2010
s 123VA .....	ad No 130, 2007
	rs No 89, 2010
s 123VB .....	ad No 130, 2007

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Provision affected	How affected
	rep No 89, 2010
s 123VC .....	ad No 130, 2007
	am No 89, 2010
<b>Division 4</b>	
<b>Subdivision A</b>	
s 123WA .....	ad No 130, 2007
	am No 89, 2010
ss 123WB–123WF .....	ad No 130, 2007
<b>Subdivision B</b>	
s 123WG .....	ad No 130, 2007
	am No 8, 2010
ss 123WH, 123WI .....	ad No 130, 2007
<b>Subdivision C</b>	
s 123WJ .....	ad No 130, 2007
	am No 63, 2008; Nos 38, 89 and 93, 2010; No 102, 2012
s 123WJA .....	ad No 38, 2010
s 123WK .....	ad No 130, 2007
s 123WL .....	ad No 130, 2007
	am No 63, 2008; No 38, 2010; No 89, 2010; No 128, 2015
s 123WM .....	ad No 130, 2007
	am No 63, 2008; No 38, 2010
s 123WN .....	ad No 130, 2007
	am No 89, 2010
<b>Division 5</b>	
Division 5 .....	rep No 93, 2010
ss 123XA–123XH .....	ad No 130, 2007
	am No 89, 2010
	rep No 93, 2010
<b>Subdivision B</b>	
ss 123XI, 123XJ .....	ad No 130, 2007
	am No 89, 2010

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
<b>Subdivision BA</b>	
Subdivision BA.....	ad No 93, 2010
s 123XJA .....	ad No 93, 2010
	am No 89, 2010; No 70, 2013
s 123XJB .....	ad No 93, 2010
	am No 89, 2010
<b>Subdivision BB</b>	
Subdivision BB.....	ad No 93, 2010
s 123XJC .....	ad No 93, 2010
	am No 89, 2010; No 70, 2013
s 123XJD .....	ad No 93, 2010
	am No 89, 2010
<b>Subdivision C</b>	
ss 123XK, 123XL .....	ad No 130, 2007
	am No 89, 2010
<b>Subdivision D</b>	
ss 123XM–123XP.....	ad No 130, 2007
	am No 89, 2010
<b>Subdivision DAA</b>	
s 123XPAA.....	ad No 102, 2012
s 123XPAB.....	ad No 102, 2012
<b>Subdivision DA</b>	
Subdivision DA .....	ad No 63, 2008
ss 123XPA, 123XPB .....	ad No 63, 2008
	am No 89, 2010
<b>Subdivision DB</b>	
Subdivision DB heading .....	rs No 4, 2009
Subdivision DB.....	ad No 131, 2008
s 123XPC.....	ad No 131, 2008
	am Nos 89 and 93, 2010
s 123XPD .....	ad No 4, 2009

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Provision affected	How affected
	am No 89, 2010
<b>Subdivision DC</b>	
Subdivision DC heading .....	rs No 55, 2016
Subdivision DC.....	ad No 17, 2010
s 123XPF .....	ad No 17, 2010
	rep No 55, 2016
s 123XPG .....	ad No 17, 2010
	am No 89, 2010
Subdivision DD .....	ad No 93, 2010
	rep No 128, 2015
s 123XPH .....	ad No 93, 2010
	am No 89, 2010
	rep No 128, 2015
s 123XPI .....	ad No 93, 2010
	am No 89, 2010
	rep No 128, 2015
<b>Subdivision DE</b>	
Subdivision DE.....	ad No 141, 2011
s 123XPJ .....	ad No 141, 2011
<b>Subdivision DF</b>	
Subdivision DF .....	ad No 50, 2012
s 123XPK .....	ad No 50, 2012
Subdivision DG .....	ad No 50, 2012
	rep No 96, 2014
s 123XPL .....	ad No 50, 2012
	rep No 96, 2014
<b>Subdivision E</b>	
s 123XQ.....	ad No 130, 2007
<b>Division 6</b>	
<b>Subdivision A</b>	
s 123YA.....	ad No 130, 2007

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### Endnote 4—Amendment history

Provision affected	How affected
	am No 93, 2010
s 123YB.....	ad No 130, 2007
<b>Subdivision B</b>	
s 123YC.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YD.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YE.....	ad No 130, 2007
	am No 89, 2010; No 93, 2010; No 50, 2011; No 101, 2012
s 123YF.....	ad No 130, 2007
	am No 89, 2010; No 93, 2010; No 50, 2011; No 101, 2012
s 123YG.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YH.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YI.....	ad No 130, 2007
	am No 89, 2010; No 93, 2010; No 50, 2011; No 101, 2012
s 123YJ.....	ad No 130, 2007
	am No 89, 2010; No 93, 2010; No 50, 2011; No 101, 2012
s 123YK.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YL.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YM.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YN.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
<b>Subdivision C</b>	
s 123YO.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123YP.....	ad No 130, 2007



## Endnote 4—Amendment history

Provision affected	How affected
	am No 89, 2010; No 50, 2011
<b>Subdivision D</b>	
s 123YQ.....	ad No 130, 2007
	am Nos 89 and 93, 2010
s 123YR.....	ad No 89, 2010
	rs No 128, 2015
<b>Division 7</b>	
s 123ZA.....	ad No 130, 2007
	rep No 93, 2010
s 123ZB.....	ad No 130, 2007
s 123ZC.....	ad No 130, 2007
	am No 50, 2011
s 123ZD.....	ad No 130, 2007
s 123ZDA.....	ad No 102, 2012
s 123ZE.....	ad No 130, 2007
	am No 50, 2011
s 123ZEA.....	ad No 130, 2007
s 123ZEAA.....	ad No 102, 2012
s 123ZEB.....	ad No 130, 2007
<b>Division 8</b>	
s 123ZF.....	ad No 130, 2007
	am No 89, 2010; No 50, 2011
s 123ZG.....	ad No 130, 2007
	am No 89, 2010
s 123ZH.....	ad No 130, 2007
	am No 89, 2010; No 93, 2010
	rep No 101, 2012
s 123ZI.....	ad No 130, 2007
	am No 89, 2010
s 123ZIA.....	ad No 89, 2010
s 123ZJ.....	ad No 130, 2007

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### Endnote 4—Amendment history

Provision affected	How affected
	am No 89, 2010
s 123ZJA.....	ad No 128, 2015
<b>Division 9</b>	
s 123ZK.....	ad No 130, 2007
s 123ZL.....	ad No 130, 2007
	am No 89, 2010
s 123ZM.....	ad No 130, 2007
	am No 36, 2015
s 123ZN.....	ad No 130, 2007
	am No 128, 2015
s 123ZNA.....	ad No 89, 2010
	am No 32, 2011
s 123ZO.....	ad No 130, 2007
<b>Part 3C</b>	
Part 3C.....	ad No 149, 2008
<b>Division 1</b>	
s 124.....	ad No 149, 2008
	am No 102, 2012
s 124A.....	ad No 149, 2008
	am No 102, 2012
s 124B.....	ad No 149, 2008
s 124C.....	ad No 149, 2008
s 124D.....	ad No 149, 2008
	am No 17, 2018
s 124E.....	ad No 149, 2008
	am No 60, 2015
<b>Division 2</b>	
ss 124F–124H, 124J.....	ad No 149, 2008
<b>Division 3</b>	
Division 3.....	rs No 102, 2012
ss 124K–124N.....	ad No 149, 2008

## Endnote 4—Amendment history

Provision affected	How affected
<b>Division 3A</b>	
Division 3A .....	ad No 102, 2012
s 124NA.....	ad No 102, 2012
s 124NB.....	ad No 102, 2012
s 124NC.....	ad No 102, 2012
s 124ND.....	ad No 102, 2012
s 124NE .....	ad No 102, 2012
s 124NF .....	ad No 102, 2012
s 124NG.....	ad No 102, 2012
<b>Division 4</b>	
s 124P .....	ad No 149, 2008 am No 102, 2012
<b>Division 5</b>	
Division 5 .....	ad No 102, 2012
s 124PA .....	ad No 102, 2012
<b>Part 3D</b>	
Part 3D.....	ad No 144, 2015
<b>Division 1</b>	
s 124PB.....	ad No 144, 2015
s 124PC.....	ad No 144, 2015
s 124PD .....	ad No 144, 2015 am No 3, 2018; <u>No 26, 2018</u> ; No 110, 2018; No 45, 2019
s 124PE.....	ad No 144, 2015 am No 110, 2018
<b>Division 2</b>	
<b>Subdivision A</b>	
s 124PF .....	ad No 144, 2015 am No 3, 2018; No 110, 2018; No 45, 2019
s 124PG .....	ad No 144, 2015 rs No 110, 2018 am No 45, 2019; No 62, 2019

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### Endnote 4—Amendment history

Provision affected	How affected
s 124PGA .....	ad No 110, 2018 am No 45, 2019; No 62, 2019
s 124PGB.....	ad No 110, 2018 am No 45, 2019; No 62, 2019
s 124PGC.....	ad No 110, 2018 am <u>No 110, 2018</u> ; No 45, 2019; No 62, 2019
<b>Subdivision B</b>	
s 124PH .....	ad No 144, 2015 am No 110, 2018
s 124PI.....	ad No 144, 2015 rep No 110, 2018
<b>Subdivision C</b>	
Subdivision C .....	ad No 45, 2019 rs No 62, 2019
s 124PHA .....	ad No 45, 2019 rs No 62, 2019
s 124PHB.....	ad No 62, 2019
<b>Division 3</b>	
<b>Subdivision A</b>	
s 124PJ.....	ad No 144, 2015 am No 110, 2018
s 124PK .....	ad No 144, 2015 am No 110, 2018
s 124PL.....	ad No 144, 2015
<b>Subdivision B</b>	
s 124PM.....	ad No 144, 2015 am No 110, 2018 rs <u>No 110, 2018</u>
<b>Division 4</b>	
s 124PN .....	ad No 144, 2015
s 124PO .....	ad No 144, 2015

## Endnote 4—Amendment history

Provision affected	How affected
<b>Division 5</b>	
s 124PP .....	ad No 144, 2015
s 124PQ .....	ad No 144, 2015
	am No 110, 2018
s 124PQA .....	ad No 110, 2018
s 124PR .....	ad No 144, 2015
s 124PS .....	ad No 110, 2018
<b>Part 4</b>	
Part 4 heading .....	rs No 60, 2015
<b>Division 1</b>	
s 124 (2nd occurring)	
Renumbered s 124Q .....	No 149, 2008
s 125 .....	am No 108, 2006
<b>Division 2</b>	
s 126 .....	am No 45, 2000; No 80, 2001; No 76, 2013; No 13 and 98, 2014; No 60, 2015
s 126A .....	ad No 159, 2015
s 127 .....	am No 35, 2003; No 73, 2008; No 5, 2011; No 13, 2014; No 169, 2015
s 128 .....	am No 30, 2003; No 38, 2010; No 60, 2015
s 129 .....	am No 45, 2000; No 80, 2001; No 30, 2003; No 38, 2010; No 5, 2011; No 32, 2011; No 141, 2011; No 76, 2013; No 13, 2014; No 98, 2014; No 143, 2015; No 169, 2015
s 131 .....	am No 35, 2003; No 154, 2005; No 64, 2006; No 7, 2009; No 26, 2018
s 132 .....	am No 35, 2003; Nos 64 and 108, 2006
s 132A .....	ad No 35, 2003
	rep No 154, 2005
ss 133, 134 .....	rep No 154, 2005
s 134A .....	ad No 147, 2002
	rep No 154, 2005
s 135 .....	am No 94, 2000; No 30, 2003; No 32, 2011; No 60, 2015

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## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
s 136 .....	rs No 45, 2000
s 137 .....	am No 60, 2015
s 138 .....	am No 130, 2007; No 60, 2015
Division 3 heading.....	rep No 60, 2015
<b>Division 2A</b>	
Division 2A .....	ad No 169, 2015
s 138A .....	ad No 169, 2015
s 138B.....	ad No 169, 2015
s 138C.....	ad No 169, 2015
s 138D .....	ad No 169, 2015
s 138E.....	ad No 169, 2015
s 138F .....	ad No 169, 2015
s 138G .....	ad No 169, 2015
s 138H .....	ad No 169, 2015
s 138J.....	ad No 169, 2015
<b>Part 4A</b>	
Part 4A heading .....	ad No 60, 2015
Subdivision A .....	rep No 60, 2015
Subdivision B heading.....	rep No 60, 2015
<b>Division 1</b>	
Division 1 heading.....	ad No 60, 2015
s 139 .....	rs No 60, 2015
<b>Division 2</b>	
Division 2 heading.....	ad No 60, 2015
<b>Subdivision A</b>	
Subdivision A heading.....	ad No 60, 2015
s 140 .....	am No 45, 2000; No 80, 2001; No 147, 2002; No 35, 2003; No 64, 2006; No 7, 2009; No 76, 2013; No 13 and 98, 2014; No 60, 2015
s 140A .....	ad No 60, 2015
	am <u>No 26, 2018</u>
s 141 .....	am No 154, 2012

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Provision affected	How affected
	rep No 60, 2015
<b>Subdivision B</b>	
Subdivision B heading .....	ad No 60, 2015
s 142 .....	am No 45, 2000; No 32, 2011; No 60, 2015
s 142A .....	ad No 60, 2015
s 143 .....	am No 147, 2002; No 35, 2003; No 64, 2006; No 7, 2009 rs No 60, 2015
s 144 .....	am Nos 45 and 94, 2000; No 122, 2003; No 108, 2006; No 130, 2007; Nos 7 and 48, 2009; No 38, 2010; No 5, 2011; No 62, 2013; No 13 and 98, 2014; No 60, 2015; No 26, 2018
s 145 .....	am No 35, 2003; No 64, 2006; No 7, 2009; No 154, 2012; No 60, 2015; No 26, 2018
s 146 .....	am No 35, 2003; Nos 64 and 108, 2006
<b>Subdivision C</b>	
Subdivision C .....	ad No 60, 2015
s 146A .....	ad No 35, 2003 rep No 154, 2005
s 147 .....	rep No 154, 2005 ad No 60, 2015
<b>Subdivision D</b>	
Subdivision D .....	ad No 60, 2015
s 148 .....	rep No 154, 2005 ad No 60, 2015
s 148A .....	ad No 147, 2002 rep No 154, 2005
s 149 .....	am No 147, 2002; No 35, 2003; No 64, 2006; No 183, 2007; No 7, 2009; No 32, 2011 rep No 60, 2015
s 150 .....	am No 147, 2002; No 35, 2003; No 64, 2006; No 7, 2009; No 32, 2011 rep No 60, 2015

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
s 151 .....	am No 94, 2000; No 147, 2002; Nos 35 and 122, 2003; No 64, 2006; No 7, 2009 rep No 60, 2015
s 152 .....	am No 147, 2002; No 35, 2003; No 64, 2006; No 7, 2009 rep No 60, 2015
s 153 .....	am No 147, 2002; No 35, 2003; No 64, 2006; No 7, 2009 rep No 60, 2015
s 154 .....	am No 32, 2011 rep No 60, 2015
s 155 .....	am No 154, 2012 rep No 60, 2015
s 156 .....	am No 45, 2000; No 8, 2007; No 38, 2010; No 32, 2011 rep No 60, 2015
Division 4 heading .....	rep No 60, 2015
Subdivision A .....	rep No 60, 2015
s 157 .....	am No 38, 2010; No 32, 2011 rep No 60, 2015
s 158 .....	am No 38, 2010; No 154, 2012 rep No 60, 2015
s 159 .....	am No 38, 2010 rep No 60, 2015
s 160 .....	am No 45, 2000; No 38, 2010 rep No 60, 2015
Subdivision B heading .....	rs No 33, 2010 rep No 60, 2015
Subdivision B .....	am No 33, 2010 rep No 60, 2015
s 160A .....	ad No 33, 2010 rep No 60, 2015
s 161 .....	am Nos 33 and 38, 2010; No 154, 2012 rep No 60, 2015



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Provision affected	How affected
s 162 .....	am Nos 33 and 38, 2010 rep No 60, 2015
s 163 .....	am No 38, 2010 rep No 60, 2015
Subdivision BA.....	ad No 33, 2010 rep No 60, 2015
s 163A .....	ad No 33, 2010 am No 38, 2010; No 154, 2012 rep No 60, 2015
Subdivision BB heading .....	ad No 33, 2010 rep No 60, 2015
s 164 .....	rep No 60, 2015
s 165 .....	am No 38, 2010; No 60, 2015
s 165A .....	ad No 38, 2010 rs No 60, 2015
s 165B.....	ad No 38, 2010 rep No 60, 2015
s 165C.....	ad No 38, 2010 rep No 60, 2015
s 166 .....	am No 38, 2010; No 60, 2015; No 26, 2018
Subdivision BC heading .....	rs No 154, 2012 rep No 60, 2015
Subdivision BC.....	ad No 38, 2010 rep No 60, 2015
s 166A .....	ad No 38, 2010 am No 154, 2012 rep No 60, 2015
s 166B.....	ad No 38, 2010 am No 154, 2012 rep No 60, 2015
Subdivision C heading.....	rep No 60, 2015

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
s 167 .....	am No 154, 2012 rep No 60, 2015
s 168 .....	am No 38, 2010; No 60, 2015
s 169 .....	am No 38, 2010 rep No 154, 2012
Subdivision D heading.....	rep No 60, 2015
s 170 .....	am No 154, 2012 rep No 60, 2015
s 171 .....	am No 38, 2010 rs No 154, 2012 rep No 60, 2015
s 172 .....	am No 38, 2010 rs No 154, 2012 rep No 60, 2015
s 173 .....	rs No 38, 2010 rep No 60, 2015
s 174 .....	am No 38, 2010 rep No 60, 2015
s 175 .....	am No 45, 2000; No 30, 2003; No 38, 2010; No 154, 2012; No 13, 2014 rep No 60, 2015
s 176 .....	am No 60, 2015
Subdivision E.....	rep No 60, 2015
s 177 .....	am No 82, 2007; No 33, 2010; No 38, 2010 rs No 60, 2015
Subdivision F.....	ad No 38, 2010 rep No 60, 2015
s 177A .....	ad No 38, 2010 rep No 60, 2015
Subdivision G .....	ad No 154, 2012 rep No 60, 2015

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Provision affected	How affected
s 177B.....	ad No 154, 2012 rep No 60, 2015
s 177C.....	ad No 154, 2012 rep No 60, 2015
s 177D .....	ad No 154, 2012 rep No 60, 2015
s 178 .....	am No 45, 2000; No 76, 2013; No 13 and 98, 2014 rs No 60, 2015
Division 5 .....	rep No 60, 2015
<b>Division 3</b>	
Division 3 .....	ad No 60, 2015
<b>Subdivision A</b>	
s 179 .....	am No 45, 2000 rs No 60, 2015
<b>Subdivision B</b>	
s 180 .....	rs No 60, 2015 am No 132, 2015
<b>Division 4</b>	
Division 4 .....	ad No 60, 2015
s 181 .....	rs No 60, 2015
s 182 .....	rs No 60, 2015
s 183 .....	rs No 60, 2015
s 184 .....	rep No 60, 2015
s 185 .....	rep No 60, 2015
s 186 .....	am No 32, 2011; No 98, 2014 rep No 60, 2015
s 187 .....	am No 38, 2010 rep No 60, 2015
s 188 .....	rep No 60, 2015
s 189 .....	rep No 60, 2015
s 190 .....	rep No 94, 2000

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
<b>Part 5</b>	
<b>Division 1</b>	
s 191 .....	am No 26, 2018
s 191A .....	ad No 26, 2018
s 192 .....	am Nos 30 and 122, 2003; No 130, 2007; No 7, 2009; No 26, 2018
s 193 .....	am No 13, 2014; No 26, 2018
s 194 .....	am No 13, 2014
	rs No 26, 2018
s 195 .....	am No 156, 2006; No 130, 2007; No 149, 2008; No 17, 2010; No 102, 2012; No 144, 2015; No 74, 2016; No 33, 2017
s 196 .....	am No 26, 2018
s 197 .....	am No 137, 2001
s 197A .....	ad No 26, 2018
s 197B.....	ad No 26, 2018
s 198 .....	am No 26, 2018
<b>Division 2</b>	
s 200 .....	am No 137, 2001
<b>Division 3</b>	
s 201A .....	ad No 122, 2003
	am No 13, 2014
s 202 .....	am No 45, 2000; No 35, 2003; No 154, 2005; No 108, 2006; No 130, 2007; Nos 42 and 149, 2008; No 58, 2009; No 17, 2010; Nos 32 and 34, 2011; No 102, 2012; No 197, 2012; No 13, 2014; No 112, 2015; No 126, 2015; No 144, 2015; No 47, 2016; No 74, 2016; No 46, 2018
s 203 .....	am No 137, 2001; No 13, 2014; No 4, 2016
s 204 .....	am No 137, 2001; No 30, 2003; No 13, 2014; No 4, 2016
s 204A .....	ad No 94, 2000
	am No 26, 2018
s 204B.....	ad No 141, 2011
	rep No 143, 2015
s 205 .....	am No 137, 2001; No 4, 2016

## Endnote 4—Amendment history

Provision affected	How affected
s 206 .....	am No 13, 2014; No 4, 2016
s 207 .....	am No 45, 2000; No 13, 2014
s 208 .....	am No 45, 2000; No 95, 2002; Nos 32 and 79, 2011; No 13, 2014
s 208A .....	ad No 141, 2008
s 209 .....	am No 30, 2003; No 108, 2006
	rs No 79, 2011
<b>Part 6</b>	
<b>Division 2</b>	
s 212 .....	rs No 137, 2001
	am No 82, 2006
ss 213, 214 .....	rs No 137, 2001
s 215 .....	am No 137, 2001
s 216 .....	rs No 137, 2001
<b>Division 3</b>	
s 217 .....	am No 4, 2016
<b>Division 4</b>	
s 223 .....	am No 61, 2016
<b>Division 5</b>	
Division 5 .....	rs No 137, 2001
<b>Subdivision A</b>	
ss 226, 227 .....	rep No 137, 2001
s 228 .....	rs No 137, 2001
	am No 4, 2010
Subdivision B .....	rep No 137, 2001
ss 229, 230 .....	rep No 137, 2001
<b>Part 7</b>	
s 234 .....	am No 94, 2000; No 30, 2003; No 154, 2005; No 64, 2006; No 32, 2011
s 238 .....	am No 44, 2000; No 75, 2001; No 141, 2011; No 143, 2015; No 169, 2015
s 240 .....	am No 30, 2003

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### Endnote 4—Amendment history

Provision affected	How affected
s 240A .....	ad No 80, 2001 am No 110, 2015; No 46, 2017
s 240B.....	ad No 80, 2001 am No 18, 2001; No 108, 2006; No 113, 2007
s 240C.....	ad No 80, 2001 am No 110, 2015; No 46, 2017
s 242 .....	am No 30, 2003
s 243 .....	am No 108, 2006
s 243A .....	ad No 42, 2017
<b>Part 8</b>	
s 253 .....	rep No 60, 2015
s 254 .....	rep No 60, 2015
Part 9 .....	rep No 192, 1999
ss 258–260 .....	rep No 192, 1999
<b>Schedule 1</b>	
c 1 .....	am No 45, 2000; No 80, 2001; No 30, 2003; No 130, 2007; Nos 19 and 149, 2008; Nos 7 and 58, 2009; Nos 5 and 58, 2011; Nos 102 and 154, 2012; No 62, 2013; No 13, 2014; No 131, 2014; No 60, 2015; No 144, 2015; No 26, 2018 ( <a href="#">Sch 1 item 329</a> ; <a href="#">Sch 2 item 75</a> ; <a href="#">Sch 3 item 92</a> ; <a href="#">Sch 4 items 98–100</a> ; <a href="#">Sch 5 item 136</a> ; <a href="#">Sch 7 item 66</a> ); No 87, 2018 ed C128
<b>Schedule 2</b>	
<b>Part 1</b>	
c 2 .....	am No 80, 2001
<b>Part 2</b>	
c 3 .....	am No 80, 2001; No 110, 2015; No 46, 2017; No 26, 2018 ( <a href="#">Sch 1 item 357</a> )
c 4 .....	am No 45, 2000; No 52, 2012; <a href="#">No 26, 2018</a>
c 4A .....	ad No 26, 2018 am <a href="#">No 26, 2018</a>

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Provision affected	How affected
c 5 .....	am No 154, 2005; No 64, 2006; No 149, 2008; No 7, 2009; No 102, 2012; No 26, 2018 ( <u>Sch 1 item 332</u> )
c 5A .....	ad No 7, 2009 am No 26, 2018
<b>Part 3</b>	
<b>Division 2</b>	
c 13 .....	am No 82, 2006
c 14 .....	rep No 47, 2016
c 14A .....	ad No 109, 2004 rep No 47, 2016
<b>Division 3</b>	
c 15 .....	rs No 147, 2002 am No 30, 2003; No 64, 2006; No 26, 2018 ( <u>Sch 1 items 333, 334</u> )
c 15A .....	ad No 45, 2009
c 16 .....	am No 36, 2006 rep No 55, 2016
c 17 .....	am No 36, 2006 rep No 55, 2016
cc 20–27 .....	rep No 45, 2000
c 28 .....	am <u>No 26, 2018</u>
cc 31, 32 .....	am No 70, 2000
c 33 .....	rep <u>No 26, 2018</u>
c 36 .....	rep No 45, 2000
<b>Division 4</b>	
Division 4 .....	ad No 80, 2001
c 37 .....	ad No 80, 2001
Schedule 3 .....	rep No 60, 2015
c 1 .....	am No 38, 2010; No 154, 2012 rep No 60, 2015
c 2 .....	am No 38, 2010 rep No 60, 2015

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
c 3 .....	am No 38, 2010 rep No 60, 2015
c 4 .....	am No 33, 2010 rep No 60, 2015
c 5 .....	rep No 60, 2015
c 6 .....	am No 38, 2010; No 46, 2011 rep No 60, 2015
c 7 .....	am No 38, 2010; No 46, 2011; No 154, 2012 rep No 60, 2015
c 8 .....	am No 38, 2010 rep No 60, 2015
c 9 .....	am No 46, 2011 rep No 60, 2015
c 10 .....	am No 38, 2010; No 154, 2012 rep No 60, 2015
c 11 .....	rep No 60, 2015
c 12 .....	am No 8, 2007; No 38, 2010; No 154, 2012 rep No 60, 2015
c 12A .....	ad No 154, 2012 rep No 60, 2015
c 12B .....	ad No 154, 2012 rep No 60, 2015
c 13 .....	rep No 60, 2015
c 14 .....	am No 146, 1999; No 38, 2010 rep No 60, 2015
c 15 .....	am No 38, 2010 rep No 60, 2015
c 16 .....	rep No 60, 2015
c 17 .....	am No 26, 2008; No 38, 2010; No 58, 2011 rep No 60, 2015
c 18 .....	am No 38, 2010



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Provision affected	How affected
	rep No 60, 2015
c 19 .....	am No 45, 2000; No 154, 2012
	rep No 60, 2015
c 19A .....	ad No 154, 2012
	rep No 60, 2015
c 20 .....	am No 45, 2000; No 146, 2006; No 82, 2007; No 38, 2010; No 154, 2012
	rep No 60, 2015
c 21 .....	am No 38, 2010
	rep No 60, 2015
c 22 .....	am No 108, 2006; No 38, 2010
	rep No 60, 2015
c 23 .....	rep No 60, 2015
c 24 .....	am No 146, 1999
	rep No 60, 2015
c 25 .....	am No 38, 2010
	rep No 60, 2015
Schedule 4 .....	am No 38, 2010; No 154, 2012
	rep No 60, 2015
<b>Schedule 5</b>	
Schedule 5 heading .....	rs No 32, 2011
c 1 .....	am No 32, 2011
c 2 .....	am No 108, 2006; No 32, 2011; No 126, 2015