

Social Security Act 1991

Act No. 46 of 1991 as amended

VOLUME 12 Notes (continued)

Includes: Endnotes
 Appendix

Notes to the *Social Security Act 1991*

Note 2

Section 23—Schedule 5 (Part 3 [item 27]), of the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996* (No. 84, 1996) provides as follows:

Schedule 5

27 Subsection 23(1) (definition of *discretionary deferment period*)

Repeal the definition.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 3

Section 1190—Schedule 1 (item 221) of the *Social Security Legislation Amendment (Parenting and Other Measures) Act 1997* (No. 197, 1997) provides as follows:

Schedule 1

221 Section 1190 (table item 49B, column 4, entry referring to Parenting Allowance Rate Calculator)

Repeal the entry, substitute:

[PP (Partnered) Rate Calculator—point 1068B-E8—Table E—column 3—item 4]

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 4

Note 4

Section 1231A—Schedule 8 (item 4) of the *Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998* (No. 93, 1998) provides as follows:

Schedule 8

4 Paragraph 1231A(2)(b)

Omit “drought relief payment”, substitute “exceptional circumstances relief payment or restart income support”.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 5

Sections 23, 549E, 686, 771HI, 1068-F14 and 1190—Schedule 2 (item 21), Schedule 7 (item 22), Schedule 8 (item 16) and Schedule 9 (items 41 and 169) of the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998* (No. 45, 1998) provide as follows:

Schedule 2

21 Paragraph 549E(a)

Omit “on or after 1 January 1993”.

Schedule 7

22 Section 1190 (table item 49B, column 4)

Omit “[Benefit Rate Calculator A—point 1067-D9—table—column 3—item 5]”.

Schedule 8

16 Paragraph 1068-F14(b)

Omit “or a youth training allowance”.

Schedule 9

Note 6

41 Subsection 23(1) (after paragraph (h) of the definition of *social security entitlement*)

Insert:

- (ha) a youth allowance; or
- (hb) an austudy payment; or

169 Paragraphs 686(2)(b) and 771HI(2)(b)

Omit “, youth training allowance”.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 6

Section 630B—Schedule 1 (item 21) of the *Social Security Legislation Amendment (Activity Test Penalty Periods) Act 1997* (No. 106, 1997) provides as follows:

Schedule 1

21 Subsection 630B(2)

Omit “Subject to sections 630BA and 630BB”, substitute “Subject to section 630BA”.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 7

Section 660YCI—Schedule 5 (item 114) of the *Social Security and Veterans' Affairs Legislation Amendment Act 1995* (No. 1, 1996) provides as follows:

114 Paragraph 660YCI(a):

Omit “job search allowance or”.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 8

Note 8

Section 1207 [renumbered section 1210 (No. 132, 2000)]—Schedule 3 (item 42) of the *Aged Care (Consequential Provisions) Act 1997* (No. 114, 1997) provides as follows:

Schedule 3

42 Paragraphs 1207(1)(d)

Omit “, the rent assistance Module or Part 3.12B (residential care allowance)”, substitute “or the rent assistance Module”.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 9

Schedule 3—Part 10 (section 31) of the *Social Security Legislation Amendment Act 1994* repealed and substituted Schedule 3. Subsection 2(1) and Part 10 provide as follows:

[NOTE](1) The following provisions commence on the day on which this Act receives the Royal Assent:

(d) Parts 7, 8, 9, 10 and Schedule 3;

**PART 10—REVISED AGREEMENT ON SOCIAL SECURITY
BETWEEN AUSTRALIA AND THE REPUBLIC OF ITALY**

**31 Schedule 3—Agreement between Australia and the
Republic of Italy Providing for Reciprocity in Matters
Relating to Social Security**

Schedule 3 to the Principal Act is amended as set out in Schedule 3.

[NOTE] Section 3 of the *Social Security Legislation Amendment Act (No. 1) 1995* affected the operation of the repealed and substituted Schedule 3 of the *Social Security Act 1991*. Section 3 provides as follows:

3 Operation of Schedule 3 of the *Social Security Act 1991*

(1) Despite subsection 2(1) of, Part 10 of and Schedule 3 to the *Social Security Legislation Amendment Act 1994* (the **1994 Act**):

(a) Schedule 3 of the *Social Security Act 1991*, as in force immediately before the commencement of Part 10 of the 1994 Act, continues in force; and

(b) Schedule 3 of the *Social Security Act 1991*, as substituted by the 1994 Act, does not come into force;

until the Agreement on Social Security between Australia and the Republic of Italy, set out in Schedule 3 to the 1994 Act, enters into force in accordance with Article 23 of that Agreement.

(2) If:

(a) before the commencement of this section, a person received from the Commonwealth a payment that purported to be made under the *Social Security Act 1991*; and

(b) the payment was not a valid payment; and

(c) had subsection (1) been in force when the payment was made, it would have been a valid payment under the *Social Security Act 1991*;

any right of the Commonwealth to recover the payment is, by force of this subsection, extinguished.

Schedule 3 is set out below:

Social Security Legislation Amendment Act 1994 (No. 63, 1994)

Schedule 3—Agreement on Social Security between Australia and the Republic of Italy

Section 1208

AUSTRALIA AND THE REPUBLIC OF ITALY,

Wishing to strengthen the existing friendly relations between the two countries,
and

Desiring to review the Agreement providing for reciprocity in matters relating
to Social Security signed on 23 April 1986, and

Note 9

Acknowledging the need to co-ordinate further the operation of their respective social security systems and to enhance the equitable access by people who move between Australia and Italy to social security benefits provided for under the laws of both countries,

Have agreed as follows:

PART I—INTERPRETATION AND SCOPE**ARTICLE 1****Interpretation**

1. In this Agreement, unless the context otherwise requires:
 - (a) supplement for children—means, in relation to Australia, the additional family payment and, if applicable, the guardian allowance that would be payable to a person in addition to a benefit under the legislation of Australia if that person were an Australian resident in Australia and qualified for that payment and, if applicable, that allowance;
 - (b) Australian resident—means an Australian resident as defined in the legislation of Australia;
 - (c) benefit—means, in relation to a Party, a pension or allowance for which provision is made in the legislation of that Party and includes any additional amount, increase or supplement payable in addition to that pension or allowance to a person who qualifies for that additional amount, increase or supplement under the legislation of that Party;
 - (d) competent authority—means,
 - in relation to Australia:
the Secretary to the Department of Social Security; and,
 - in relation to Italy:
the Ministry of Labour and Social Welfare;
 - (e) dependants—means, in relation to Italy, persons who are within the categories of family members of an insured person or pensioner under the legislation of Italy and who are recognised by that legislation as the dependants of that person or pensioner;
 - (f) disability support pension—means, in relation to Australia, the payment made under the legislation of Australia to people who are considered to be severely disabled under that legislation;
 - (g) institution—means,

in relation to Australia:

the Department of Social Security; and

in relation to Italy:

an institution, apart from the competent authority, which is responsible for the application of this Agreement as specified in the administrative arrangements for this Agreement;

- (h) Italian integration—means the *integrazione al minimo* paid to increase the amount of a benefit derived from contributions or otherwise to the minimum amount specified under the legislation of Italy;
- (i) Italian social supplement—means that welfare benefit granted in addition to the pensions of those people who have incomes lower than the amount fixed by Italian legislation;
- (j) legislation—means the laws specified in Article 2;
- (k) period of Australian working life residence—means a period defined as such in the legislation of Australia;
- (l) period of credited contributions—means a period or the total of two or more periods of contributions used to acquire an entitlement to a benefit and any period deemed to be a period of contributions under the legislation of Italy;
- (m) spouse carer pension—means a carer pension payable, under the legislation of Australia, to the partner of a person who is in receipt of a disability support pension or of an age pension;
- (n) survivors—means, in relation to Italy, persons who are within the categories of family members of a person who was insured or was a pensioner under the legislation of Italy and is now deceased, and who are recognised by that legislation as survivors of that person or pensioner;
- (o) widow—means a *de jure* widow.

2. In the application of this Agreement by a Party, any term not defined in this Agreement shall, unless the context otherwise requires, have the meaning which it has under the legislation within the scope of this Agreement, in relation to that Party, by virtue of Article 2.

ARTICLE 2

Legislative scope

Note 9

1. Subject to paragraph 2, this Agreement shall apply to the following laws, as amended at the date of signature of this Agreement, and to any laws that subsequently amend, supplement or replace them:

- (a) in relation to Australia: the *Social Security Act 1991* in so far as the Act provides for, applies to or affects the following benefits:
 - (i) age pension;
 - (ii) disability support pension;
 - (iii) wife pension;
 - (iv) pensions payable to widows;
 - (v) widowed person allowance;
 - (vi) spouse carer pension;
 - (vii) double orphan pension; and
 - (viii) supplements for children.
- (b) in relation to Italy: the legislation in force at the date of signature of this Agreement and any legislation that subsequently amends, supplements or replaces that legislation, concerning the compulsory general insurance scheme for employees in regard to invalidity, old age and survivors; special insurance schemes for self-employed persons and other categories of workers; family benefits for dependants of pensioners and unemployment insurance and, in particular, the following benefits:
 - (i) old age pensions;
 - (ii) seniority pensions;
 - (iii) anticipated pensions;
 - (iv) invalidity allowances;
 - (v) inability pensions;
 - (vi) privileged invalidity allowances;
 - (vii) privileged inability pensions;
 - (viii) invalidity attendance allowance;
 - (ix) survivors' pensions;
 - (x) family benefit for dependants of pensioners; and
 - (xi) unemployment allowances.

2. Notwithstanding the provisions of paragraph 1, and unless otherwise specified in this Agreement, the legislation of Australia and Italy shall not include any laws made at any time for the purpose of giving effect to any agreement on social security.

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3. The competent authorities of the Parties shall advise each other of legislation that amends, supplements or replaces the legislation within the scope of this Agreement promptly after the first-mentioned legislation is enacted.

ARTICLE 3

Personal scope

This Agreement shall apply to any person who:

- (a) is or has been an Australian resident; and/or
- (b) has credited contributions under the legislation of Italy,

and, where applicable, to dependants and survivors in regard to entitlements they may derive from the person mentioned in this Article.

ARTICLE 4

Equality of treatment

1. The citizens of each of the Parties shall be treated equally in the application of the legislation of Australia and of Italy respectively and, in any case where qualification for a benefit under the legislation of a Party depends, in whole or in part, on citizenship of that Party, a person who is a citizen of the other Party shall, for the purposes of a claim for that benefit, be deemed to be a citizen of the first mentioned Party.

2. All persons to whom this Agreement applies shall be treated equally by the Parties in regard to entitlements and obligations derived from the legislation of the Parties and from this Agreement.

3. A Party shall not be required to apply paragraphs 1 and 2 of this Article to a person who is present in the territory of that Party without lawful authority.

PART II—PROVISIONS RELATING TO BENEFITS

AUSTRALIAN BENEFITS

ARTICLE 5

Residence or presence in Italy or in a third country

1. Subject to paragraph 2, where a person would be qualified for a benefit under the legislation of Australia or under this Agreement except for not being an Australian resident and in Australia on the date on which the claim for that benefit is lodged, but:

- (a) is an Australian resident or residing in the territory of Italy or of a third country with which Australia has implemented an agreement

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that includes provision for co-operation in the lodgement and determination of claims for benefits, and

- (b) is in Australia, the territory of Italy or the territory of that third country,

that person, so long as he or she has been an Australian resident at some time, shall be deemed, for the purpose of lodging that claim, to be an Australian resident and in Australia.

2. The requirement for a person to have been an Australian resident at some time shall not apply to a person who claims a double orphan pension in accordance with Article 9.

ARTICLE 6**Partner—related Australian benefits**

A person who receives or is qualified to receive a benefit under the legislation of Australia due to the fact that his or her partner receives or is qualified to receive an Australian benefit by virtue of this Agreement, shall receive a rate calculated under this Agreement.

ARTICLE 7**Totalisation of periods of residence and periods of contributions****Totalisation for Australia**

1. Where a person to whom this Agreement applies has accumulated:
 - (a) a period as an Australian resident that is less than the period required to qualify that person, on that ground, under the legislation of Australia for a benefit; and
 - (b) a period of Australian working life residence equal to or greater than the minimum period identified for that person in paragraph 4; and
 - (c) a period of credited contributions in Italy;

then that period of credited contributions shall be deemed, only for the purposes of meeting any minimum qualifying period for that benefit set out in the legislation of Australia, to be a period when that person was an Australian resident.

2. For the purposes of paragraph 1, where a person:
 - (a) has been an Australian resident for a continuous period which is less than the minimum period of continuous residence required by

Note 9

the legislation of Australia for entitlement of that person to a benefit; and

- (b) has accumulated a period of credited contributions in Italy in 2 or more separate periods that equals or exceeds in total the period referred to in subparagraph (a);

the total of the periods of credited contributions shall be deemed to be one continuous period.

3. For the purposes of this Article, where a period as an Australian resident and a period of credited contributions coincide, the period of coincidence shall be taken into account once only by Australia as a period as an Australian resident.

4. The minimum period of Australian working life residence to be taken into account for the purposes of sub-paragraph 1(b) shall be as follows:

- (a) for the purposes of an Australian benefit payable to a person outside Australia: the minimum period required shall be 12 months, of which at least 6 months must be continuous; and
- (b) for the purposes of an Australian benefit payable to an Australian resident in Australia: no minimum period of Australian working life residence shall be required.

5. For the purposes of paragraphs 1 and 2 and for the purpose of a claim by a woman for a pension payable to a widow, that woman shall be deemed to have accumulated a period of credit contributions for any period her late husband accumulated a period of credited contributions, but any period during which the woman and her late husband both accumulated periods of credited contributions shall be taken into account once only.

ARTICLE 8**Calculation of Australian benefits**

1. Subject to the provisions of this Article, where an Australian benefit, other than a double orphan pension, is payable under this agreement or otherwise to a person who is outside Australia, the rate of that benefit shall be determined according to the legislation of Australia but, when assessing the income of that person for the purposes of calculating the rate of the Australian benefit, benefits paid or due under the legislation of Italy shall be assessed in the following way:

- (a) any Italian integration and/or social supplement and family benefit for the dependants of pensioners included in the total amount of that Italian benefit shall be disregarded;

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- (b) the social pension paid by Italy as non-contributory welfare support shall be disregarded; and
- (c) only a proportion of any other Italian benefit shall be assessed by multiplying the number of whole months of Australian working life residence used for that person (but not exceeding 300) by the amount of that other Italian benefit and by dividing the result by 300.

2. A person referred to in paragraph 1 shall be entitled to receive the concessional treatment of income described in subparagraph (c) only for any period during which the rate of that person's Australian benefit is proportionalised.

3. Subject to the related provisions in this Article, where an Australian benefit, other than a double orphan pension, is payable under this Agreement to a person who is an Australian resident and in Australia, the rate of that benefit shall be determined by:

- (a) calculating that person's income according to the legislation of Australia but disregarding in that calculation any Italian benefit (including any Italian integration and/or social supplement and family benefit for dependants of pensioners) to which that person is entitled;
- (b) deducting that Italian benefit (including any Italian integration and/or social supplement and family benefit for dependants of pensioners) from the maximum rate of the Australian benefit; and
- (c) applying to the Australian benefit remaining, after the application of sub-paragraph (b), the relevant rate calculation set out in the legislation of Australia, using as the person's income the result from the application of subparagraph (a).

4. For the purposes of this Article and for the application of the legislation of Australia, where a member of a couple is, or both his or her partner are, entitled to receive an Italian benefit or benefits, each of them shall be deemed to be in receipt of one half of either the amount of that benefit or of the total of the benefits, as the case may be.

ARTICLE 9**Double orphan pension and spouse carer pension**

1. Where a double orphan pension would be payable to a person under the legislation of Australia, in respect of a young person whose sole surviving parent died while that young person was an Australian resident, if that person

and that young person were inhabitants of Australia, that pension shall, subject to the provisions of those laws, be payable while that person and that young person are residents of Italy.

2. For the purposes of qualification for a spouse carer pension under this Agreement, a person who is in Italy shall be regarded as being in Australia.

ARTICLE 10

Exclusion of specified Italian payments from the Australian income test

1. Subject to paragraph 3 of Article 8 and paragraph 2 of this Article, where a person receives or is entitled to receive a benefit under the legislation of Australia by virtue of this Agreement or otherwise and that person and or that person's partner receive an Italian benefit or benefits which include Italian integration and/or Italian social supplement and/or family benefits for dependants of pensioners, that integration, social supplement and family benefits for dependants of pensioners shall not be included as income for the purposes of assessing the rate of that Australian benefit.

2. For the purposes of this Article only, the term benefit shall include job search, newstart and sickness allowances payable under the social security laws of Australia.

ITALIAN BENEFITS

ARTICLE 11

Totalisation of periods of contributions and periods of residence

Totalisation for Italy

1. Where a person to whom this Agreement applies has accumulated:
 - (a) a period of credited contributions in Italy that is less than the period required to qualify that person under the legislation of Italy for a benefit; and
 - (b) a period of credited contributions equal to or greater than the minimum period identified for that benefit for that person in paragraph 2; and
 - (c) a period of Australian working life residence;

then that period of Australian working life residence shall be deemed, for the purposes of meeting any minimum qualifying period for that benefit set out in the legislation of Italy, to be a period of credited contributions.

2. The minimum period of credited contributions in Italy to be taken into account for the purposes of paragraph 1 shall be as follows:

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- (a) for old age pension: 1 year;
- (b) for anticipated pension: 1 year;
- (c) for seniority pension: 15 years;
- (d) for invalidity allowance: 1 year;
- (e) for inability pension: 1 year;
- (f) for privileged invalidity pension allowance: 1 year;
- (g) for privileged inability pension: 1 year; and
- (h) for survivor's pension: 1 year.

3. For the purposes of voluntary insurance under the legislation of Italy, a period of credited contributions in Italy in relation to a person shall be combined, where necessary, with any period of Australian working life residence accumulated by that person, provided the first-mentioned period totals at least one year.

4. For all purposes of this Article, where a period of credited contributions and a period of Australian working life residence coincided, the period of coincidence shall be taken into account once only by Italy as a period of contributions.

ARTICLE 12**Italian pro-rata benefits**

1. The amount of Italian benefit payable to a person through the application of Article 11 shall be determined as follows:

- (a) the amount of the theoretical benefit to which the person concerned would be entitled shall be established as if the period of credited contributions in Italy, and the period of Australian working life residence referred to in subparagraph 1(c) of Article 11, and accumulated to the date from which the benefit would be payable to that person, had accumulated under the legislation of Italy; and
- (b) the amount of benefit payable shall be that amount which bears to the amount referred to in sub-paragraph (a) the same ratio as that period of credited contributions bears to the sum of that period of credited contributions and that period of Australian working life residence for that person.

2. If the sum of the periods referred to in subparagraph 1(b) exceeds the maximum period provided for by the legislation of Italy for entitlement to the maximum rate of the benefit concerned, the maximum period shall be substituted for that sum in calculations made in accordance with that sub-paragraph.

Note 9

3. The calculation of a rate in relation to a person in accordance with paragraph 1 shall take into account only the salary or income of that person which was subject to contributions under the legislation of Italy.

4. If a person resides in Italy and is entitled to benefits under the legislation of both Parties and the total of these benefits is less than the minimum pension amount (*trattamento minimo di pensione*) specified under the legislation of Italy, the Italian institution shall pay, in addition to its benefit, the Italian integration needed to reach the said minimum pension amount.

ARTICLE 13

Exclusion of specified Australian payments from the Italian income test

Where a person receives or is entitled to receive a benefit under the legislation of Italy by virtue of this Agreement or otherwise and that benefit includes an Italian integration, Italian social supplement and or family allowance for dependants of pensioners, any supplements for children paid to that person and or that person's partner under the social security laws of Australia shall not be included as income for the purposes of assessing the rate of that Italian integration, Italian social supplement and or family benefit.

ARTICLE 14

Unemployment allowance

For the purposes of eligibility by a citizen of Australia or of Italy for unemployment allowance under the social security laws of Italy, any periods of employment accumulated in Australia by that person, other than periods of self-employment, shall be totalised with periods of credited contributions in Italy for that person, if those last-mentioned periods total one year or more.

ARTICLE 15

Family benefits

Family benefits payable under the legislation of Italy:

- (a) shall be payable under this Agreement to Australian residents who are receiving an Italian benefit payable under the social security laws of Italy, whether those persons are citizens of Australia or of Italy; and
- (b) shall not preclude the payment of family payments under the social security laws of Australia, including those laws as modified or adapted by laws giving effect to an agreement on social security with a third country,

and shall, for the purpose of reciprocity under this Agreement, be regarded as the Italian benefit equivalent to those Australian benefits described as:

- (c) wife pension;
- (d) spouse carer pension; and
- (e) supplements for children.

PART III—MISCELLANEOUS PROVISIONS

ARTICLE 16

Lodgement of claims

1. A claim for benefit, under this Agreement or otherwise, may be lodged:
 - (a) in the territory of either Party in accordance with the administrative arrangements for this Agreement; or
 - (b) in a third country if that country is of the kind referred to in Article 5,

at any time after the Agreement enters into force.

2. Where a claim for a benefit of a Party is lodged in the territory of the other Party or in a third country in accordance with paragraph 1, the date on which the claim is lodged shall be the date of lodgement of the claim for all purposes relating to the claim.

ARTICLE 17

Determination of claims

1. In determining the entitlement of a person to a benefit under this Agreement:
 - (a) a period of Australian residence and a period of credited contributions; and
 - (b) any event relevant to that entitlement,

shall, subject to this Agreement, be taken into account in so far as those periods or those events are applicable in regard to that person and whether they were accumulated or occurred before or after the date on which this Agreement enters into force.

2. The start date for the payment of a benefit under this Agreement shall be determined by the legislation of the Party concerned and in no case shall that date be a date earlier than the entry into force of this Agreement.
3. Where:

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- (a) a claim is made for a benefit payable by one of the Parties, whether by virtue of this Agreement or otherwise; and
- (b) there are reasonable grounds for believing that the claimant may also be entitled, whether by virtue of this Agreement or otherwise, to a benefit (in this Article called “assumed benefit”), that is payable by the other Party and that, if paid, would affect the amount of the first-mentioned benefit,

that claim may be determined by the first-mentioned Party as if the assumed benefit were in fact being paid to that claimant.

4. Where a claim for a benefit is determined in accordance with the preceding paragraph 3 and it is subsequently established that the amount of the assumed benefit in relation to that person was not in fact paid, any deficiency in the payment of the first-mentioned benefit shall be adjusted retrospectively.

5. Where:

- (a) it appears that a person who is entitled to the payment of a benefit by one of the Parties might also be entitled to the payment of a benefit by the other Party, in either case whether by virtue of this Agreement or otherwise;
- (b) the amount of the benefit that might be paid by that other Party would affect the amount of the benefit payable by the first-mentioned Party; and
- (c) the amount that could be due in respect of the benefit by that other Party, whether by virtue of this Agreement or otherwise, is likely to include an adjustment for arrears of that benefit,

then

- (d) that other Party shall, if the first-mentioned Party so requests, pay the amount of those arrears to the first-mentioned Party; and
- (e) the first mentioned Party may deduct from the amount of those arrears any excess amount of the benefit paid by it and shall pay any balance remaining to that person.

ARTICLE 18

Portability of benefits

- 1. Benefits of one Party are also payable in the territory of the other Party.
- 2. Where the legislation of a Party provides that a benefit is payable outside the territory of that Party, then that benefit, when payable under this Agreement, is also payable outside the territories of both Parties.

Note 9

3. Where qualification for a benefit of one Party is subject to limitations as to time, then references to that Party in those limitations shall be read also as references to the territory of the other Party.

4. A Benefit payable by a Party under this Agreement shall be paid by that Party without deduction for government administrative fees and charges for processing and paying that benefit whether paid in the territory of the other Party or outside the respective territories of both Parties.

ARTICLE 19

Administrative arrangements

The competent authorities of the Parties shall make whatever administrative arrangements are necessary to implement this Agreement.

ARTICLE 20

Exchange of information and mutual assistance

1. The competent authorities and institutions responsible for the application of this Agreement:

- (a) shall communicate to each other any information necessary for the application of this Agreement and of their respective social security laws;
- (b) shall lend their good offices and furnish assistance to one another, including the communication to each other of any necessary information, with regard to the determination or payment of any benefit under this Agreement or under the social security laws of either Party as if the matter involved the application of their own legislation;
- (c) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation in so far as those changes affect the application of this Agreement; and
- (d) at the request of one to the other, assist each other in relation to the implementation of agreements on social security entered into by either of the parties with their countries, to the extent and in the circumstances specified in the administrative arrangements for this Agreement.

2. The assistance referred to in paragraph 1 shall be provided free of charge, subject to any administrative arrangements made pursuant to Article 19.

Note 9

3. Any information about a person transmitted under this Agreement to an institution shall be protected in the same manner as information obtained under the legislation of that Party.

4. In no case shall the provisions of paragraph 1 be construed so as to impose on the competent authority or the institution of a Party the obligation:

- (a) to carry out administrative measures at variance with the laws or the administrative practice of that or the other Party; or
- (b) to supply particulars which are not obtainable under the laws or in the normal course of the administration of that or the other Party.

5. In the application of the Agreement, the competent authorities and the institutions of a Party may communicate in its official language with the other Party.

ARTICLE 21

Appeals

1. Any person affected by a determination, direction, decision or approval made or given by the competent authority or institution of a Party, in relation to a matter arising under this Agreement, shall have the same rights to a review by administrative and judicial bodies of that Party of that determination, direction, decision or approval as are provided under the laws of that Party.

2. An appeal and documents related to an appeal in accordance with paragraph 1, may be lodged in the territory of either Party in line with administrative arrangements for this agreement.

3. Subject to paragraph 4, the date on which appeals and related documents are lodged in accordance with paragraph 2 with the institution of one Party shall be regarded as the date of lodgement of those appeals and related documents with the institution of the other Party.

4. In relation to Australia, the reference in this Article to an appeal document is a reference to a document concerning an appeal that may be made to an administrative body established by the social security laws of Australia.

ARTICLE 22

Review of Agreement

1. The Parties may agree at any time to review the whole or any part of this Agreement.

2. Subject to paragraph 1, the Parties shall consult regarding a review of this Agreement and its implementation after the Agreement has been in force for 4 years.

3. Where a party amends, supplements or replaces its legislation, the Parties shall, if one Party so requests, consult on any consequences of that change to the legislation and on the continuing implementation of the Agreement including on whether an amendment to the Agreement is necessary.

PART IV—FINAL PROVISIONS

ARTICLE 23

Entry into force and transitional provisions

1. This Agreement shall be ratified by both Parties in accordance with their respective procedures and shall enter into force on the first day of the month following that in which there has been an exchange of instruments of ratification.

2. When this Agreement enters into force the Agreement between Australia and the Republic of Italy on Social Security signed on 23 April 1986 shall, subject to paragraph 3, terminate.

3. Subject to paragraph 4, where, on the date on which this Agreement enters into force, a person:

- (a) is in receipt of a benefit under the legislation of either Party by virtue of the Agreement which was signed on 23 April 1986; or
- (b) is qualified to receive a benefit referred to in subparagraph (a) and, where a claim for that benefit is required, has claimed that benefit,

no provision of this Agreement shall affect that person's qualification to receive that benefit.

4. The rate of a benefit for which a person is qualified by virtue of paragraph 3 shall, subject to this Agreement, be assessed in accordance with the provisions of the legislation of the relevant Party.

5. Where a resident of Italy:

- (a) was in receipt of a widow B pension from Australia and had that pension cancelled because of the enactment of section 1215 of the Social Security Act 1991; or
- (b) had applied for a widow B pension on or before 30 June 1992 but that application had not been determined by that date,

Note 9

then that cancelled pension shall be reinstated back to the date of cancellation or that application shall be determined as if section 1215 had not been enacted. The rate of the reinstated widow B pension or of the widow B pension paid under any successful application shall be calculated under the provisions of the Agreement mentioned in paragraph 2 of this Article until this Agreement comes into force and thereafter shall be calculated under this Agreement.

ARTICLE 24

Termination

1. Subject to paragraph 2, this Agreement shall remain in force until the expiration of 12 months from the date on which either Party receives from the other written notice through the diplomatic channel of the intention to terminate this Agreement.
2. In the event this Agreement is terminated in accordance with paragraph 1, the Agreement shall continue to have effect in relation to all persons who:
 - (a) at the date of termination, are in receipt of benefits under this Agreement; or
 - (b) before the expiry of the period referred to in that paragraph, have lodged claims for, and would be entitled to receive, benefits under this Agreement.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

DONE in duplicate at Rome on the thirteenth day of September 1993, in the English and Italian languages, both texts being equally authoritative.

FOR AUSTRALIA:

Peter Baldwin

FOR THE REPUBLIC OF ITALY:

Gino Giugni

As at 20 November 2002 the repealed and substituted Schedule 3 is not incorporated in this compilation.

Note 10

Sections 10B(4)(c), 1067G-G11(4), 1067-G13(1) and (2) and 1127—
Schedule 1 (items 169-176) of the *A New Tax System (Family Assistance)*
(*Consequential and Related Measures*) Act (No. 2) 1999 (No. 83, 1999) provide
as follows:

Schedule 1**Part 7—Amendments relating to commencement of
the Youth Allowance Consolidation Act 1999****169 Paragraph 10B(4)(c)**

Omit “(except a family tax payment),”, substitute “, the Family
Assistance Act”.

170 Subpoint 1067G-G11(4) (definition of *income tax*)

Omit “, and without regard to any increase occurring in the tax free
threshold because of section 20C or 20D of the *Income Tax Rates Act*
1986,”.

171 Subpoint 1067G-G11(4) (definition of *notional income tax*)

Omit “, and without regard to any increase occurring in the tax free
threshold because of section 20C or 20D of the *Income Tax Rates Act*
1986,”.

172 Subpoint 1067-G13(1)

Repeal the formula, substitute:

$$2 \left[\frac{\text{GAM}}{2} + \text{TNITML} \right] + \text{NPBL}$$

**173 Subpoint 1067G-G13(2) (paragraph (a) of the definition of
NITML (notional income tax/medicare levy))**

Omit “, and without regard to any increase occurring in the tax free
threshold because of section 20C or 20D of the *Income Tax Rates Act*
1986”.

Note 11**174 Subpoint 1067G-G13(2) (definition of *TFTI* (tax-free threshold increase))**

Repeal the definition.

175 Paragraph 1127(a)

Omit “, a social security benefit or a family allowance”, substitute “or a social security benefit”.

176 Paragraph 1127(b)

Omit “, benefit or allowance”, substitute “or benefit”.

The *Youth Allowance Consolidation Act 2000* was incorrectly cited and the amendments are not incorporated in this compilation.

Note 11

Sections 10B(2), 1061ZZA(1)(c)-(e) and 1067G-G9 to 1067G-G11—Schedule 1 (items 1-7) of the *Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999* (No. 172, 1999) provide as follows:

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

Repeal the definition.

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

Repeal the paragraphs, substitute:

- (c) throughout the period youth allowance at the youth allowance general rate is not payable to the person only because of the operation of one or more of the following:
 - (i) Module F (the parental income test) of the Youth Allowance Rate Calculator in section 1067G;
 - (ii) Module G (the family actual means test) of that Calculator;
 - (iii) Subdivision AB (the youth allowance assets test) of Division 2 of Part 2.11; and

Note 11

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

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

Repeal the paragraphs.

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

Add:

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

6 Point 1067G-G10

Omit “independent employment”, substitute “employment”.

7 Point 1067G-G11

Repeal the point.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 12**Note 12**

Sections 1067G-A1 and 1068-A1—Schedule 2 (items 42 and 45) of the *Further 1998 Budget Measures Legislation Amendment (Social Security) Act 1999* (No. 152, 1999) provide as follows:

Schedule 2**42 Point 1067G-A1 (method statement, step 14)**

After “plus”, insert “, except where the person is a CDEP Scheme participant in respect of the whole or a part of the period for which the rate of allowance is being worked out,”.

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

After “plus”, insert “, except where the person is a CDEP Scheme participant in respect of the whole or a part of the period for which the rate of benefit is being worked out,”.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 13

Subdivision F of Division 2 of Part 2.11 and section 1222A—Schedule 1 (items 67 and 188) of the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999* (No. 192, 1999) provide as follows:

Schedule 1**67 Subdivision F of Division 2 of Part 2.11**

Repeal the Subdivision.

188 Section 1222A

Omit “under this Act, or the 1947 Act”.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 14**Note 14**

Sections 1068B and 1123—Schedule 7 (items 54, 78) of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999* (No. 82, 1999) provides as follows:

54 Point 1068B-C2

Omit “If parenting payment payable to a person is a benefit PP (partnered), the person’s”, substitute “A person’s”.

Note: The heading to point 1068B-C2 is altered by omitting “—benefit PP (partnered)”.

78 Paragraphs 1123(2)(a) and (b)

Omit “, non-benefit PP (partnered)”.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 15

Sections 19AA, 543A, 552(b), Subdivision EA of Division 9 of Part 2.11 (565F, 565G), 1061ZZAO(2), 1223(3) and (4) and 1361A—Schedule 1 (item 5), Schedule 2 (items 7 and 11), Schedule 4 (items 2, 6, 29 and 84) of the *Youth Allowance Consolidation Act 2000* (No. 106, 2000) provides as follows:

Schedule 1**5 After section 19A**

Insert:

19AA Fares allowance definitions

- (1) This section has effect for the purposes of Part 2.26.
- (2) Unless the contrary intention appears:

activity test means the test set out in section 541.

Note 15

approved course has the meaning given by subsection 1061ZAAA(1).

approved tertiary course means a course of education or study that is determined, under section 5D of the *Student Assistance Act 1973*, to be a tertiary course for the purposes of that Act.

external student, in relation to an approved course at a relevant educational institution, means a student enrolled for the course who is subject to a requirement, being a requirement that is a compulsory component of the course, to attend the institution for a period of time.

independent has the same meaning as in Parts 2.11 and 3.5 (see section 1067A).

permanent home has the meaning given by subsections (3) to (6).

public transport does not include a taxi.

relevant educational institution has the meaning given by subsection 1061ZAAA(1).

required to live away from his or her permanent home has the meaning given by subsection (7).

study year means the period in which one complete year of an approved tertiary course (as defined by this subsection) starts and finishes.

- (3) Subject to subsection (5), if a person is receiving youth allowance, and is not independent, the person's ***permanent home*** is the home of the parent whose income components are assessed under Submodule 4 of Module F of the Youth Allowance Rate Calculator in section 1067G.
- (4) Subject to subsection (5), if subsection 1061ZAAA(5) applies to a person, the person's ***permanent home*** is the home of the parent whose income components were assessed, immediately before the person became independent, under Submodule 4 of Module F of the Youth Allowance Rate Calculator in section 1067G.
- (5) If the parent uses more than one home, the person's ***permanent home*** is:

Note 15

- (a) the home that the parent uses most frequently; or
 - (b) if the parent uses more than one home for equal periods, the home that the person nominates.
- (6) The *permanent home* of a person to whom none of the preceding subsections apply is the person's usual place of residence.
- (7) A person is taken to be *required to live away from his or her permanent home* in order to undertake an approved tertiary course of education or study if:
- (a) the person is not independent; and
 - (b) the person does not live at the person's permanent home; and
 - (c) the Secretary determines that the person needs to live away from the person's permanent home in order to undertake the course.

Schedule 2**7 After section 1361**

Insert:

1361A Evidentiary certificates relating to financial supplement

- (1) A certificate given by the Secretary stating:
- (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

Note 15

- (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 prima facie evidence of the matters stated in the certificate.

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

11 Subsection 1061ZZAO(2) (steps 1 and 2 of the method statement)

Omit “weekdays”, substitute “days”.

Schedule 4

2 Paragraph 552(b)

After “person”, insert “or to someone else in respect of the person”.

6 After Subdivision D of Division 9 of Part 2.11

Insert:

Subdivision EA—Recalculation of rate of youth allowance

565F Recalculation if combined parental income or actual means of family exceeds estimated amount

- (1) If:
 - (a) in working out the rate of youth allowance payable to a person, regard is had to the combined parental income of the

Note 15

person, or the actual means of the family of the person, for a tax year; and

- (b) the combined parental income of the person, or the actual means of the family of the person, to which regard was had consisted of an amount estimated by the person; and
- (c) the combined parental income of the person, or the actual means of the family of the person, for the tax year is more than the amount of the combined parental income of the person, or the actual means of the family of the person, as the case may be, on which the determination of the rate of youth allowance was based;

the person's rate of youth allowance is to be recalculated on the basis of the combined parental income of the person or the actual means of the family of the person, as the case may be.

- (2) In subsection (1):

actual means of the family of a person has the same meaning as in Submodule 4 of Module G of the Youth Allowance Rate Calculator in section 1067G.

combined parental income of a person has the same meaning as in Submodule 4 of Module F of the Youth Allowance Rate Calculator in section 1067G.

565G Recalculation because of increase in combined parental income

If point 1067G-F6 applies to a person in respect of a youth allowance payment period that ends after 30 September in a year, the person's rate of youth allowance is to be recalculated on the basis of the changed appropriate tax year referred to in that point.

29 Subsections 1223(3) and (4)

Repeal the subsections, substitute:

- (3) Subject to subsection (4), if:
 - (a) an amount (the *received amount*) has been paid to a person by way of youth allowance or family allowance; and
 - (b) either of the following subparagraphs applies:

Note 15

- (i) the person's rate of youth allowance is recalculated under section 565F (underestimate of combined parental income or of actual means of family) or 565G (increase in combined parental income);
 - (ii) the person's rate of family allowance is recalculated under section 884 (amendment of assessable income), 885 (underestimate of income) or 886 (failure to notify notifiable event);
 - (c) the received amount exceeds the amount (the *correct amount*) of the youth allowance or family allowance, as the case may be, payable to the person;
- the excess is a debt due to the Commonwealth.

Note: For the date of effect of a determination made to take account of an amendment of assessable income, see section 890.

- (4) If:
- (a) youth allowance or family allowance is paid to a person in a tax year; and
 - (b) an amount of youth allowance or family allowance is recoverable under subsection (3) from the person; and
 - (c) apart from this subsection the amount would be recoverable before the end of the tax year;
- the following paragraphs have effect:
- (d) if the amount is an amount of youth allowance—it is recoverable only after the end of the tax year;
 - (e) if the amount is an amount of family allowance that is recoverable because of:
 - (i) an increase in the person's income; or
 - (ii) an underestimate of the person's income;
 it is recoverable only after the end of the tax year.

84 Paragraphs 543A(2)(ba) and (c)

Repeal the paragraphs, substitute:

- (c) the person has agreed to enter into a Youth Allowance activity agreement.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 16**Note 16**

Subsection 7(2)(a) (note)—Schedule 1 (item 138) of the *Social Security and Veterans' Entitlements Legislation Amendment (Miscellaneous Matters) Act 2000* (No. 94, 2000) provides as follows:

Schedule 1**138 Paragraph 7(2)(a) (note)**

Omit “, permanent visa and special purpose visa”, substitute “and permanent visa”.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 17

Section 1208—Schedule 1 (item 9) of the *Social Security Legislation Amendment (Concession Cards) Act 2001* (No. 80, 2001) provides as follows:

Schedule 1**9 At the end of Part 3.17**

Add:

1208 Effect of nil rate of pension etc.

- (1) If, in relation to a day:
 - (a) a person is qualified for a social security pension or benefit;
and
 - (b) the pension or benefit rate in relation to that day would be nil;then, for the purposes of Part 2A.1, the person is not to be taken to be receiving the pension or benefit on that day.
- (2) The circumstance that a person is qualified for a social security pension or benefit in relation to a day is not to be taken into account for the purpose of determining the qualification of the person for a concession card if the pension or benefit is not payable to the person in relation to that day.

Note 18

The proposed amendment was misdescribed and is not incorporated in this compilation.

Note 18

Section 1068-G1—Schedule 1 (item 96) of the *Veterans' Affairs Legislation Amendment Act (No. 1) 2002* (No. 73, 2002) provides as follows:

Schedule 1

96 Point 1068-G1 (method statement, step 1, note)

Repeal the note.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Table A

Application, saving or transitional provisions

Social Security Legislation Amendment (Newly Arrived Residents Waiting Periods and Other Measures) Act 1997 (No. 5, 1997)

3 Application

- (1) To avoid doubt, any provision in this Act imposing a waiting period does not apply to:
- (a) a person who arrives in Australia under the refugee and humanitarian programs; or
 - (b) a person who is a family member of a refugee or humanitarian migrant; or
 - (c) a person who was a family member of a former refugee or humanitarian migrant at the time the former refugee or humanitarian migrant arrived in Australia; or
 - (d) a person who is an Australian citizen; or
 - (e) a person who is a family member of an Australian citizen; or
 - (f) a person who has lawfully been a permanent resident of Australia at any time for a continuous period of not less than two years; or
 - (g) a person who is a family member of a person who has lawfully been a permanent resident of Australia at any time for a continuous period of not less than two years.
- (2) For the purposes of subsection (1), **family member** has the same meaning as in subsection 7(6D) of the *Social Security Act 1991*.

Primary Industries and Energy Legislation Amendment Act (No. 2) 1997
(No. 94, 1997)

8 Application

Table A

The amendments of the *Social Security Act 1991* made by this Schedule apply to any debt that is recoverable under section 56 of the *Farm Household Support Act 1992* in respect of an amount of drought relief payment, whether the debt arose before the commencement of the amendments or not.

Social Security Legislation Amendment (Work for the Dole) Act 1997
(No. 109, 1997)

4 Object

The object of the Act is to reinforce the principle of mutual obligations applying to payments under the *Social Security Act 1991* in respect of unemployment by recognising that it is fair and reasonable that persons in receipt of such payments participate in approved programs of work in return for such payments and to set out the means by which they may be enabled, or required, to undertake such work.

Social Security Legislation Amendment (Parenting and Other Measures) Act 1997 (No. 197, 1997)

Schedule 3**186 Application**

The following items in this Part have effect if, and only if, some or all of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997* has commenced, with a Schedule headed **Maternity Allowances**.

199 Application

The following item has effect if, and only if, some or all of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997* Act has commenced, with a Schedule headed **Family payment: income test**.

203 Application

- (1) Subject to subsection (2), the following items in this Division have effect if, and only if, some or all of the *Social Security and Veterans'*

Table A

Affairs Legislation Amendment (Family and Other Measures) Act 1997 has commenced, with a Schedule headed **Family payment: rent assistance**.

- (2) Item 211 does not have effect if another provision of this Act has amended (by way of repeal and substitution) point 1068A-F1.

223 Application

The following item has effect if, and only if some or all of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997* has commenced, with a Schedule headed **Family payment: maintenance income test**.

227 Application

The following items of this Division have effect if, and only if, this Act contains a Schedule headed **Amendments relating to parenting payment**.

243 Application

The following item has effect if, and only if, some or all of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997* has commenced, with a Schedule headed **Family payment: qualification of approved care organisation**.

245 Application

The following item has effect if, and only if, some or all of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997* has commenced, with a Schedule headed **Fringe benefits**.

249 Application

The following items have effect if, and only if, some or all of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997* has commenced, with a Schedule headed **Family payment: hardship provisions**

*Social Security and Veterans' Affairs Legislation Amendment
(Family and Other Measures) Act 1997 (No. 202, 1997)*

Table A

Schedule 2

2 Application

Item 1 applies to events occurring after the commencement of this Schedule.

Schedule 6

5 Application

The amendments made by this Schedule apply to absences from Australia beginning on or after the commencement of this Schedule.

Schedule 10

2 Application

Item 1 applies only in respect of children dying after the commencement of this Schedule.

Schedule 11

6 Application

- (1) Items 2 and 3 have effect if, and only if, this Act contains a Schedule headed **Maternity allowances**.
- (2) Item 4 has effect if, and only if, this Act does not contain a Schedule headed **Maternity allowances**.
- (3) The amendments made by this Schedule apply to claims lodged on or after 1 January 1998.

Social Security Legislation Amendment (Youth Allowance) Act 1998
(No. 18, 1998)

3 Application

Subsection 543A(2) does not apply to a person who last left school more than 12 months before the commencement of this Act.

Table A

*Social Security and Veterans' Affairs Legislation Amendment
(Budget and Other Measures) Act 1998 (No. 93, 1998)*

Schedule 4

34 Application

The amendments made by this Schedule do not apply in relation to seasonal work engaged in before the commencement of this Schedule.

1998 Budget Measures Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998 (No. 116, 1998)

Schedule 2

3 Application

The amendments made by this Schedule apply to instalments of social security payments that fall due on or after the first payday after 31 December 1998.

Child Support Legislation Amendment Act 1998 (No. 120, 1998)

4 Application

- (4) The amendments of the *Social Security Act 1991* made by Schedule 20 do not apply to family allowance payments made before the commencement of Schedule 20.
-

Payment Processing Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998 (No. 132, 1998)

Schedule 6

Table A**1 Determination of transitional instalment periods and payment times**

- (1) The Secretary may, before 1 July 1999, determine, in relation to social security payments:
- (a) instalment periods that commence before 1 July 1999 and end before, on or after 1 July 1999; and
 - (b) times on or after 1 July 1999 as times at which instalments of those social security payments are to be paid;
- as if Schedule 1 had commenced on the day on which this Act received the Royal Assent.
- (2) An instalment period determined under subitem (1) must not commence earlier than 18 June 1999.

2 Payments relating to instalment periods beginning before 1 July 1999

- (1) In this item:
- last old payday*, in relation to a person, means:
- (a) in the case of a person receiving a payday-based payment, the last day on which an instalment of the payment is paid to the person before the beginning of an instalment period determined under subitem 1(1) in relation to that payment; or
 - (b) in the case of a person receiving a period-based payment, the payday for the last period relating to that payment that ends before 1 July 1999.
- (2) Subject to item 3, if the Secretary, under subitem 1(1), determines an instalment period that commences before 1 July 1999 in relation to a social security payment, the following rules have effect:
- (a) any entitlement of a person to be paid instalments of the social security payment after the last old payday is to be determined as if Schedule 1 had commenced on the first day of the period; and
 - (b) the amount of the instalment of the social security payment to be paid to a person in relation to the period is to be calculated as if Schedule 1 had commenced on the first day of the period.

Table A**3 Application of amendments in Schedule 3**

- (1) In this item:

first new instalment period, in relation to a person, means the first instalment period after the end of a transitional instalment period that ends on or after 30 June 1999 and relates to a social security payment being received by the person.

transitional instalment period means an instalment period determined under subitem 1(1) in relation to a social security payment that is being received by a person.

- (2) The amendments of the *Social Security Act 1991* made by Schedule 3 do not apply in relation to a person until the beginning of the person's first new instalment period.
- (3) Until the beginning of a person's first new instalment period, the *Social Security Act 1991* continues to apply to the person as if Schedule 3 had not been enacted.

4 Transitional regulations

- (1) Regulations made under section 1364 of the *Social Security Act 1991* may prescribe matters in relation to any transitional matters (including prescribing any saving or application provisions) arising out of amendments made by Schedule 1, 2 or 3.
- (2) Without limiting subitem (1), and in spite of any other provision in this or any other Act, regulations made by virtue of subitem (1) may:
- (a) modify the effect of a provision of this Schedule (other than this item); or
 - (b) substitute another provision for any provision of this Schedule (other than this item).

*Financial Sector Reform (Amendments and Transitional Provisions) Act
(No. 1) 1999 (No. 44, 1999)*

Schedule 8

Table A**Part 1—Transitional provisions relating to transfer from State and Territory regulatory regimes****20 Treatment of determinations under section 29 of the *Social Security Act 1991***

A determination in force immediately before the transfer date for the purposes of section 29 of the *Social Security Act 1991* as then in force is to be taken, on and after the transfer date, to be an approval for the purposes of section 29 of that Act as amended by this Act.

Part 3—Regulations**22 Regulations may deal with transitional, saving or application matters**

- (1) The regulations may deal with matters of a transitional, saving or application nature relating to:
 - (a) the transition from the application of provisions of the replaced legislation to the application of provisions of the *Banking Act 1959*, the *Life Insurance Act 1995*, the *Financial Sector (Transfers of Business) Act 1999*, the *Financial Sector (Shareholdings) Act 1998* or the *Australian Prudential Regulation Authority Act 1998*; or
 - (b) the transition, for The Cairns Cooperative Weekly Penny Savings Bank Limited, from the application of provisions of the *Financial Intermediaries Act 1996* of Queensland to the application of provisions of any of the Acts referred to in paragraph (a); or
 - (c) the amendments and repeals made by the Schedules to this Act.
- (2) Without limiting subitem (1), the regulations may provide for a matter to be dealt with, wholly or partly, in any of the following ways:
 - (a) by applying (with or without modifications) to the matter:
 - (i) provisions of a law of the Commonwealth, or of a State or Territory; or
 - (ii) provisions of a repealed or amended law of the Commonwealth, or of a State or Territory, in the form that those provisions took before the repeal or amendment; or

Table A

-
- (iii) a combination of provisions referred to in subparagraphs (i) and (ii);
 - (b) by otherwise specifying rules for dealing with the matter;
 - (c) by specifying a particular consequence of the matter, or of an outcome of the matter, for the purposes of a law of the Commonwealth.
 - (3) Without limiting subitems (1) and (2), the regulations may provide for the continued effect, for the purposes of a provision of a law of the Commonwealth, of a thing done or instrument made, or a class of things done or instruments made, before the transfer date under or for the purposes of a provision of a law of a State or Territory. In the case of an instrument or class of instruments, the regulations may provide for the instrument or instruments to continue to have effect subject to modifications.
 - (4) Without limiting subitem (3), regulations providing for the continued effect of things done or instruments made may permit all or any of the following matters to be determined in writing by a specified person, or by a person included in a specified class of persons:
 - (a) the identification of a thing done or instrument made, or a class of things done or instruments made, that is to continue to have effect;
 - (b) the purpose for which a thing done or instrument made, or a class of things done or instruments made, is to continue to have effect;
 - (c) any modifications subject to which an instrument made, or a class of instruments made, is to continue to have effect.
 - (5) Despite subsection 48(2) of the *Acts Interpretation Act 1901*, regulations for the purposes of this item:
 - (a) may be expressed to take effect from a date before the regulations are notified in the *Gazette*; and
 - (b) may provide for a determination of a kind referred to in subitem (4) to take effect from a date before the determination is made (including a date before the regulations are notified in the *Gazette*).
 - (6) In this item, a reference to a *law*, whether of the Commonwealth or of a State or Territory, includes a reference to an instrument made under such a law.
-

Table A

(7) In this item:

replaced legislation means:

- (a) the AFIC Codes; and
- (b) the Financial Institutions Codes; and
- (c) the Friendly Societies Codes; and
- (d) the *Australian Financial Institutions Commission Act 1992* of Queensland, and any Act of another State or of a Territory that provides for the application, as a law of the State or Territory, of the Code set out in section 21 of the *Australian Financial Institutions Commission Act 1992* of Queensland; and
- (e) the *Financial Institutions (Queensland) Act 1992* of Queensland, and any Act of another State or of a Territory that provides for the application, as a law of the State or Territory, of the Code set out in section 30 of the *Financial Institutions (Queensland) Act 1992* of Queensland; and
- (f) the **Friendly Societies (Victoria) Act 1996** of Victoria, and any Act of another State or of a Territory that provides for the application, as a law of the State or Territory, of the Code set out in the Schedule to the **Friendly Societies (Victoria) Act 1996** of Victoria; and
- (g) the *Friendly Societies (Western Australia) Act 1999*; and
- (h) any other law of a State or Territory prescribed by the regulations for the purposes of this definition.

23 Power to make regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters required or permitted by this Act to be prescribed.

A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999 (No. 82, 1999)

Table A**4 Regulations**

The Governor-General may make regulations providing for matters of a transitional nature in respect of the following:

- (a) the amendments made by this Act and the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*;
- (b) the enactment of the *A New Tax System (Family Assistance) Act 1999* and the *A New Tax System (Family Assistance) (Administration) Act 1999*;
- (c) the making of regulations under the *A New Tax System (Family Assistance) (Administration) Act 1999*.

5 Transitional provision—disclosure of personal information

- (1) Without limiting section 4, a record keeper who has possession or control of a record that contains personal information may use the information, or disclose the information to a person, body or agency, for transitional purposes in respect of the following:
 - (a) the amendments made by the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999* and this Act;
 - (b) the enactment of the *A New Tax System (Family Assistance) Act 1999* and the *A New Tax System (Family Assistance) (Administration) Act 1999*.
- (2) To avoid doubt, if information is used or disclosed in accordance with subsection (1), the use or disclosure is taken, for the purposes of the Information Privacy Principles set out in section 14 of the *Privacy Act 1988*, to be authorised by law.
- (3) Unless the contrary intention appears, an expression used in this section has the same meaning as in the *Privacy Act 1988*.

Schedule 9**16 Application**

The amendments made by this Schedule apply for the purposes of working out the rate of youth allowance for a youth allowance payment period that ends after the commencement of this Schedule.

Table A

Aged Care Amendment (Omnibus) Act 1999 (No. 132, 1999)

Schedule 2**16 Transitional—persons who became charge exempt residents before commencement**

- (1) This item applies if a person first became a charge exempt resident before the commencement of this item.
- (2) If, at any time after becoming a charge exempt resident but before the commencement of this item, the person, or the person's partner, was earning, deriving or receiving any rent from the person's principal home from another person, any such rent earned, derived or received while the person is a charge exempt resident is not *income* for the purposes of the *Social Security Act 1991*.

Note 1: For *rent*, see subsection 13(2) of that Act.

Note 2: Under subsections 11(6A) and (7) of that Act, and subitem (3) of this item, the principal home of a person in a care situation may be a place other than the place where the person receives care.

- (3) A residence of a person is taken to be the person's *principal home* for the purposes of the *Social Security Act 1991* during:
- (a) if:
- (i) the Secretary is satisfied that the residence was previously the person's principal home but that the person left it for the purpose of going into a care situation or becoming an aged care resident; and
 - (ii) at any time after leaving the residence but before the commencement of this item, the person, or the person's partner, earned, derived or received rent for the residence from another person;
- any period during which:
- (iii) the person is a charge exempt resident; and
 - (iv) the person, or the person's partner, is earning, deriving or receiving rent for the residence from another person; and
- (b) any period during which the residence is, because of paragraph (a), the principal home of the person's partner.

Table A

Note 1: For *rent*, see subsection 13(2) of that Act.

Note 2: This subitem is not meant to imply that a person may have more than one principal home at the same time.

*Further 1998 Budget Measures Legislation Amendment (Social Security)
Act 1999 (No. 152, 1999)*

Schedule 2**55 Benefits of single parents who are CDEP participants not to be reduced**

- (1) Section 1188C inserted in the *Social Security Act 1991* by item 53 does not apply in respect of a person who, immediately before the day on which this Act receives the Royal Assent:
 - (a) was in receipt of parenting payment at the rate applicable for a person who is not a member of a couple; and
 - (b) was a CDEP participant.
- (2) However, if such a person ceases on or after that day to be a CDEP participant, subitem (1) ceases to have effect in respect of the person whether or not he or she afterwards again becomes a CDEP participant.

Schedule 4**20 Crisis payment not payable**

If:

- (a) on a day that occurs within 14 days before the commencement of this Schedule, an instalment of social security pension is payable to a person who on that day is in gaol or undergoing psychiatric confinement because the person has been charged with an offence; and
- (b) the person is released from gaol or the psychiatric confinement within 14 days after the commencement of this Schedule; and
- (c) the person claims crisis payment within 7 days after being released;

Table A

the crisis payment is not payable to the person.

Schedule 11**5 Application—claims**

- (1) Section 1159A of the *Social Security Act 1991* as in force immediately after the commencement of this Schedule does not apply in relation to a claim made before the commencement of this Schedule.
- (2) Section 1159B of the *Social Security Act 1991* as in force immediately after the commencement of this Schedule applies in relation to a claim whether the claim is made before or after the commencement of this Schedule.

6 Application—section 1161

If:

- (a) before the commencement of this Schedule, a person is released from gaol, or from psychiatric confinement that the person was undergoing because he or she had been charged with committing an offence, after spending at least 7 days in gaol or such confinement; and
- (b) the person claims widow allowance, youth allowance, austudy payment, newstart allowance, sickness allowance, partner allowance, or mature age allowance under Part 2.12B, within 7 days after being released; and
- (c) the claim is made after the commencement of this Schedule; and
- (d) the claim is granted;

section 1161 of the *Social Security Act 1991* as in force immediately before the commencement of this Schedule applies to the rate of the benefit or allowance claimed by the person.

Family and Community Services Legislation Amendment Act 2000
(No. 70, 2000)

Schedule 1

Table A**5 Application**

The amendments made by this Part:

- (a) apply only in relation to a child who became a double orphan on or after 1 July 1998; and
- (b) do not affect the operation, on and after 1 July 1998, of the *Social Security Act 1991*, as in force immediately before 1 July 1998, in relation to a child who became a double orphan before 1 July 1998.

7 Application

The amendment made by item 6:

- (a) applies only in relation to a child who became a double orphan on or after 1 July 1998; and
- (b) does not affect the operation, on and after 1 July 2000, of the *Social Security Act 1991*, as in force immediately before 1 July 1998, in relation to a child who became a double orphan before 1 July 1998.

Schedule 4**7 Saving**

In spite of section 7 of the *Acts Interpretation Act 1901*, sections 665I, 665J and 665ZM of the *Social Security Act 1991*, as in force immediately before the commencement of items 90 and 98 of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*, have the same effect, and are to be taken always to have had the same effect, as they would have had if items 90 and 98 had not been enacted.

Social Security and Veterans' Entitlements Legislation Amendment (Private Trusts and Private Companies—Integrity of Means Testing) Act 2000 (No. 132, 2000)

Schedule 1**26 Transitional—subsection 11(1) of the *Social Security Act 1991***

Table A

The amendment made by item 1 of this Schedule does not imply that, at any time before the commencement of this item, money was not an asset for the purposes of a provision of the *Social Security Act 1991*.

Farm Household Support Amendment Act 2000 (No. 144, 2000)

Schedule 3**7 Transitional provisions**

- (4) Sections 1227A and 1231A of the *Social Security Act 1991* continue to have effect, after the farm help scheme payment commencement day, as if references in those sections to farm help income support included references to restart income support.

7A Effect of certain definition in Social Security Act

Subsection 23(1) of the *Social Security Act 1991* is taken, for all purposes, to have effect as if the definition of ***Farm Household Support Act 1992*** in that subsection had, throughout the period:

- (a) beginning on 1 December 1997; and
- (b) ending on the farm help scheme payment commencement day;

included a reference to the restart advice scheme and the restart re-establishment grant scheme (within the meaning of the *Farm Household Support Act 1992* as in force immediately before the farm help scheme payment commencement day).

8 Definitions

In this Schedule:

amended FHS Act means the *Farm Household Support Act 1992* as amended and in force from time to time after the commencement of item 2 of Schedule 1 to the *Farm Household Support Amendment Act 2000*.

restart income support has the meaning given by the *Farm Household Support Act 1992* as in force immediately before the farm help scheme payment commencement day.

Table A

restart re-establishment grant has the meaning given by the *Farm Household Support Act 1992* as in force immediately before the farm help scheme payment commencement day.

Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001 (No. 10, 2001)

Schedule 2**94 Saving—old regulations**

- (1) Regulations that were in effect under any Act immediately before the commencement of this item continue to have effect after that time as if members of an arm of the Defence Force who were members of a particular part or component of that arm immediately before the commencement of this item were still members of that part or component after that time, even if that part or component no longer exists.

Example: Assume that, immediately before the commencement of this item, regulations imposed training obligations on members of the Air Force Specialist Reserve. Those obligations would continue to apply to former members of that Reserve after commencement, even though the Air Force Specialist Reserve itself is no longer mentioned in the *Air Force Act 1923* and the members have now become members of the Air Force Reserve.

- (2) However, regulations that continue in effect under this item do so only to the extent that they are not amended or revoked by later regulations.

95 Regulations about transitional matters

- (1) The regulations may make provision in relation to other saving and transitional matters in connection with the amendments made by this Schedule.
- (2) In particular, such regulations may deal with the status, after the commencement of the amendments, of persons who were members of the Defence Force immediately before that time.
- (3) Subitem (2) does not limit the scope of subitem (1).

Table A

*Family and Community Services and Veterans' Affairs Legislation Amendment (Debt Recovery) Act 2001 (No. 47, 2001)***Schedule 1****34 Application**

- (1) The amendments made by items 1, 7 to 10 and 25 apply to social security payments made on or after 1 July 2001.
- (2) The amendments made by items 6, 16 to 23 and 32 apply to:
 - (a) debts that are owed at the commencement of 1 July 2001; and
 - (b) debts that arise after that time.
- (3) The amendment made by item 11 applies where the relevant conviction occurs on or after 1 July 2001.
- (4) The amendment made by item 12:
 - (a) applies to a person in respect of a debt owed by the person to the Commonwealth immediately before 1 July 2001 under the social security law if, and only if, the person had not, before that day, been given a notice in respect of the debt under subsection 1229(1) of the *Social Security Act 1991* as in force at any time before that day; and
 - (b) applies to a person in respect of a debt owed by the person to the Commonwealth under the social security law that arises on or after that day.
- (5) To avoid doubt, sections 1229 and 1229A of the *Social Security Act 1991* as in force immediately before 1 July 2001 continue to apply to a person in respect of a debt owed by the person to the Commonwealth immediately before that day as mentioned in paragraph 1229(1)(b) of that Act as so in force if the person had, before that day, been given a notice in respect of the debt under subsection 1229(1) of that Act as in force at any time before that day.
- (6) The amendments made by items 28 and 30 apply to debts that arise after the commencement of those items.
- (7) The amendment made by item 29 applies to a person who is discharged from bankruptcy on or after 1 July 2001.

Table A

- (8) The amendment made by item 31 applies where the relevant sentence is imposed on or after 1 July 2001.

Family and Community Services Legislation (Simplification and Other Measures) Act 2001 (No. 71, 2001)

Schedule 2

23 Saving

A determination in force under subsection 1084(1) of the *Social Security Act 1991* immediately before the commencement of this Schedule has the same effect after that commencement as it would have had if:

- (a) this Schedule had been in force when the determination was made; and
- (b) the determination had been made under subsection 1084(1) of the *Social Security Act 1991*, as amended by this Schedule.

New Business Tax System (Capital Allowances—Transitional and Consequential) Act 2001 (No. 77, 2001)

Schedule 2

488 Application

- (1) Subject to subitem (2), the amendments made by this Schedule apply to:
- (a) depreciating assets:
 - (i) you start to hold under a contract entered into after 30 June 2001; or
 - (ii) you constructed where the construction started after that day; or
 - (iii) you start to hold in some other way after that day; and
 - (b) expenditure that does not form part of the cost of a depreciating asset incurred after that day.

Table A*Social Security Legislation Amendment (Concession Cards) Act 2001*
(No. 80, 2001)**3 Application**

- (1) On and after 1 July 2001, section 3 of the *Social Security Legislation Amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Act 1997* applies in relation to Part 2A.1 of the *Social Security Act 1991*, as amended by this Act, in the same way as before that date it applied to Part 2A.1 of the *Social Security Act 1991*.

Schedule 1**25 Saving: existing concession cards**

- (1) Where a pensioner concession card or a health care card has been issued by the Commonwealth before the commencement of this Act and is expressed to expire at a time after that commencement, the card has effect, and the *Social Security Act 1991*, the *Health Insurance Act 1973* and the *National Health Act 1953*, as amended by this Act, apply in relation to the card, after that commencement as if:
- (a) this Act had been in operation when the card was issued; and
 - (b) the card had been issued under the *Social Security Act 1991*, as amended by this Act.
- (2) A seniors health card issued under the *Social Security Act 1991*, as in force immediately before the commencement of this Act, has the same effect after that commencement as it would have had if:
- (a) this Act had been in operation when the card was issued; and
 - (b) the card had been issued under the *Social Security Act 1991*, as amended by this Act.
- (3) For the purposes of subitem (2), anything done under, or for the purposes of, the *Social Security Act 1991*, as in force before the commencement of this Act, in relation to a seniors health card or the holder of such a card continues to have effect, after that commencement, as if:
- (a) when it was done, this Act had been in force; and

Table A

(b) it had been done under, or for the purposes of, the *Social Security Act 1991*, as amended by this Act.

Family and Community Services Legislation Amendment (Application of Criminal Code) Act 2001 (No. 137, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Appendix

CPI (Consumer Price Index) adjusted amounts

Part 3.16 (sections 1189 to 1206G) of the *Social Security Act 1991* provides for the indexation and adjustment of certain amounts mentioned in the Act.

The resulting changes in those amounts are not the subject of formal amendment of the Act itself and, therefore, are not incorporated in the main text. However, for ease of reference the affected provisions, incorporating adjusted figures provided by the Department of Family and Community Services as at 1 July 2001 are shown below.

Subsection 5(3)

- 5(3) A young person who has not turned 16 cannot be a dependent child if:
- (a) the young person is not in full-time education; and
 - (b) the young person is in receipt of income; and
 - (c) the rate of that income exceeds \$155.35 per week.

Note: the amount in paragraph (c) is indexed annually in line with CPI increases (see sections 1191 to 1194).

Subsection 198A(1)

Passing the income test

- 198A(1) A care receiver or care receivers pass the income test if the taxable income of the care receiver, or the sum of the taxable incomes of the care receivers, worked out under section 198B for the appropriate tax year determined under section 198C is not more than \$68,528 (the *income ceiling*).

Appendix**Subsection 198D(1)***Higher ADAT score adult passing the assets test*

198D(1) A care receiver who is a higher ADAT score adult passes the assets test if the total value of the following assets is less than \$423,000:

- (a) the care receiver's assets;
- (b) if the care receiver has a partner—any assets of the partner;
- (c) if the care receiver or the care receiver's partner has one or more FTB children—any assets of the FTB children.

Note: The amount specified in subsection (1) is indexed on each 1 January (see sections 1190 and 1191).

Subsection 198D(1A)*Profoundly disabled child passing the assets test*

198D(1A) A care receiver who is a profoundly disabled child passes the assets test if the total value of the following assets is less than \$423,000:

- (a) the disabled child's assets;
- (b) if the disabled child lives with his or her parent:
 - (i) the assets of the parent;
 - (ii) if the parent is a member of a couple—the assets of the parent's partner;
 - (iii) if the parent or the partner has one or more FA children—the assets of those FA children.

Subsection 198N(2)*Failing assets test but passing special income test*

198N(2) The Secretary may decide that subparagraph 198(5)(d)(i) does not disqualify the person from carer payment if:

- (a) the value of the assets of the care receiver or the sum of the values of the assets of the care receivers is more than \$423,000 but not more than \$628,000; and
- (b) the value of the liquid assets of the care receiver, or the sum of the values of the liquid assets of the care receivers, is less than the liquid assets limit; and

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- (c) the amount of the accepted estimated taxable income of the care receiver, or the sum of the amounts of the accepted estimated taxable incomes of the care receivers, for the current financial year is less than the threshold amount worked out under subsection (6).

Note 1: The amounts specified in paragraph (2)(a) are indexed each year on 1 January (see sections 1190 and 1191).

Note 2: For calculating the value of assets and liquid assets, see paragraph (5)(a).

Note 3: For *liquid assets* see subsection 19B(1).

Note 4: For *liquid assets limit* see paragraph (5)(b).

Note 5: For *accepted estimated taxable income* see subsection 198B(5).

Subsection 198N(3)
Failing assets and special income tests

198N(3) The Secretary may decide that subparagraph 198(5)(d)(i) does not disqualify the person from carer payment if the value of the assets of the care receiver, or the sum of the values of the assets of the care receivers, is more than \$423,000 and not more than \$628,000 and:

- (a) the value of the liquid assets of the care receiver, or the sum of the values of the liquid assets of the care receivers, is equal to or greater than the liquid assets limit; or
- (b) the amount of the accepted estimated taxable income of the care receiver, or the sum of the amounts of the accepted estimated taxable incomes of the care receivers, for the current financial year is equal to or more than the threshold amount worked out under subsection (6).

Note 1: The amounts specified in subsection (3) are indexed each year on 1 January (see sections 1190 and 1191).

Note 2: For calculating the value of assets and liquid assets, see paragraph (5)(a).

Note 3: For *liquid assets* see subsection 19B(1).

Note 4: For *liquid assets limit* see paragraph (5)(b).

Note 5: For *accepted estimated taxable income* see subsection 198B(5).

Appendix
Subsection 198N(4)

Failing assets test by large margin but passing special income test

198N(4) The Secretary may decide that subparagraph 198(5)(d)(i) does not disqualify the person from carer payment if:

- (a) the value of the assets of the care receiver, or the sum of the values of the assets of the care receivers, is more than \$628,000; and
- (b) the value of the liquid assets of the care receiver, or the sum of the values of the liquid assets of the care receivers, is less than the liquid assets limit; and
- (c) the amount of the accepted estimated taxable income of the care receiver, or the sum of the amounts of the accepted estimated taxable incomes of the care receivers, for the current financial year is less than the threshold amount worked out under subsection (6).

Note 1: The amount specified in paragraph (4)(a) is indexed each year on 1 January (see sections 1190 and 1191).

Note 2: For calculating the value of assets and liquid assets, see paragraph (5)(a).

Note 3: For *liquid assets* see subsection 19B(1).

Note 4: For *liquid assets limit* see paragraph (5)(b).

Note 5: For *accepted estimated taxable income* see subsection 198B(5).

Subsection 408CE(2)

408CE(2) A woman's assets value limit is worked out using the following Table:

ASSETS VALUE LIMIT TABLE		
column 1	column 2	column 3
item	woman's situation	assets value limit
1	Woman is a homeowner	\$141,000
2	Woman is not a homeowner	\$242,000

Note 1: For *homeowner* see section 11.

Note 2: The assets value limit in column 3 of item 1 is indexed annually in line with CPI increases (see sections 1190 to 1194).

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- Note 3: The assets value limit in column 3 of item 2 is adjusted annually (see subsection 1204(1)).
- Note 4: If widow allowance is not payable to a woman because of the value of the her assets, she may be able to take advantage of provisions dealing with financial hardship (see sections 1131 and 1132).

Subsection 500Q(2)

500Q(2) A person's assets value limit is worked out using the following table:

Assets Value Limit Table		
Column 1	Column 2	Column 3
Item	Person's situation	Assets value limit
1	Person is a homeowner	\$141,000
2	Person is not a homeowner	\$242,000

- Note 1: For *homeowner* see section 11.
- Note 2: The assets value limit in Column 3 of Item 1 is indexed annually in line with CPI increases (see sections 1190 to 1194).
- Note 3: The assets value limit in Column 3 of Item 2 is adjusted annually (see subsection 1204(1)).
- Note 4: If parenting payment is not payable to a person because of the value of the person's assets, the person may be able to take advantage of provisions dealing with financial hardship (see sections 1130B and 1130C).

Subsection 547C(1)

547C(1) A person's *assets value limit* is:

- (a) \$438,250 if the person is not independent (see section 1067A); or
- (b) \$141,000 if the person:
 - (i) is independent; and
 - (ii) is not a member of a couple (see section 4); and
 - (iii) is a homeowner; or
- (c) \$242,000 if the person:
 - (i) is independent; and
 - (ii) is not a member of a couple; and
 - (iii) is not a homeowner; or

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- (d) \$200,500 if the person:
 - (i) is independent; and
 - (ii) is a member of a couple; and
 - (iii) is a homeowner; or
- (e) \$301,500 if the person:
 - (i) is independent; and
 - (ii) is a member of a couple; and
 - (iii) is not a homeowner.

Note 1: For *homeowner* see subsection 11(4).

Note 2: The amount in paragraph (a) is indexed annually on 1 January and the amounts in paragraphs (b), (c), (d) and (e) are indexed annually on 1 July (see sections 1191 to 1194).

Subsection 573B(1)

573B(1) A person's *assets value limit* is:

- (a) \$141,000 if the person:
 - (i) is not a member of a couple (see section 4); and
 - (ii) is a homeowner; or
- (b) \$242,000 if the person:
 - (i) is not a member of a couple; and
 - (ii) is not a homeowner; or
- (c) \$200,500 if the person:
 - (i) is a member of a couple; and
 - (ii) is a homeowner; or
- (d) \$301,500 if the person:
 - (i) is a member of a couple; and
 - (ii) is not a homeowner.

Note 1: For *homeowner* see subsection 11(4).

Note 2: The amounts in this section are indexed annually on 1 July (see sections 1191 to 1194).

Appendix**Subsection 611(2)**

611(2) A person's assets value limit is worked out using the following table: work out which family situation applies to the person; the assets value limit is the corresponding amount in the *assets value limit* column.

ASSETS VALUE LIMIT TABLE			
column 1	column 2	column 3	
		assets value limit	
		column 3A	column 3B
		either person or partner homeowner	neither person nor partner homeowner
item	person's family situation		
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor allowance)	\$200,500	\$301,500
3.	Partnered (partner getting pension or allowance)	\$100,250	\$150,750

Note 1: for *member of a couple, partnered (partner getting neither pension nor allowance)* and *partnered (partner getting pension or allowance)* see section 4.

Note 2: for *homeowner* see section 11.

Note 3: if item 2 applies to a person, the value of *all* the assets of the person's partner are to be taken as being included in the value of the person's assets (see subsection 612(1))—this is why the assets value limit is so high. If, on the other hand, item 3 applies to a person, the value of the person's assets is only *half* the combined value of the person's assets and the assets of the person's partner (see subsection 612(2)).

Note 4: if a newstart allowance is not payable to a person because of the value of the person's assets, the person may be able to take advantage of provisions dealing with financial hardship (see sections 1131 and 1132).

Note 5: the assets value limits of items 1 and 3 in column 3A and item 3 in column 3B are indexed annually in line with CPI increases (see sections 1191 to 1194).

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Note 6: the assets value limit of item 1 in column 3B is adjusted annually (see subsection 1204(1)).

Note 7: the item 2 assets value limits are adjusted annually so that they are twice the corresponding item 3 limits (see subsections 1204(2) and (3)).

Subsection 660YCJ(2)

660YCJ(2) A person's assets value limit is calculated by working out which family situation in column 2 of the following Table applies to the person; the assets value limit is the corresponding amount in column 3.

ASSETS VALUE LIMIT TABLE			
column 1	column 2	column 3	
		assets value limit	
		column 3A	column 3B
		either the person or the partner is a homeowner	neither the person nor the partner is a homeowner
item	person's family situation		
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor allowance)	\$200,500	\$301,500
3.	Partnered (partner getting pension or allowance)	\$100,250	\$150,750

Subsection 660YCJ(3)

660YCJ(3) If the Secretary determines in writing, for the purposes of column 3A or 3B of an item in the Table at the end of subsection (2), a higher amount in substitution for an amount (the *existing amount*) set out in that column of that item, the higher amount is taken, from and including 1 July 1996, to be substituted for the existing amount. A determination under this subsection is a disallowable instrument.

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- Note 1: For *members of a couple, partnered (partner getting neither pension nor allowance)* and *partnered (partner getting pension or allowance)* see section 4.
- Note 2: For *homeowner* see section 11.
- Note 3: If item 2 applies to a person, the value of *all* the assets of the person's partner is to be taken as being included in the value of the person's assets (see subsection 660YCK(1))—this is why the assets value limit is so high. If, on the other hand, item 3 applies to a person, the value of the person's assets is only *half* the combined value of the person's assets and the assets of the person's partner (see subsection 660YCK(2)).
- Note 4: If a mature age allowance is not payable to a person because of the value of the person's assets, the person may be able to take advantage of provisions dealing with financial hardship (see sections 1131 and 1132).
- Note 5: The assets value limits of items 1 and 3 in column 3A and item 3 in column 3B are indexed annually in line with CPI increases (see sections 1191 to 1194).
- Note 6: The assets value limit of item 1 in column 3B is adjusted annually (see subsection 1204(1)).
- Note 7: The assets value limits of item 2 are adjusted annually so that they are twice the corresponding item 3 limits (see subsections 1204(2) and (3)).

Subsection 680(3)

- 680(3) A person's assets value limit is worked out using the following Table: work out which family situation applies to the person; the assets value limit is the corresponding amount in column 3.

ASSETS VALUE LIMIT TABLE			
column 1	column 2	column 3	
		assets value limit	
		column 3A	column 3B
		either person or partner homeowner	neither person nor partner homeowner
item	person's family situation		
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor benefit)	\$200,500	\$301,500

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ASSETS VALUE LIMIT TABLE			
column 1	column 2	column 3	
		assets value limit	
		column 3A	column 3B
		either person or partner homeowner	neither person nor partner homeowner
item	person's family situation		
3.	Partnered (partner getting pension or benefit)	\$100,250	\$150,750
Note 1:	for <i>member of a couple, partnered (partner getting neither pension nor benefit)</i> and <i>partnered (partner getting pension or benefit)</i> see section 4.		
Note 2:	for <i>homeowner</i> see section 11.		
Note 3:	if item 2 applies to a person, the value of <i>all</i> the assets of the person's partner is to be taken as being included in the value of the person's assets (see subsection 680(1)—this is why the assets value limit is so high. If, on the other hand, item 3 applies to a person, the value of the person's assets is only <i>half</i> the combined value of the person's assets and the assets of the person's partner (see subsection 680(2)).		
Note 4:	if a sickness allowance is not payable to a person because of the value of the person's assets, the person may be able to take advantage of provisions dealing with financial hardship (sections 1131 and 1132).		
Note 5:	the assets value limits of items 1 and 3 in column 3A and item 3 in column 3B are indexed annually in line with CPI increases (see sections 1191 to 1194).		
Note 6:	the assets value limit of item 1 in column 3B is adjusted annually (see subsection 1204(1)).		
Note 7:	the item 2 assets value limits are adjusted annually so that they are twice the corresponding item 3 limits (see subsections 1204(2) and (3)).		

Subsection 733(3)

733(3) A person's assets value limit is worked out using the following table: work out which family situation applies to the person; the assets value limit is the corresponding amount in the *assets value limit* column.

ASSETS VALUE LIMIT TABLE			
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column 1	column 2	column 3	
		assets value limit	
item	person's family situation	column 3A	column 3B
		either person or partner homeowner	neither person nor partner homeowner
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor benefit)	\$200,500	\$301,500
3.	Partnered (partner getting pension or benefit)	\$100,250	\$150,750

Note 1: for *member of a couple, partnered (partner getting neither pension nor benefit)* and *partnered (partner getting pension or benefit)* see section 4.

Note 2: for *homeowner* see section 11.

Note 3: if item 2 applies to a person, the value of *all* the assets of the person's partner is to be taken as being included in the value of the person's assets (see subsection 734(1)—this is why the assets value limit is so high. If, on the other hand, item 3 applies to a person, the value of the person's assets is only *half* the combined value of the person's assets and the assets of the person's partner (see subsection 734(2)).

Note 4: if a special benefit is not payable to a person because of the value of the person's assets, the person may be able to take advantage of provisions dealing with financial hardship (see sections 1131 and 1132).

Note 5: the assets value limits of items 1 and 3 in column 3A and item 3 in column 3B are indexed annually in line with CPI increases (see sections 1191 to 1194).

Note 6: the assets value limit of item 1 in column 3B is adjusted annually (see subsection 1204(1)).

Note 7: the item 2 assets value limits are adjusted annually so that they are twice the corresponding item 3 limits (see subsections 1204(2) and (3)).

Appendix**Subsection 771HF(2)**

771HF(2) A person's assets value limit is worked out using the following Table:

ASSETS VALUE LIMIT TABLE		
column 1	column 2	column 3
item	person's situation	assets value limit
1.	Person or partner a homeowner	\$100,250.00
2.	Neither person nor partner a homeowner	\$150,750.00

Note 1: For *homeowner* see section 11.

Note 2: The assets value limits in column 3 are indexed annually in line with CPI increases (see sections 1191 to 1194).

Section 1010

1010(1) Subject to subsections (2) and (3), the rate of double orphan pension is a daily rate calculated by dividing \$41.10 by 14.

Section 1044

1044(1AA) The rate of mobility allowance is a daily rate worked out by dividing the fortnightly rate by 14.

1044(1) The fortnightly rate of mobility allowance is \$61.90.

1044(2) A person's mobility allowance rate is nil if:

- (a) the person has received mobility allowance advance under section 1047A; and
- (b) the person's advance payment period has not ended.

Note 1: for *advance payment period* see paragraph 1047A(2)(b).

Note 2: the rate of mobility allowance is indexed annually in line with CPI increases (see section 1191—item 34 of the CPI Indexation Table—and sections 1192 to 1194).

1044(3) In this section:

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

Subsection 1061S(1)

1061S(1) A person's rate of telephone allowance is worked out using the following Table:

TELEPHONE ALLOWANCE RATE TABLE		
column 1 item	column 2 person's situation	column 3 rate per year
1.	Not member of a couple	\$68.80
2.	Partnered (partner getting neither social security pension nor social security benefit) and person getting pension or benefit before 12 March 1992	\$51.80
3.	Partnered (partner getting neither social security pension nor social security benefit) and person not getting pension or benefit before 12 March 1992	\$34.40
4.	Partnered (partner getting social security pension or social security benefit but not getting telephone allowance)	\$68.80
5.	Partnered (partner getting social security pension or social security benefit and getting telephone allowance)	\$34.40
6.	Member of an illness separated, temporarily separated or respite care couple	\$68.80
7.	Partnered (partner not getting telephone allowance under the VEA)	\$68.80
8.	Partnered (partner getting telephone allowance under the VEA)	\$34.40
9.	Partnered (partner in gaol)	\$68.80

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Note: the amounts in column 3 (except the item 2 amount) are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194).

Point 1064-B1

1064-B1 A person's maximum basic rate depends on the person's family situation. Work out which family situation in Table B applies to the person. The maximum basic rate is the corresponding amount in column 3.

column 1	column 2	column 3	column 4
item	person's family situation	rate per year	rate per fortnight
1.	Not member of couple	\$10,049.00	\$386.50
2.	Partnered	\$8,390.20	\$322.70
3.	Member of illness separated couple	\$10,049.00	\$386.50
4.	Member of respite care couple	\$10,049.00	\$386.50
5.	Partnered (partner in gaol)	\$10,049.00	\$386.50

Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: the maximum basic rates are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1064-C8

1064-C8 The amount of pharmaceutical allowance is the amount per year worked out using the following Table:

column 1	column 2	column 3	column 4
item	person's family situation	rate per year	rate per fortnight
1.	Not member of couple	\$150.80	\$5.80

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PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1	column 2	column 3	column 4
item	person's family situation	rate per year	rate per fortnight
2.	Partnered	\$75.40	\$2.90
3.	Member of illness separated couple	\$150.80	\$5.80
4.	Member of respite care couple	\$150.80	\$5.80
5.	Partnered (partner getting service pension)	\$75.40	\$2.90
6.	Partnered (partner in gaol)	\$150.80	\$5.80

Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).

Point 1064-D2

1064-D2 A person's rent threshold rate depends on the person's family situation. Work out which family situation in Table DA applies to the person. The rent threshold rate is the corresponding amount in column 3.

TABLE DA			
RENT THRESHOLD RATES			
column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
1.	Not member of couple	\$2,028.00	\$78.00
2.	Partnered—partner does not have rent increased pension	\$3,302.00	\$127.00
3.	Partnered and partner: (a) is receiving social security pension; and (b) has rent increased pension	\$3,302.00	\$127.00
4.	Partnered and partner:	\$3,302.00	\$127.00

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TABLE DA
RENT THRESHOLD RATES

column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
	(a) is receiving service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children		
5.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	\$3,960.25	\$151.90
6.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	\$3,960.25	\$151.90
7.	Member of illness separated couple	\$2,028.00	\$78.00
8.	Member of respite care couple	\$2,028.00	\$78.00
9.	Member of temporarily separated couple	\$2,028.00	\$78.00
10.	Partnered (partner in gaol)	\$2,028.00	\$78.00

Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.

Note 2: for *partner with a rent increase pension* see point 1064-D4.

Note 3: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Appendix**Point 1064-D5**

1064-D5 The rate of rent assistance per year is worked out using Table D. Work out the person's family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. If the person is not a single person sharing accommodation, the person's maximum rent assistance rate is Rate B for the person worked out using column 4 of the Table. If the person is a single person sharing accommodation, the person's maximum rent assistance rate is two-thirds of the rate that would otherwise have been Rate B for the person.

TABLE D
RATE OF RENT ASSISTANCE

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
1.	Not member of couple	$3 \times \frac{\left[\text{Annual rent} - \$2,028.00 \right]}{4}$	\$2,288.00
2.	Partnered—partner does not have rent increased pension	$3 \times \frac{\left[\text{Annual rent} - \$3,302.00 \right]}{4}$	\$2,152.80
3.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{\left[\text{Annual rent} - \$3,302.00 \right]}{8}$	\$1,076.40

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TABLE D
RATE OF RENT ASSISTANCE

column 1	column 2	column 3	column 4
item	person's family situation	Rate A	Rate B
4.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	$3 \times \frac{\left[\begin{array}{l} \text{Annual} \\ \text{rent} \end{array} - \$3,302.00 \right]}{8}$	\$1,076.40
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{\left[\begin{array}{l} \text{Annual} \\ \text{rent} \end{array} - \$3,960.25 \right]}{8}$	\$1,343.20
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{\left[\begin{array}{l} \text{Annual} \\ \text{rent} \end{array} - \$3,960.25 \right]}{8}$	\$1,518.40

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TABLE D
RATE OF RENT ASSISTANCE

column 1	column 2	column 3	column 4
item	person's family situation	Rate A	Rate B
7.	Member of illness separated couple	$3 \times \frac{\left[\text{Annual rent} - \$2,028.00 \right]}{4}$	\$2,288.00
8.	Member of respite care couple	$3 \times \frac{\left[\text{Annual rent} - \$2,028.00 \right]}{4}$	\$2,288.00
9.	Member of temporarily separated couple	$3 \times \frac{\left[\text{Annual rent} - \$2,028.00 \right]}{4}$	\$2,152.80
10.	Partnered (partner in gaol)	$3 \times \frac{\left[\text{Annual rent} - \$2,028.00 \right]}{4}$	\$2,288.00

Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.

Note 2: For *dependent child* see section 5.

Note 2A: For *single person sharing accommodation* see section 5A.

Note 3: For *partner with a rent increase pension* see point 1064-D4.

Note 4: The Rate B amounts, and the rent threshold amounts in column 3, are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

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Point 1064-E4

1064-E4 A person's ordinary income free area is worked out using Table E-1. Work out which family situation in Table E-1 applies to the person. The ordinary income free area is the corresponding amount in column 3 plus an additional corresponding amount in column 5 for each dependent child of the person.

TABLE E-1

ORDINARY FREE AREA LIMITS

column 1	column 2	column 3	column 4	column 5	column 6
item	category of person	basic free area per year	basic free area per fortnight	additional free area per year	additional free area per fortnight
1.	Not member of a couple	\$2,912	\$112	\$639.60	\$24.60
2.	Partnered (partner getting neither pension nor benefit)	\$2,600	\$100	\$639.60	\$24.60
3.	Partnered (partner getting benefit)	\$2,600	\$100	\$639.60	\$24.60
4.	Partnered (partner getting pension)	\$2,600	\$100	\$319.80	\$12.30

Note 1: for *member of a couple*, *partnered (partner getting neither pension nor benefit)*, *partnered (partner getting benefit)* and *partnered (partner getting pension)* see section 4.

Note 2: for *dependent child* see section 5 and point 1064-E12.

Note 3: items 2, 3 and 4 of Table E-1 apply to members of illness separated and respite care couples.

Note 4: the basic free area limits are indexed annually in line with CPI increases (see sections 1191 to 1194).

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Point 1064-G3

1064-G3 A person's assets value limit is worked out using Table G-1. Work out the person's family situation and home ownership situation. The assets value limit is the corresponding amount in column 3.

TABLE G-1			
ASSETS VALUE LIMIT			
column 1	column 2	column 3	
		assets value limit	
		column 3A	column 3B
		either person	neither
	person's family	or partner	person nor
item	situation	homeowner	partner
			homeowner
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor benefit)	\$100,250	\$150,750
3.	Partnered (partner getting pension or benefit)	\$100,250	\$150,750

Note 1: for *member of a couple*, *partnered (partner getting neither pension nor benefit)* and *partnered (partner getting pension or benefit)* see section 4.

Note 2: for *homeowner* see section 11.

Note 3: items 2 and 3 apply to members of illness separated and respite care couples.

Note 4: the assets value limits are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1203).

Point 1065-B1

1065-B1 A person's maximum basic rate depends on the person's family situation. Work out which family situation in Table B applies to the person. The maximum basic rate is the corresponding amount in column 3 of the Table.

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TABLE B
MAXIMUM BASIC RATES

column 1	column 2	column 3	column 4
item	person's family situation	rate per year	rate per fortnight
1.	Not member of couple	\$10,049.00	\$386.50
2.	Partnered	\$8,390.20	\$322.70
3.	Member of illness separated couple	\$10,049.00	\$386.50
4.	Member of respite care couple	\$10,049.00	\$386.50
5.	Partnered (partner in gaol)	\$10,049.00	\$386.50

Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: the maximum basic rates are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1065-C8

1065-C8 The amount of pharmaceutical allowance is the amount per year worked out using the following Table:

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
1.	Not member of couple	\$150.80	\$5.80
2.	Partnered	\$75.40	\$2.90
3.	Member of illness separated couple	\$150.80	\$5.80
4.	Member of respite care couple	\$150.80	\$5.80
5.	Partnered (partner getting service pension)	\$75.40	\$2.90
6.	Partnered (partner in gaol)	\$150.80	\$5.80

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Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).

Point 1066-B1*Maximum basic rate*

1066-B1 A person's maximum basic rate is \$10,049.00 per year (\$386.50 per fortnight).

Note: the maximum basic rate is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066-C7*Amount of pharmaceutical allowance*

1066-C7 The amount of pharmaceutical allowance is \$150.80 per year (\$5.80 per fortnight).

Note: the annual amount is adjusted annually in line with CPI increases (see section 1206A).

Point 1066-D1*Qualification for rent assistance*

1066-D1 An additional amount to help cover the cost of rent is to be added to a person's maximum basic rate if:

- (a) the person is not an ineligible homeowner; and
- (aa) the person is not an aged care resident; and
- (b) the person pays, or is liable to pay, rent (other than Government rent); and
- (c) the rent is payable at a rate of more than \$2,028.00 per year (\$78.000 per fortnight); and
- (d) the person is in Australia; and
- (e) if the person is entitled to be paid family tax benefit—the person's maximum Part A rate of family tax benefit does not include rent assistance.

Note 1: for *rent, Government rent* and *ineligible homeowner* see section 13.

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Note 2: the amount in paragraph (c) is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066-D4

1066-D4 The rate of rent assistance per fortnight is worked out using Table D. Calculate Rate A for the person using the formula in column 1. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. If the person is not a single person sharing accommodation, the person's maximum rent assistance rate is Rate B worked out using column 2 of the Table. If the person is a single person sharing accommodation, the person's maximum rent assistance rate is two-thirds of Rate B.

TABLE D
RATE OF RENT ASSISTANCE

column 1	column 2
Rate A	Rate B
$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00

Note 1: For *single person sharing accommodation* see section 5A.

Note 2: the amount in column 1 is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Note 3: the Rate B amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066-E4

1066-E4 A person's ordinary income free area is worked out using Table E. The ordinary income free area is the amount in column 1 plus an additional amount in column 3 for each dependent child of the person.

TABLE E
ORDINARY INCOME FREE AREA

column 1	column 2	column 3	column 4
			additional free

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basic free area per year	basic free area per fortnight	additional free area per year	area per fortnight
\$2,912	\$112	\$639.60	\$24.60

Note 1: for *dependent child* see section 5 and point 1066-E10.

Note 2: the basic free area per year is indexed annually in line with CPI increases (see sections 1191 to 1194).

Point 1066-G3

1066-G3 A person's assets value limit is worked out using Table G. Work out which family situation applies to the person. The assets value limit is the corresponding amount in column 3.

TABLE G ASSETS VALUE LIMIT			
column 1	column 2	column 3 assets value limit	
item	person's family situation	column 3A either person or partner homeowner	column 3B neither person nor partner homeowner
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor benefit)	\$100,250	\$150,750
3.	Partnered (partner getting pension or benefit)	\$100,250	\$150,750

Note 1: for *member of a couple, partnered (partner getting neither pension nor benefit)* and *partnered (partner getting pension or benefit)* see section 4.

Note 2: for *homeowner* see section 11.

Note 3: the assets value limits are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1203).

Appendix**Point 1066A-B1**

1066A-B1 A person's maximum basic rate is to be worked out using Table B. Work out the family situation and whether the person has a dependent child. The maximum basic rate is the corresponding amount in column 3.

Table B—Maximum basic rates					
Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year		Column 4 Rate per fortnight	
		Column 3A Person with dependent child	Column 3B Person without dependent child	Column 4A Person with dependent child	Column 4B Person without dependent child
1	Not a member of a couple and person: (a) is under 18 years of age; and (b) is not a homeless person; and (c) is not an independent young person; and (d) is not living away from the person's parental home because of a medical condition of the person	\$10,049.00	\$4,128.80	\$386.50	\$158.80
2	Not a member of a couple and person: (a) is under 18 years of age; and	\$10,049.00	\$7,542.60	\$386.50	\$290.10

Appendix**Table B—Maximum basic rates**

Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year		Column 4 Rate per fortnight	
		Column 3A Person with dependent child	Column 3B Person without dependent child	Column 4A Person with dependent child	Column 4B Person without dependent child
	(b) is:				
	(i) a homeless person; or				
	(ii) an independent young person; or				
	(iii) living away from the person's parental home because of a medical condition of the person				
3	Not a member of a couple and person: (a) has reached 18 years of age; and (b) is living at a home of parent or parents	\$10,049.00	\$4,963.40	\$386.50	\$190.90
4	Not a member of a couple and person: (a) has reached 18 years of age; and (b) is not living at a home of parent or parents	\$10,049.00	\$7,542.60	\$386.50	\$290.10
5	Partnered	\$8,390.20	\$7,542.60	\$322.70	\$290.10

Appendix

Table B—Maximum basic rates

Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year		Column 4 Rate per fortnight	
		Column 3A Person with dependent child	Column 3B Person without dependent child	Column 4A Person with dependent child	Column 4B Person without dependent child
6	Member of illness separated couple, member of respite care couple or partnered (partner in gaol)	\$10,049.00	\$7,542.60	\$386.50	\$290.10

Note 1: For *member of a couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: For *dependent child, homeless person* and *independent young person* see section 5.

Note 3: For *living away from the person's parental home* see subsection 23(4D).

Note 4: The rates in columns 3A and 3B are adjusted annually in line with CPI changes (see section 1198B).

Point 1066A-C1

1066A-C1 An amount by way of youth disability supplement is to be added to a person's rate. The rate of youth disability supplement is \$2,132.00 per year (\$82.00 per fortnight).

Note 1: the rate of youth disability supplement is adjusted annually in line with CPI increases (see section 1198C).

Note 2: on 1 January 1992 the rate of youth disability supplement is to be increased by \$111.80 (\$4.30 per fortnight), under section 45 of the *Social Security Legislation Amendment Act (No. 3) 1991*. This is in addition to the annual CPI indexation occurring on 1 January 1992.

Point 1066A-D8

1066A-D8 The amount of pharmaceutical allowance is the amount per year worked out using the following Table:

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PHARMACEUTICAL ALLOWANCE AMOUNT TABLE			
column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
1.	Not member of couple	\$150.80	\$5.80
2.	Partnered	\$75.40	\$2.90
3.	Member of illness separated couple	\$150.80	\$5.80
4.	Member of respite care couple	\$150.80	\$5.80
5.	Partnered (partner getting service pension)	\$75.40	\$2.90
6.	Partnered (partner in gaol)	\$150.80	\$5.80

Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).

Point 1066A-EA2A

1066A-EA2A A person's rent threshold rate depends on the person's family situation. Work out which family situation in Table EAA applies to the person. The rent threshold rate is the corresponding amount in column 3.

TABLE EAA			
RENT THRESHOLD RATES			
column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
1.	Not member of couple and in disability accommodation	\$2,028.00	\$78.00
2.	Not member of couple and either independent young person or homeless person	\$2,028.00	\$78.00

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TABLE EAA
RENT THRESHOLD RATES

column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
3.	Partnered—partner does not have rent increased pension	\$3,302.00	\$127.00
4.	Partnered and partner: (a) is receiving social security pension; and (b) has rent increased pension;	\$3,302.00	\$127.00
5.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	\$3,302.00	\$127.00
6.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	\$3,960.25	\$151.90
7.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	\$3,960.25	\$151.90
8.	Member of illness separated couple	\$2,028.00	\$78.00
9.	Member of respite care couple	\$2,028.00	\$78.00
10.	Member of temporarily separated couple	\$2,028.00	\$78.00
11.	Partnered (partner in gaol)	\$2,028.00	\$78.00

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- Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.
- Note 2: for *partner with a rent increase pension* see point 1066A-EA11.
- Note 3: for *in disability accommodation* see subsection 23(4C).
- Note 4: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066A-EA12

1066A-EA12 The rate of rent assistance per year is worked out using Table EA. Work out the person's family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. If the person is not a single person sharing accommodation, the person's maximum rent assistance rate is Rate B for the person worked out using column 4 of the Table. If the person is a single person sharing accommodation, the person's maximum rent assistance rate is two-thirds of the rate that would otherwise have been Rate B for the person.

TABLE EA
RATE OF RENT ASSISTANCE

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
1.	Not member of couple and in disability accommodation	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
2.	Not member of couple and either an independent young person or a homeless person	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
3.	Partnered—partner does not have rent increased pension	$3 \times \frac{\text{Annual rent} - \$3,302.00}{4}$	\$2,152.80

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TABLE EA
RATE OF RENT ASSISTANCE

column 1	column 2	column 3	column 4
item	person's family situation	Rate A	Rate B
4.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension (c) does not have a dependent child or dependent children	$3 \times \frac{\text{Annual rent} - \$3,302.00}{8}$	\$1,076.40
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	$3 \times \frac{\text{Annual rent} - \$3,302.00}{8}$	\$1,076.40
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \frac{\text{Annual rent} - \$3,960.25}{8}$	\$1,343.20
7.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \frac{\text{Annual rent} - \$3,960.25}{8}$	\$1,518.40

Appendix**TABLE EA
RATE OF RENT ASSISTANCE**

column 1	column 2	column 3	column 4
item	person's family situation	Rate A	Rate B
8.	Member of illness separated couple	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
9.	Member of respite care couple	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
10.	Member of temporarily separated couple	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
11.	Partnered (partner in gaol)	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00

Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.

Note 1A: For *dependent child* see section 5.

Note 1B: For *independent young person* and *homeless person* see section 5.

Note 2: for *partner with a rent increase pension* see point 1066A-E11.

Note 3: for *in disability accommodation* see subsection 23(4C).

Note 3A: For *single person sharing accommodation* see section 5A.

Note 4: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Note 5: the Rate B amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066A-EB2A

1066A-EB2A A person's rent threshold rate depends on the person's family situation. Work out which family situation in Table EBA applies to

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the person. The rent threshold rate is the corresponding amount in column 3.

TABLE EBA			
RENT THRESHOLD RATES			
column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
1.	Not member of couple and in disability accommodation	\$2,028.00	\$78.00
2.	Not member of couple and living permanently or indefinitely away from the person's parental home	\$2,028.00	\$78.00
3.	Partnered—partner does not have rent increased pension	\$3,302.00	\$127.00
4.	Partnered and partner: (a) is receiving social security pension; and (b) has rent increased pension	\$3,302.00	\$127.00
5.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	\$3,302.00	\$127.00
6.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	\$3,960.25	\$151.90

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TABLE EBA
RENT THRESHOLD RATES

column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
7.	Partnered and partner: (a) is receiving service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	\$3,960.25	\$151.90
8.	Member of illness separated couple	\$2,028.00	\$78.00
9.	Member of respite care couple	\$2,028.00	\$78.00
10.	Member of temporarily separated couple	\$2,028.00	\$78.00
11.	Partnered (partner in gaol)	\$2,028.00	\$78.00

Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.

Note 2: for *partner with a rent increase pension* see point 1066A-EB12.

Note 3: for *in disability accommodation* see subsection 25(4C).

Note 4: for *living away from parental home* see subsection 23(4D).

Note 5: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066A-EB13

1066A-EB13 The rate of rent assistance per year is worked out using Table EB. Work out the person's family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. If the person is not a single person sharing accommodation, the person's maximum rent assistance rate is Rate B for the person worked out using column 4 of the Table. If the person is a single person sharing accommodation, the person's maximum rent assistance rate is

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two-thirds of the rate that would otherwise have been Rate B for the person.

TABLE EB
RATE OF RENT ASSISTANCE

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
1.	Not member of couple and in disability accommodation	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
2.	Not member of couple and living permanently or indefinitely away from the person's parental home	$3 \times \frac{\text{Annual rent} - \$2,028.00}{4}$	\$2,288.00
3.	Partnered—partner does not have rent increased pension	$3 \times \frac{\text{Annual rent} - \$3,302.00}{4}$	\$2,152.80
4.	Partnered and partner: (a) is receiving a social security pension; and (b) has rent increased pension	$3 \times \frac{\text{Annual rent} - \$3,302.00}{8}$	\$1,076.40
5.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) does not have a dependent child or dependent children	$3 \times \frac{\text{Annual rent} - \$3,302.00}{8}$	\$1,076.40

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TABLE EB
RATE OF RENT ASSISTANCE

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
6.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 1 or 2 dependent children	$3 \times \left[\frac{\text{Annual rent} - \$3,960.25}{8} \right]$	\$1,343.20
7.	Partnered and partner: (a) is receiving a service pension; and (b) has rent increased pension; and (c) has 3 or more dependent children	$3 \times \left[\frac{\text{Annual rent} - \$3,960.25}{8} \right]$	\$1,518.40
8.	Member of illness separated couple	$3 \times \left[\frac{\text{Annual rent} - \$2,028.00}{4} \right]$	\$2,288.00
9.	Member of respite care couple	$3 \times \left[\frac{\text{Annual rent} - \$2,028.00}{4} \right]$	\$2,288.00
10.	Member of temporarily separated couple	$3 \times \left[\frac{\text{Annual rent} - \$2,028.00}{4} \right]$	\$2,288.00
11.	Partnered (partner in gaol)	$3 \times \left[\frac{\text{Annual rent} - \$2,028.00}{4} \right]$	\$2,288.00

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- Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.
- Note 1A: For *dependent child* see section 5.
- Note 2: for *partner with a rent increase pension* see point 1066A-EB12.
- Note 3: for *in disability accommodation* see subsection 25(4C).
- Note 4: for *living away from parental home* see subsection 23(4D).
- Note 4A: For *single person sharing accommodation* see section 5A.
- Note 5: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).
- Note 6: the Rate B amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1066A-F3

1066A-F3 A person's ordinary income free area is worked out using Table F-1. Work out which family situation in Table F-1 applies to the person. The ordinary income free area is the corresponding amount in column 3 plus an additional corresponding amount in column 5 for each dependent child of the person.

TABLE F-1
ORDINARY INCOME FREE AREA

column 1	column 2	column 3	column 4	column 5	column 6
item	category of person	basic free area per year	basic free area per fortnight	additional free area per year	additional free area per fortnight
1.	Not member of a couple	\$2,912	\$112	\$639.60	\$24.60
2.	Partnered (partner getting neither pension nor benefit)	\$2,600	\$100	\$639.60	\$24.60
3.	Partnered—(partner getting benefit)	\$2,600	\$100	\$639.60	\$24.60
4.	Partnered—(partner getting pension)	\$2,600	\$100	\$319.80	\$12.30

Note 1: for *member of a couple, partnered (partner getting neither pension nor benefit), partnered (partner getting benefit)* and *partnered (partner getting pension)* see section 4.

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- Note 2: for *dependent child* see section 5 and point 1066A-F11.
- Note 3: items 2, 3 and 4 of Table F-1 apply to members of illness separated couples.
- Note 4: the basic free area limits are indexed annually in line with CPI increases (see sections 1191 to 1194).

Point 1066A-H3

1066A-H3 A person's assets value limit is worked out using Table H-1. Work out the person's family situation and home ownership situation. The assets value limit is the corresponding amount in column 3.

TABLE H-1			
ASSETS VALUE LIMIT			
column 1	column 2	column 3	
		assets value limit	
		column 3A	column 3B
		either	neither
		person or	person nor
		partner	partner
item	person's family situation	homeowner	homeowner
1.	Not member of a couple	\$141,000	\$242,000
2.	Partnered (partner getting neither pension nor benefit)	\$100,250	\$150,750
3.	Partnered (partner getting pension or benefit)	\$100,250	\$150,750

- Note 1: for *member of a couple, partnered (partner getting neither pension nor benefit)* and *partnered (partner getting pension or benefit)* see section 4.
- Note 2: for *homeowner* see section 11.
- Note 3: items 2 and 3 apply to members of illness separated couples.
- Note 4: the assets value limits are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1203).

Appendix**Point 1066B-B1**

1066B-B1 A person's maximum basic rate is to be worked out using Table B. Work out the family situation and whether the person has a dependent child. The maximum basic rate is the corresponding amount in column 3 of the Table.

Table B—Maximum basic rates					
Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year		Column 4 Rate per fortnight	
		Column 3A Person with dependent child	Column 3B Person without dependent child	Column 4A Person with dependent child	Column 4B Person without dependent child
1	Not a member of a couple and person: (a) is under 18 years of age; and (b) is not a homeless person; and (c) is not an independent young person; and (d) is not living away from the person's parental home because of a medical condition of the person	\$10,049.00	\$4,128.80	\$386.50	\$158.80
2	Not a member of a couple and person: (a) is under 18 years of age; and (b) is:	\$10,049.00	\$7,542.60	\$386.50	\$290.10

Appendix**Table B—Maximum basic rates**

Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year		Column 4 Rate per fortnight	
		Column 3A Person with dependent child	Column 3B Person without dependent child	Column 4A Person with dependent child	Column 4B Person without dependent child
	(i) a homeless person; or (ii) an independent young person; or (iii) living away from the person's parental home because of a medical condition of the person				
3	Not a member of a couple and person: (a) has reached 18 years of age; and (b) is living at a home of parent or parents	\$10,049.00	\$4,963.40	\$386.50	\$190.90
4	Not a member of a couple and person: (a) has reached 18 years of age; and (b) is not living at a home of parent or parents	\$10,049.00	\$7,542.60	\$386.50	\$290.10
5	Partnered	\$8,390.20	\$7,542.60	\$322.70	\$290.10
6	Member of illness	\$10,049.00	\$7,542.60	\$386.50	\$290.10

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Table B—Maximum basic rates

Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year		Column 4 Rate per fortnight	
		Column 3A Person with dependent child	Column 3B Person without dependent child	Column 4A Person with dependent child	Column 4B Person without dependent child
	separated couple, member of respite care couple or partnered (partner in gaol)				

Note 1: For *member of a couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: For *dependent child, homeless person* and *independent young person* see section 5.

Note 3: For *living away from the person's parental home* see subsection 23(4D).

Note 4: The rates in columns 3A and 3B are adjusted annually in line with CPI changes (see section 1198B).

1066B-C1

1066B-C1 An amount by way of youth disability supplement is to be added to a person's rate. The rate of youth disability supplement is \$2,132.00 per year (\$82.00 per fortnight).

Note: the rate of youth disability supplement is adjusted annually in line with CPI increases (see section 1198C).

Point 1066B-D8

1066B-D8 The amount of pharmaceutical allowance is the amount per year worked out using the following Table:

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE

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column 1	column 2	column 3	column 4
item	person's family situation	amount per year	amount per fortnight
1.	Not member of couple	\$150.80	\$5.80
2.	Partnered	\$75.40	\$2.90
3.	Member of illness separated couple	\$150.80	\$5.80
4.	Member of respite care couple	\$150.80	\$5.80
5.	Partnered (partner getting service pension)	\$75.40	\$2.90
6.	Partnered (partner in gaol)	\$150.80	\$5.80

Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in column 3 are adjusted annually in line with CPI increases (see section 1206A).

Point 1067G-B2

1067G-B2 If the person is not independent (see section 1067A) and is not a long term income support student (see section 1067F), work out whether the person:

- (a) lives at home (see section 1067E); or
- (b) is required to live away from home (see section 1067D).

The person's maximum basic rate is the amount in column 3 of the table that corresponds to the person's situation as described in column 2 of the table.

Table BA—Maximum basic rates (people who are not independent)

Column 1	Column 2	Column 3
Item	Person's situation	Rate
1	Lives at home and not yet 18 years old	\$158.80
2	Lives at home and at least 18 years old	\$190.90
3	Required to live away from home	\$290.10

Note: The rates in column 3 are indexed annually in line with CPI increases (see sections 1191-1194).

Appendix**Point 1067G-B3**

1067G-B3 The person's maximum basic rate is the amount in column 3 of the table that corresponds to the person's situation as described in column 2 of the table.

Table BB—Maximum basic rates (people who are independent)		
Column 1	Column 2	Column 3
Item	Person's situation	Rate
1	Accommodated independent person and not yet 18 years old	\$158.80
2	Accommodated independent person and at least 18 years old	\$190.90
3	In supported State care and not yet 18 years old	\$158.80
4	In supported State care and at least 18 years old	\$190.90
5	In unsupported State care	\$290.10
6	Not a member of a couple and has a dependent child	\$380.10
7	Member of a couple and has a dependent child	\$318.60
8	Not an accommodated independent person, not in supported State care, not in unsupported State care and does not have a dependent child	\$290.10

Note: The rates in column 3 are indexed annually in line with CPI increases (see sections 1191-1194).

Point 1067G-B4

1067G-B4 The person's maximum basic rate is the amount in column 3 of the table that corresponds to the person's situation as described in column 2 of the table.

Appendix**Table BC—Maximum basic rates (long term income support students)**

Column 1 Item	Column 2 Person's situation	Column 3 Rate
1	Not independent, lives at home and not a member of a couple	\$234.50
2	Not independent, required to live away from home and not a member of a couple	\$352.30
3	Accommodated independent person and not a member of a couple	\$234.50
4	Independent, not an accommodated independent person and not a member of a couple	\$352.30
5	Member of a couple	\$318.60

Note: The rates in column 3 are indexed annually in line with CPI increases (see sections 1191-1194).

Appendix**Point 1067G-C3***Amount of pharmaceutical allowance*

1067G-C3 The amount of pharmaceutical allowance is the amount a fortnight worked out using the following table:

Table C—Pharmaceutical allowance amounts		
Column 1	Column 2	Column 3
Item	Person's family situation	Amount a fortnight
1	Not a member of a couple	\$5.80
2	Partnered	\$2.90
3	Member of an illness separated couple	\$5.80
4	Member of a respite care couple	\$5.80
5	Partnered (partner getting service pension)	\$2.90
6	Partnered (partner in gaol)	\$5.80

Note 1: For *member of a couple*, *partnered*, *illness separated couple*, *respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in column 3 are indexed or adjusted annually in line with CPI increases on 1 January (see sections 1191 to 1194 and 1206A).

Point 1067G-D2

1067G-D2 A person's rent threshold rate depends on the person's family situation. Work out which family situation in Table DA applies to the person. The rent threshold rate is the corresponding amount in column 3.

Table DA—Rent threshold rates		
Column 1	Column 2	Column 3
Item	Person's family situation	Amount a fortnight
1	Not a member of a couple	\$78.00
2	Partnered—partner does not have rent increased benefit (see point 1067G-D5)	\$127.00

Appendix**Table DA—Rent threshold rates**

Column 1	Column 2	Column 3
Item	Person's family situation	Amount a fortnight
3	Partnered—partner has rent increased benefit	\$127.00
4	Partnered—member of an illness separated couple	\$78.00
5	Partnered—member of a respite care couple	\$78.00
6	Partnered—member of a temporarily separated couple	\$78.00
7	Partnered (partner in gaol)	\$78.00

Note 1: For *member of a couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.

Note 2: The column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191-1194).

Point 1067G-D6

1067G-D6 The rate of rent assistance a fortnight is worked out using Table DB. Work out the person's family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person's rate of rent assistance but only up to:

- (a) if the person is not a single person sharing accommodation—Rate B for the person worked out using column 4; or
- (b) if the person is a single person sharing accommodation—two-thirds of the amount that would otherwise have been Rate B for the person.

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Table DB—Rate of rent assistance

Column 1	Column 2	Column 3	Column 4
Item	Person's family situation	Rate A	Rate B
1	Not a member of a couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
2	Partnered—partner does not have rent increased benefit (see point 1067G-D5)	$3 \times \frac{\text{Fortnightly rent} - \$127.00}{4}$	\$82.80
3	Partnered—partner has rent increased benefit	$3 \times \frac{\text{Fortnightly rent} - \$127.00}{8}$	\$41.40
4	Partnered—member of an illness separated couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
5	Partnered—member of a respite care couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
6	Partnered—member of a temporarily separated couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$82.80
7	Partnered (partner in gaol)	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00

Note 1: For *member of a couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.

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Note 2: The rent threshold amounts in column 3, and the Rate B amounts, are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Note 3: For *single person sharing accommodation* see section 5A.

Point 1067G-F22*Parental income free area*

1067G-F22 For the purposes of this Module, a person's *parental income free area* is the sum of:

- (a) \$25,150; and
- (b) any additional amounts, applying under this Submodule, for any children (other than the person) of a parent of the person.

Point 1067L-B2*Person who is not a long term income support student*

1067L-B2(1) If the person is not a long term income support student (see section 1067K), work out:

- (a) whether the person is a member of a couple (see section 4); and
- (b) whether the person has a dependent child (see subsections 5(2) to (9)); and
- (c) if the person is not a member of a couple, whether the person has a YA child (see subpoint (2)).

The person's maximum basic rate is the amount in column 3 of the table that corresponds to the person's situation as described in column 2 of the table.

Table BA—Maximum basic rates (persons who are not long term income support students)		
Column 1	Column 2	Column 3
Item	Person's situation	Rate
1	Does not have a dependent child or a YA child	\$290.10
2	Is a member of a couple and has a dependent child	\$318.60

Appendix**Table BA—Maximum basic rates (persons who are not long term income support students)**

Column 1	Column 2	Column 3
Item	Person's situation	Rate
3	Is not a member of a couple and has a dependent child or YA child	\$380.10

Note: The rates in column 3 are indexed annually in line with CPI increases (see sections 1191-1194).

1067L-B2(2) In this point:

YA child, in relation to a person who is not a member of a couple, means a child who is receiving youth allowance, is under 18 years of age and would be a dependent child of the person if he or she were not receiving the allowance.

Point 1067L-B3

Person who is a long term income support student

1067L-B3 If the person is a long term income support student (see section 1067K), work out whether the person is a member of a couple (see section 4).

The person's maximum basic rate is the amount in column 3 of the table that corresponds to the person's situation as described in column 2 of the table.

Table BB—Maximum basic rates (persons who are long term income support students)

Column 1	Column 2	Column 3
Item	Person's situation	Rate
1	Is a member of a couple	\$318.60
2	Is not a member of a couple	\$352.30

Point 1067L-C3

Amount of pharmaceutical allowance

1067L-C3 The amount of pharmaceutical allowance is the amount per fortnight worked out using the following table:

Appendix**Table C—Pharmaceutical allowance amounts**

Column 1	Column 2	Column 3
Item	Person's family situation	Amount per fortnight
1	Not a member of a couple	\$5.80
2	Partnered	\$2.90
3	Member of an illness separated couple	\$5.80
4	Member of a respite care couple	\$5.80
5	Partnered (partner getting service pension)	\$2.90
6	Partnered (partner in gaol)	\$5.80

Note 1: For *member of a couple*, *partnered*, *illness separated couple*, *respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in column 3 are indexed or adjusted annually in line with CPI increases on 1 January (see sections 1191 to 1194 and 1206A).

Point 1068-B1*Maximum basic rate*

- 1068-B1 The maximum basic rate of a person other than a person who is a CDEP Scheme participant in respect of the whole or a part of the period for which the maximum basic rate is being worked out is worked out using Table B. Work out the person's family situation and whether the person has a dependent child or not. The maximum basic rate is the corresponding amount in the *rate* column. The maximum basic rate of a person who is a CDEP Scheme participant in respect of the whole or a part of the period for which the maximum basic rate is being worked out is nil (see sections 408CG, 614A, 660YCH and 771HK).

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Table B—Maximum basic rates			
Column 1	Column 2	Column 3	
		Rate	
Item	Person's family situation	Column 3A Person with dependent child	Column 3B Person without dependent child
3.	Not member of couple and person: (a) receives sickness allowance; and (b) has not turned 60	\$386.90	\$357.80
4.	Not member of couple and person: (a) receives sickness allowance; and (b) has turned 60; and (c) has not been receiving one, or a combination, of social security pension, social security benefit or job search allowance or service pension for a continuous period of at least 9 months	\$386.90	\$357.80
4A.	Not member of couple and person: (a) receives newstart allowance or widow allowance; and (b) has not turned 60	\$386.90	\$357.80
4B.	Not member of couple and person: (a) receives newstart allowance or widow allowance; and (b) has turned 60; and (c) has not been	\$386.90	\$357.80

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Table B—Maximum basic rates			
Column 1	Column 2	Column 3	
		Rate	
Item	Person's family situation	Column 3A Person with dependent child	Column 3B Person without dependent child
	receiving one, or a combination, of social security pension, social security benefit or job search allowance or service pension for a continuous period of at least 9 months		
5.	Not member of couple and person: (a) has turned 60; and (b) has been receiving one, or a combination, of social security pension, social security benefit or job search allowance or service pension for a continuous period of at least 9 months	\$386.90	\$386.90
5A.	Not member of a couple and person receives mature age allowance under Part 2.12B	\$386.90	\$386.90
7.	Partnered	\$322.80	\$322.80
9.	Member of illness separated couple	\$386.90	\$386.90
11.	Partnered (partner in gaol)	\$386.90	\$386.90

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- Note 1: For *member of couple, partnered, illness separated couple* and *partnered (partner in gaol)* see section 4.
- Note 2: for *dependent child* see section 5.
- Note 4: the item 1, 2, 6 and 8 rates in column 3B are indexed annually in line with CPI increases (see sections 1191 to 1194).
- Note 5: the other rates are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).
- Note 6: if the person has been receiving the benefit since 20 September 1990 and item 6 applies to the person, the person's maximum basic rate may be the amount specified in column 3A rather than the amount specified in column 3B: see clause 31 in Schedule 1A.
- Note 7: some dependent children will not be taken into account in working out a person's maximum basic rate (see point 1068-B2).

Point 1068-D10

1068-D10 The amount of pharmaceutical allowance is the amount per fortnight worked out using the following Table:

PHARMACEUTICAL ALLOWANCE AMOUNT TABLE		
column 1	column 2	column 3
item	person's family situation	amount per fortnight
1.	Not member of couple	\$5.80
2.	Partnered	\$2.90
4.	Member of illness separated couple	\$5.80
5.	Member of respite care couple	\$5.80
6.	Partnered (partner getting service pension)	\$2.90
7.	Partnered (partner in gaol)	\$5.80

- Note 1: For *member of couple, partnered, illness separated couple, respite care couple* and *partnered (partner in gaol)* see section 4.
- Note 2: The amounts in column 3 are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1206A).

Appendix**Point 1068-F1A**

1068-F1A A person's rate threshold rate depends on the person's family situation. Work out which family situation in Table FA applies to the person. The rent threshold rate is the corresponding amount in column 3.

TABLE FA
RENT THRESHOLD RATES

column 1	column 2	column 3
item	person's family situation	amount per fortnight
1.	Not member of couple	\$78.00
2.	Partnered—partner does not have rent increased benefit	\$127.00
3.	Partnered—partner has rent increased benefit	\$127.00
5.	Partnered—member of illness separated couple	\$78.00
7.	Partnered—member of respite care couple	\$78.00
9.	Partnered—member of temporarily separated couple	\$78.00
10.	Partnered (partner in gaol)	\$78.00

Note 1: for *member of couple, illness separated couple, respite care couple, temporarily illness separated couple* and *partnered* see section 4.

Note 2: for *partner with rent increased benefit* see point 1068-F14.

Note 3: the column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1068-F15

1068-F15 The rate of rent assistance per fortnight is worked out using Table F. Work out the person's family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. If the person is not a single person sharing accommodation, the person's maximum rent assistance rate is Rate B for the person worked out using column 4

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of the Table. If the person is a single person sharing accommodation, the person's maximum rent assistance rate is two-thirds of the rate that would otherwise have been Rate B for the person.

TABLE F
RATE OF RENT ASSISTANCE

column 1 item	column 2 person's family situation	column 3 Rate A	column 4 Rate B
1.	Not member of couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
2.	Partnered—partner does not have rent increased benefit	$3 \times \frac{\text{Fortnightly rent} - \$127.00}{4}$	\$82.80
3.	Partnered—partner has rent increased benefit	$3 \times \frac{\text{Fortnightly rent} - \$127.00}{8}$	\$41.40
5.	Partnered—member of illness separated couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
7.	Partnered—member of respite care couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
9.	Partnered—member of temporarily separated couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$82.80
10.	Partnered (partner in gaol)	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00

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- Note 1: For *member of couple, partnered, illness separated couple, respite care couple, temporarily separated couple* and *partnered (partner in gaol)* see section 4.
- Note 1A: For *single person sharing accommodation* see section 5A.
- Note 2: for partner with a *rent increased benefit* see point 1068-F14.
- Note 3: the rent threshold amounts in column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).
- Note 4: the Rate B amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1068A-B1

1068A-B1 A person's maximum basic rate is \$10,049.00 per year (\$386.50 per fortnight).

- Note: The maximum basic rate is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1068A-C7

1068A-C7 The amount of pharmaceutical allowance is \$150.80 per year (\$5.80 per fortnight).

- Note: The annual amount is adjusted annually in line with CPI increases (see section 1206A).

Point 1068A-D1

1068A-D1 An additional amount to help cover the cost of rent is to be added to a person's maximum basic rate if:

- (a) the person is not an ineligible homeowner; and
- (b) the person is not an aged care resident; and
- (c) the person pays, or is liable to pay, rent (other than Government rent); and
- (d) the rent is payable at a rate of more than \$2,028.00 per year (\$78.00 per fortnight); and
- (e) the rent is in respect of premises in Australia; and
- (f) if the person is entitled to be paid family tax benefit—the person's maximum Part A rate of family tax benefit does not include rent assistance.

- Note 1: For *rent, Government rent* and *ineligible homeowner* see section 13.

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Note 2: The amount in paragraph (d) is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1068A-D3

1068A-D3 The rate of rent assistance per fortnight is worked out using Table D. Calculate Rate A for the person using the formula in Column 2. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. If the person is not a single person sharing accommodation, the person's maximum rent assistance rate is Rate B in Column 3 of the table. If the person is a single person sharing accommodation, the person's maximum rent assistance rate is two-thirds of Rate B.

Table D—Rate of rent assistance		
Column 1	Column 2	Column 3
Item	Rate A	Rate B
1	$3 \times \left[\frac{\text{Annual rent} - \$2,028.00}{4} \right]$	\$2,288.00

Note 1: For *single person sharing accommodation* see section 5A.

Note 2: The amounts in Column 2 and Column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1068A-E14

How to calculate a person's ordinary income free area

1068A-E14 A person's ordinary income free area is worked out using Table E. The ordinary income free area is the amount in Column 2 plus the additional amount in Column 4 for each dependent child of the person.

Table E—Ordinary income free area				
Column 1	Column 2	Column 3	Column 4	Column 5
Item	Basic free area per year	Basic free area per fortnight	Additional free area per year	Additional free area per fortnight
1	\$2,912	\$112	\$639.60	\$24.60

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Note 1: For *dependent child* see section 5 and point 1068A-E21.

Note 2: The basic free area per year is indexed annually in line with CPI increases (see sections 1191 to 1194).

Point 1068B-C2*Maximum basic rate*

1068B-C2 If a person is not a CDEP Scheme participant in respect of the whole or part of the period for which the rate of payment is being worked out, the person's maximum basic rate is worked out using Table C. Work out the person's family situation. The maximum basic rate is the corresponding amount in Column 3.

Table C—Maximum basic rates		
Column 1	Column 2	Column 3
Item	Person's family situation	Rate
1	Person not covered by item 2, 3 or 4	\$322.70
2	Member of illness separated couple	\$386.50
3	Member of respite care couple	\$386.50
4	Partnered (partner in gaol)	\$386.50

Note 1: For *illness separated couple*, *respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The rates are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Point 1068B-E8*Amount of pharmaceutical allowance*

1068B-E8 The amount of pharmaceutical allowance is the amount per fortnight worked out using Table E.

Table E—Pharmaceutical allowance amounts		
Column 1	Column 2	Column 3
Item	Person's family situation	Amount per fortnight
1	Person not covered by item 2, 3, 4 or 5	\$2.90

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Table E—Pharmaceutical allowance amounts

Column 1	Column 2	Column 3
Item	Person's family situation	Amount per fortnight
2	Member of illness separated couple	\$5.80
3	Member of respite care couple	\$5.80
4	Partnered (partner getting service pension)	\$2.90
5	Partnered (partner in gaol)	\$5.80

Note 1: For *illness separated couple*, *respite care couple* and *partnered (partner in gaol)* see section 4.

Note 2: The amounts in Column 3 are indexed or adjusted annually in line with CPI increases (see sections 1191 to 1194 and 1206A).

Point 1068B-F2

1068B-F2 A person's rent threshold rate depends on the person's family situation. Work out which family situation in Table F-1 applies to the person. The rent threshold rate is the corresponding amount in Column 3.

Table F-1—Rent threshold rates

Column 1	Column 2	Column 3
Item	Person's family situation	Amount per fortnight
1	Person's partner does not have rent increased benefit	\$127.00
2	Person's partner has rent increased benefit	\$127.00
3	Member of illness separated couple	\$78.00
4	Member of respite care couple	\$78.00
5	Member of temporarily separated couple	\$78.00
6	Partnered (partner in gaol)	\$78.00

Note 1: For *illness separated couple*, *respite care couple*, *temporarily separated couple* and *partnered (partner in gaol)* see section 4.

Note 2: For *rent increased benefit* see point 1068B-F5.

Note 3: The Column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

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Point 1068B-F6

1068B-F6 The rate of rent assistance per fortnight is worked out using Table F-2. Work out the person's family situation and calculate Rate A for the person using the corresponding formula in Column 3. This will be the person's rate of rent assistance but only up to the person's maximum rent assistance rate. The person's maximum rent assistance rate is Rate B for the person, which is the amount in Column 4 that corresponds to the person's family situation.

Table F-2—Rate of rent assistance

Column 1	Column 2	Column 3	Column 4
Item	Person's family situation	Rate A	Rate B
1	Person's partner does not have rent increased benefit	$3 \times \frac{\text{Fortnightly rent} - \$127.00}{4}$	\$82.80
2	Person's partner has rent increased benefit	$3 \times \frac{\text{Fortnightly rent} - \$127.00}{8}$	\$41.40
3	Member of illness separated couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
4	Member of respite care couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00
5	Member of temporarily separated couple	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$82.80
6	Partnered (partner in goal)	$3 \times \frac{\text{Fortnightly rent} - \$78.00}{4}$	\$88.00

Note 1: For *illness separated couple*, *respite care couple*, *temporarily separated couple* and *partnered (partner in goal)* see section 4.

Note 2: For *rent increased benefit* see point 1068B-F5.

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Note 3: The rent threshold amounts in Column 3 are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Note 4: The Rate B amounts are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Subsection 1152(5)

Person's entry contribution above extra allowable amount and partner's entry contribution equal to or below extra allowable amount

1152(5) If:

- (a) this section applies to a special resident; and
- (b) the resident's entry contribution was more than the extra allowable amount; and
- (c) the resident's partner's entry contribution was equal to or less than the extra allowable amount;

the following provisions apply for the purposes of the application of this Act to the resident and to the partner:

- (d) the resident is to be taken to be a homeowner;
- (e) for the purposes of this Act:
 - (i) both the resident, and the partner, are to be taken not to have a right or interest in relation to the partner's principal home; and
 - (ii) the partner's assets are to be taken to include an asset whose value is equal to the amount of the partner's entry contribution; and
 - (iii) sections 198K and 198L, subsection 1118(1) and section 1126 do not apply to the asset that the partner is, because of subparagraph (ii) of this paragraph, to be taken to have;
- (f) any right or interest of the partner in the resident's principal home is to be disregarded in calculating the actual value of the partner's assets for the purposes of this Act;
- (g) the resident's assets value limit and the partner's assets value limit are both to be taken to be \$118,625.

Note: the amount in paragraph (g) is adjusted annually: see section 1205.

Subsection 1153(3)*Entry contribution equal to or below extra allowable amount*

1153(3) If:

- (a) this section applies to a special resident; and
- (b) the resident's entry contribution was equal to or less than the extra allowable amount;

the following provisions apply for the purposes of the application of this Act to the resident and to the resident's partner:

- (c) for the purposes of this Act:
 - (i) the resident is to be taken not to be a homeowner; and
 - (ia) the partner is to be taken not to have a right or interest in relation to the resident's principal home; and
 - (ii) the resident's assets are to be taken to include an asset the value of which is equal to the amount of the resident's entry contribution; and
 - (iii) sections 198K and 198L, subsection 1118(1) and section 1126 do not apply to the asset that the resident is, because of subparagraph (ii) of this paragraph, to be taken to have;
- (d) any right or interest of the resident in the partner's principal home referred to in paragraph (1)(c) is to be disregarded in calculating the actual value of the resident's assets for the purposes of this Act;
- (e) the resident's assets value limit and the partner's assets value limit are both to be taken to be \$118,625.

Note: the amount in paragraph (e) is adjusted annually: see section 1205.

Subsection 1154(2)*Entry contribution above extra allowable amount*

1154(2) If:

- (a) this section applies to a special resident; and
- (c) the resident's entry contribution was more than the extra allowable amount;

the following provisions apply for the purposes of the application of this Act to the resident and to the partner:

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- (d) for the purposes of this Act, the resident is to be taken to be a homeowner;
- (e) any right or interest of the partner in the resident's principal home is to be disregarded in calculating the actual value of the partner's assets for the purposes of this Act;
- (f) the resident's assets value limit and the partner's assets value limit are both to be taken to be \$118,625.

Note: the amount in paragraph (f) is adjusted annually: see section 1205.

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