



# **Social Security Legislation Amendment Act (No. 1) 1996**

**No. 57, 1996**

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

---

## Contents

|                                                                                                                                  |                    |      |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------|------|
| 1                                                                                                                                | Short title.....   | 1567 |
| 2                                                                                                                                | Commencement ..... | 1567 |
| 3                                                                                                                                | Schedule(s).....   | 1568 |
| <b>Schedule 1—Amendment of the Social Security Act 1991<br/>relating to amounts received from the Mark<br/>Fitzpatrick Trust</b> |                    | 1569 |
| <b>Schedule 2—Amendment of the Social Security Act 1991<br/>relating to mature age partner allowance</b>                         |                    | 1570 |
| <b>Schedule 3—Amendment of the Social Security Act 1991 to<br/>continue the effect of certain saving provisions</b>              |                    | 1571 |
| <b>Schedule 4—Amendment of the Social Security Act 1991<br/>relating to Pension Rate Calculator A</b>                            |                    | 1573 |



# **Social Security Legislation Amendment Act (No. 1) 1996**

**No. 57, 1996**

---

---

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

*[Assented to 20 November 1996]*

**The Parliament of Australia enacts:**

## **1 Short title**

This Act may be cited as the *Social Security Legislation Amendment Act (No. 1) 1996*.

## **2 Commencement**

- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

- 
- (2) Item 1 of Schedule 3 is taken to have commenced on 1 January 1996, immediately after the commencement of Schedule 2 to the *Social Security Legislation Amendment (Family Measures) Act 1995*.
- (3) Schedule 4 is taken to have commenced on 1 January 1993, immediately after the commencement of the *Social Security (Family Payment) Amendment Act 1992*.

### **3 Schedule(s)**

Subject to section 2, each Act specified in a Schedule to this Act is amended in accordance with the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Social Security Act 1991 relating to amounts received from the Mark Fitzpatrick Trust**

### **1 After section 1118**

Insert:

#### **1118AA Value of assets reduced by amounts received from Mark Fitzpatrick Trust**

(1) In this section:

*application day*, in relation to a person who was a recipient of a social security payment immediately before 28 September 1995, means the day, on or after that date, on which the person applied or applies for review of the rate of that social security payment because of the expected enactment, or the operation, of this section.

(2) Subject to subsection (3), the value of a person's assets for the purposes of this Act (other than subparagraph 263(1)(d)(iv) and sections 1124A, 1125, 1125A and 1126) is reduced by the sum of any amounts received by the person from the Mark Fitzpatrick Trust.

(3) Subsection (2) has effect, or is taken to have had effect, as the case may be:

- (a) for a person who was a recipient of a social security pension immediately before 28 September 1995—on the first pension payday after the application day; or
- (b) for a person who was a recipient of a social security payment other than a social security pension immediately before 28 September 1995—on the next day, after the application day, on which the person received or receives an instalment of the payment; or
- (c) for a person who became or becomes a recipient of a social security payment on or after 28 September 1995—on the day on which the person received or receives the first instalment of the payment.

## **Schedule 2—Amendment of the Social Security Act 1991 relating to mature age partner allowance**

### **1 Paragraphs 146V(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) her claim for the pension was lodged on or before 30 June 1995 and she qualified for the pension on or before that date; or
- (b) all the following subparagraphs apply:
  - (i) she began to receive mature age partner allowance on or before 30 June 1995;
  - (ii) her partner was receiving a mature age allowance under Part 2.12A but has, after 30 June 1995, become qualified for an age pension and been automatically transferred to the age pension;
  - (iii) she received mature age partner allowance for a continuous period from the time when she began to receive the allowance until her partner was automatically transferred to the age pension as mentioned in subparagraph (ii).

### **2 Paragraph 152(3)(a)**

Repeal the paragraph, substitute:

- (a) a woman:
  - (i) is receiving a mature age partner allowance; or
  - (ii) was receiving a mature age partner allowance immediately before her partner was automatically transferred after 30 June 1995 from a mature age allowance under Part 2.12A to an age pension; and

## **Schedule 3—Amendment of the Social Security Act 1991 to continue the effect of certain saving provisions**

### **1 Point 1210-A1 (method statement, step 5)**

After “minimum”, insert “standard”.

### **2 Schedule 1A (subclause 54(1), method statement, step 3)**

Repeal the step, substitute:

*Step 3.* Work out the person's *notional family payment rate* as follows on the assumption that the person would have qualified for family payment.

Add:

- (a) the standard family payment rate calculated under point 1069-B2; and
- (b) the amount of guardian allowance;

and then subtract the minimum standard family payment rate worked out under point 1069-B6.

### **3 Schedule 1A (subclause 54(2), method statement, step 2)**

Repeal the step, substitute:

*Step 2.* Work out the person's *notional family payment rate* as follows on the assumption that the person would have qualified for family payment.

Add:

- (a) the standard family payment rate calculated under point 1069-B2; and
- (b) the amount of guardian allowance;

and then subtract the minimum standard family payment rate worked out under point 1069-B6.

**4 Schedule 1A (subclause 54(5), method statement, step 3)**

Repeal the step, substitute:

*Step 3.* Work out the person's *notional family payment rate* as follows on the assumption that the person would have qualified for family payment.

Add:

- (a) the standard family payment rate calculated under point 1069-B2; and
- (b) the amount of guardian allowance;

and then subtract the minimum standard family payment rate worked out under point 1069-B6.



## **Schedule 4—Amendment of the Social Security Act 1991 relating to Pension Rate Calculator A**

### **1 Point 1064-E10**

Repeal the point, substitute:

*Pension reduction for ordinary income in excess of ordinary income free area*

1064-E10 A person's reduction for ordinary income is worked out by dividing the person's ordinary income excess by 2.

---

*[Minister's second reading speech made in—  
House of Representatives on 9 October 1996  
Senate on 14 November 1996]*