



**Social Security and Veterans' Affairs
Legislation Amendment (Male Total
Average Weekly Earnings Benchmark)
Act 1997**

No. 175, 1997

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

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

[Assented to 21 November 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Security and Veterans' Affairs
Legislation Amendment (Male Total Average Weekly Earnings
Benchmark) Act 1997*.

2 Commencement

This Act commences on 20 September 1997.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Social Security Act 1991

1 Subsection 1192(2)

After “is the indexed amount.”, insert “(The indexed amount may be increased under section 1195 in certain cases.)”.

2 After section 1194A

Insert:

1195 Certain indexed amounts to be increased in line with increases in Male Total Average Weekly Earnings

- (1) For the purposes of this section:
 - (a) a *category A amount* is an amount specified as set out below:
 - (i) point 1064-B1—Table B—item 1, 3, 4 or 5—column 3;
 - (ii) point 1065-B1—Table B—item 1, 3, 4 or 5—column 3;
 - (iii) point 1066-B1—the annual rate;
 - (iv) point 1066A-B1—Table B—item 1, 2, 3, 4, 7, 8, 9, 10, 11 or 12—column 3A;
 - (v) point 1066B-B1—Table B—item 1, 2, 3, 4, 7, 8, 9, 10, 11 or 12—column 3A; and
 - (b) a *category B amount* is an amount specified as set out below:
 - (i) point 1064-B1—Table B—item 2—column 3;
 - (ii) point 1065-B1—Table B—item 2—column 3;
 - (iii) point 1066A-B1—Table B—item 5 or 6—column 3A;
 - (iv) point 1066B-B1—Table B—item 5 or 6—column 3A.
- (2) If:
 - (a) a category A amount or a category B amount is to be indexed under this Division on an indexation day that occurs after 19 September 1997; and
 - (b) 25% of the annualised MTAW figure for whichever of the following quarters is applicable:
 - (i) if the indexation day is a 20 March—the most recent December quarter;
 - (ii) if the indexation day is a 20 September—the most recent June quarter;

exceeds the indexed amount for the category A amount;

then:

- (c) the indexed amount for the category A amount is to be increased by an amount (the *category A top-up amount*) equal to the excess; and
 - (d) if the indexed amount for the category A amount (as increased under paragraph (c)) is not a multiple of \$2.60, the indexed amount (as increased under paragraph (c)) is to be further increased by rounding up to the next highest multiple of \$2.60; and
 - (e) the indexed amount for the category B amount is to be increased by an amount equal to 83% of the category A top-up amount; and
 - (f) if the indexed amount for the category B amount (as increased under paragraph (e)) is not a multiple of \$2.60, the indexed amount (as increased under paragraph (e)) is to be further increased by rounding up to the next highest multiple of \$2.60.
- (3) For the purposes of this section, the *annualised MTAW figure* for a quarter is 52 times the amount set out for the reference period in the quarter under the headings “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL” in a document published by the Australian Statistician entitled “Average Weekly Earnings, States and Australia”.
- (4) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes the amount referred to in subsection (3):
- (a) under differently described headings (the *new headings*); or
 - (b) in a document entitled otherwise than as described in subsection (3) (the *new document*);
- then the *annualised MTAW figure* is to be calculated in accordance with subsection (3) as if the references to:
- (c) “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL”; or
 - (d) “Average Weekly Earnings, States and Australia”;
- were references to the new headings and/or the new document, as the case requires.

- (5) For the purposes of this section, the *reference period* in a particular quarter is the period described by the Australian Statistician as the pay period ending on or before a specified day that is the third Friday of the middle month of that quarter.
- (6) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes an amount in substitution for a particular amount previously published by the Australian Statistician, the publication of the later amount is to be disregarded for the purposes of this section.
- (7) In this section:
December quarter means a quarter ending on 31 December.
June quarter means a quarter ending on 30 June.

Veterans' Entitlements Act 1986

3 Subsection 59C(2)

After "is the indexed amount.", insert "(The indexed amount may be increased under section 59EA in certain cases.)".

4 After section 59E

Insert:

59EA Certain indexed amounts to be increased in line with increases in Male Total Average Weekly Earnings

- (1) For the purposes of this section:
 - (a) a *category A amount* is an amount specified as set out below:
 - (i) point 41-B1—Table B—item 1 or 4—column 3;
 - (ii) point 42-B1—Table B—item 1 or 4—column 3;
 - (iii) point 43-B1—Table B—item 1 or 4—column 3;
 - (iv) point 45X-C1—Table C—item 1, 2 or 4—column 3;
 - (v) point 45Y-C1—Table C—item 1, 2 or 4—column 3;
 - and
 - (b) a *category B amount* is an amount specified as set out below:
 - (i) point 41-B1—Table B—item 3—column 3;
 - (ii) point 42-B1—Table B—item 3—column 3;
 - (iii) point 43-B1—Table B—item 3—column 3;
 - (iv) point 45X-C1—Table C—item 3—column 3;
 - (v) point 45Y-C1—Table C—item 3—column 3.

- (2) If:
- (a) a category A amount or a category B amount is to be indexed under this Subdivision on an indexation day that occurs after 19 September 1997; and
 - (b) 25% of the annualised MTAW figure for whichever of the following quarters is applicable:
 - (i) if the indexation day is a 20 March—the most recent December quarter;
 - (ii) if the indexation day is a 20 September—the most recent June quarter;exceeds the indexed amount for the category A amount;
- then:
- (c) the indexed amount for the category A amount is to be increased by an amount (the *category A top-up amount*) equal to the excess; and
 - (d) if the indexed amount for the category A amount (as increased under paragraph (c)) is not a multiple of \$2.60, the indexed amount (as increased under paragraph (c)) is to be further increased by rounding up to the next highest multiple of \$2.60; and
 - (e) the indexed amount for the category B amount is to be increased by an amount equal to 83% of the category A top-up amount; and
 - (f) if the indexed amount for the category B amount (as increased under paragraph (e)) is not a multiple of \$2.60, the indexed amount (as increased under paragraph (e)) is to be further increased by rounding up to the next highest multiple of \$2.60.
- (3) For the purposes of this section, the *annualised MTAW figure* for a quarter is 52 times the amount set out for the reference period in the quarter under the headings “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL” in a document published by the Australian Statistician entitled “Average Weekly Earnings, States and Australia”.
- (4) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes the amount referred to in subsection (3):

- (a) under differently described headings (the *new headings*); or
 - (b) in a document entitled otherwise than as described in subsection (3) (the *new document*);
- then the *annualised MTAW figure* is to be calculated in accordance with subsection (3) as if the references to:
- (c) "Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL"; or
 - (d) "Average Weekly Earnings, States and Australia";
- were references to the new headings and/or the new document, as the case requires.
- (5) For the purposes of this section, the *reference period* in a particular quarter is the period described by the Australian Statistician as the pay period ending on or before a specified day that is the third Friday of the middle month of that quarter.
 - (6) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes an amount in substitution for a particular amount previously published by the Australian Statistician, the publication of the later amount is to be disregarded for the purposes of this section.
 - (7) In this section:
 - December quarter* means a quarter ending on 31 December.
 - June quarter* means a quarter ending on 30 June.

[Minister's second reading speech made into—
House of Representatives on 19 March 1997
Senate on 26 March 1997]