Social Security and Other Legislation Amendment (Technical Changes No. 2) Act 2025

No. 79, 2025

An Act to change the law relating to family assistance, paid parental leave, social security, student assistance, youth training allowance and farm household support, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (https://www.legislation.gov.au/)

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No. 79, 2025

An Act to change the law relating to family assistance, paid parental leave, social security, student assistance, youth training allowance and farm household support, and for related purposes

[*Assented to 4 December 2025*]

The Parliament of Australia enacts:

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1 Short title

This Act is the *Social Security and Other Legislation Amendment (Technical Changes No. 2) Act 2025*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	4 December 2025
2. Schedule 1	The day after this Act receives the Royal Assent.	5 December 2025
3. Schedule 2, Part 1	The day after this Act receives the Royal Assent.	5 December 2025
4. Schedule 2, Parts 2 and 3	The later of: (a) the 14th day after this Act receives the Royal Assent; and (b) 20 March 2026.	20 March 2026 (paragraph (b) applies)
5. Schedules 3, 4 and 5	The day after this Act receives the Royal Assent.	5 December 2025

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Schedule 1—Income apportionment

Social Security Act 1991

1 Subsection 23(1)

Insert:

Division 2 work income, in Part 3.11: see section 1113.

Division 3 work income, in Part 3.11: see section 1113.

entitlement period, in Part 3.11: see section 1113.

FHS entitlement period, in Part 3.11: see section 1113.

FHS income apportionment method statement, in Part 3.11: see section 1113.

former farm household support, in Part 3.11: see section 1113.

general income apportionment method statement, in Part 3.11: see section 1113.

payroll period, in Part 3.11: see section 1113.

relevant Secretary, in Part 3.11: see section 1113.

specified pension, in Part 3.11: see section 1113.

validation time, in Part 3.11: see section 1113.

YTA entitlement period, in Part 3.11: see section 1113.

YTA income apportionment method statement, in Part 3.11: see section 1113.

2 After Part 3.10

Insert:

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Part 3.11—Income earned from employment between 1 July 1991 and 6 December 2020

Division 1—Preliminary

1112 Simplified outline of this Part

This Part deals with the treatment of income earned from employment between 1 July 1991 and 6 December 2020.

Division 2 validates things done or that occurred before the commencement of this Part that would have been invalid merely because income apportionment was used in relation to the income for the purposes of calculating social security benefits and social security pensions, youth training allowance and former farm household support.

Division 2 does not validate any income averaging which was done in accordance with the debt assessment and recovery scheme known as Robodebt nor extinguish any causes of action in respect of an accrued general law right.

Division 3 deals with the treatment of certain income from employment that is earned, derived or received at certain times before 7 December 2020 for the purposes of calculating, after the commencement of this Part, social security benefits and social security pensions, youth training allowance and former farm household support.

Division 3 sets out the available approaches for the treatment of the income. These are to treat the income as if it had been first earned, derived or received:

(a) in the entitlement period in which it was earned; or

(b) in the entitlement period worked out using income apportionment; or

(c) in the entitlement period in which it was received.

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The approach to be used will depend on the information held by the person applying Division 3 in connection with a decision or review of a decision.

1113 Definitions

In this Part:

Division 2 work income means ordinary income for remunerative work of a person as an employee in an employer/employee relationship.

Division 3 work income, in relation to a person, means:

(a) in relation to income earned, derived or received on or after 20 September 2003—employment income in relation to the person (within the meaning of section 8 as in force when the income is earned, derived or received) but does not include a payment of employment income that is received before the work to which the payment relates has been undertaken; or

(b) otherwise—ordinary income of the person:

(i) that is earned, derived or received, or that is taken to have been earned, derived or received, by the person from remunerative work undertaken by the person as an employee in an employer/employee relationship; and

(ii) that includes, but is not limited to, salary, wages, commissions and employment-related fringe benefits that are so earned, derived or received or taken to have been so earned, derived or received;

but does not include:

(iii) a superannuation payment to the person; or

(iv) a payment of compensation, or a payment to the person under an insurance scheme, in relation to the person's inability to earn, derive or receive income from that remunerative work; or

(v) a payment of ordinary income to the person that is received before the work to which the payment relates has been undertaken; or

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(vi) a leave payment to the person in relation to which an income maintenance period arises under the Act as in force when the payment is received; or

(vii) a termination payment to the person in relation to which an income maintenance period arises under the Act as in force when the payment is received; or

(viii) a comparable foreign payment.

entitlement period means:

(a) in relation to a specified pension for a period ending before 1 July 1999—a period starting on a pension payday and ending on the day before the next pension payday; or

(b) otherwise—a period determined by the relevant Secretary in relation to which an instalment of a social security benefit or a social security pension is paid and that ends before 7 December 2020.

FHS entitlement period means a period determined by the relevant Secretary in relation to which an instalment of former farm household support is paid and that ends before 1 July 2014.

FHS income apportionment method statement means section 1116.

former farm household support means the following payments and support under the *Farm Household Support Act 1992* as previously in force:

(a) drought relief payment;

(b) exceptional circumstances relief payment;

(c) farm help income support;

(d) farm household support;

(e) restart income support.

general income apportionment method statement means section 1114.

payroll period: each period in relation to which a payment of Division 2 work income or Division 3 work income is made is a ***payroll period***.

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Example: If a person is paid weekly by the person's employer, the payroll period is the 7 days to which the payment relates. This is usually set out on the person's payslip.

relevant Secretary means:

(a) the Secretary of the Department; or

(b) the Secretary of the Department administering the *Farm Household Support Act 1992* as previously in force; or

(c) the Secretary of the Department administering Part 8 of the *Student Assistance Act 1973* as previously in force.

specified pension means:

(a) an age pension; or

(b) a bereavement allowance; or

(c) a carer payment; or

(d) a carer pension; or

(e) a disability support pension; or

(f) an invalid pension; or

(g) a mature age allowance (paid under Part 2.12A); or

(h) a mature age partner allowance; or

(i) a pension PP (single); or

(j) a sole parent pension; or

(k) a special needs pension; or

(l) a widow B pension; or

(m) a widowed person allowance; or

(n) a wife pension.

validation time means the commencement of this Part.

YTA entitlement period means a period determined by the relevant Secretary in relation to which an instalment of youth training allowance is paid and that ends before 1 July 1998.

YTA income apportionment method statement means section 1115.

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1114 General income apportionment method statement

For the purposes of this Part, the total amount and daily amount for an entitlement period, in relation to income of a person in relation to a payroll period, are worked out as follows:

Method statement

Step 1. Divide the amount of the income by the number of days in the payroll period.

Step 2. Work out how many days in the payroll period fall within the entitlement period.

Step 3. Multiply the amount from step 1 by the number of days from step 2. This is the ***total amount*** for the entitlement period.

Step 4. Divide the total amount for the entitlement period by the number of days in the entitlement period. This is the ***daily amount*** for the entitlement period.

1115 YTA income apportionment method statement

For the purposes of this Part, the total amount for a YTA entitlement period, in relation to income of a person in relation to a payroll period, is worked out as follows:

Method statement

Step 1. Divide the amount of the income by the number of days in the payroll period.

Step 2. Work out how many days in the payroll period fall within the YTA entitlement period.

Step 3. Multiply the amount from step 1 by the number of days from step 2. This is the ***total amount*** for the YTA entitlement period.

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1116 FHS income apportionment method statement

For the purposes of this Part, the total amount and daily amount for a FHS entitlement period, in relation to income of a person in relation to a payroll period, are worked out as follows:

Method statement

Step 1. Divide the amount of the income by the number of days in the payroll period.

Step 2. Work out how many days in the payroll period fall within the FHS entitlement period.

Step 3. Multiply the amount from step 1 by the number of days from step 2. This is the ***total amount*** for the FHS entitlement period.

Step 4. Divide the total amount for the entitlement period by the number of days in the entitlement period. This is the ***daily amount*** for the entitlement period.

Division 2—Calculations before the validation time

1117 Validation of income apportionment—social security benefits and social security pensions

Nothing is invalid merely because income apportionment was used

(1) A thing done or occurring is taken not to be, and is taken never to have been, invalid or ineffective merely because, before the validation time, the Division 2 work income of a person in relation to a payroll period was treated for the purposes of the social security law as if it had been first earned, derived or received by the person either:

(a) as an amount equal to the total amount for the entitlement period in each entitlement period that includes one or more days in the payroll period; or

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(b) as an amount equal to the daily amount for the entitlement period on each day in each entitlement period that includes one or more days in the payroll period.

Note 1: A reference to the social security law includes a reference to the *Farm Household Support Act 2014*: see section 93 of that Act.

Note 2: Income may have been treated in accordance with this section in working out a person's income or the income of a partner of the person.

(2) For the purposes of subsection (1), the total amount and daily amount for an entitlement period are worked out in accordance with the general income apportionment method statement.

(3) To avoid doubt, anything done or occurring, or anything purported to have been done or to have occurred (whether under the social security law or otherwise), that would have been wholly, or partly, invalid or ineffective except for subsection (1) is taken for all purposes to be valid and effective and to have always been valid and effective.

(4) Subject to section 1117C, subsections (1) and (3) apply despite any effect that those subsections may have on the accrued rights of any person.

No validation of income averaging

(5) Subsection (1) does not apply in relation to treatment of Division 2 work income in accordance with the debt assessment and recovery scheme known as Robodebt and which comprised:

(a) from 1 April 2015—the PAYG Manual Compliance Intervention program, including associated pilot programs; and

(b) the following iterations of the program mentioned in paragraph (a):

(i) Online Compliance Intervention, which applied to assessments initiated in the period from on or around 1 July 2016 to on or around 10 February 2017;

(ii) Employment Income Confirmation, which applied to assessments initiated in the period from on or around 11 February 2017 to on or around 30 September 2018;

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(iii) Check and Update Past Income, which applied to assessments initiated after on or around 30 September 2018.

Separate treatment for youth training allowance and former farm household support

(6) Subsection (1) does not apply in relation to treatment of Division 2 work income in relation to youth training allowance or former farm household support.

Definitions

(7) In this section:

do a thing includes:

(a) make a decision (however described); and

(b) exercise a power, perform a function, comply with an obligation or discharge a duty; and

(c) do anything else;

and ***purport to do a thing*** has a corresponding meaning.

1117A Validation of income apportionment—youth training allowance

Nothing is invalid merely because income apportionment was used

(1) A thing done or occurring is taken not to be, and is taken never to have been, invalid or ineffective merely because, before the validation time, the Division 2 work income of a person in relation to a payroll period was treated for the purposes of the relevant legislation as described in subsection (2).

Note: Income may have been treated in accordance with this section in working out a person's income or the income of a partner of the person.

(2) For the purposes of subsection (1), the Division 2 work income was treated as if it had been first earned, derived or received by the person as an amount equal to the total amount for the YTA entitlement period in each YTA entitlement period that includes one or more days in the payroll period.

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(3) For the purposes of subsection (2), the total amount for a YTA entitlement period is worked out in accordance with the YTA income apportionment method statement.

(4) To avoid doubt, anything done or occurring, or anything purported to have been done or to have occurred (whether under the relevant legislation or otherwise), that would have been wholly, or partly, invalid or ineffective except for subsection (1) is taken for all purposes to be valid and effective and to have always been valid and effective.

(5) Subject to section 1117C, subsections (1) and (4) apply despite any effect that those subsections may have on the accrued rights of any person.

Separate treatment for former farm household support

(6) Subsection (1) does not apply in relation to treatment of Division 2 work income in relation to former farm household support.

Definitions

(7) In this section:

do a thing includes:

(a) make a decision (however described); and

(b) exercise a power, perform a function, comply with an obligation or discharge a duty; and

(c) do anything else;

and ***purport to do a thing*** has a corresponding meaning.

relevant legislation means:

(a) the *Student Assistance Act 1973*; or

(b) the social security law as it relates to youth training allowance.

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1117B Validation of income apportionment—former farm household support

Nothing is invalid merely because income apportionment was used

(1) A thing done or occurring is taken not to be, and is taken never to have been, invalid or ineffective merely because, before the validation time, the Division 2 work income of a person in relation to a payroll period was treated for the purposes of the relevant legislation as described in subsection (2).

Note: Income may have been treated in accordance with this section in working out a person's income or the income of a partner of the person.

(2) For the purposes of subsection (1), the Division 2 work income was treated as if it had been first earned, derived or received by the person:

(a) as an amount equal to the total amount for the FHS entitlement period in each FHS entitlement period that includes one or more days in the payroll period; or

(b) as an amount equal to the daily amount for the FHS entitlement period on each day in each FHS entitlement period that includes one or more days in the payroll period.

(3) For the purposes of subsection (2), the total amount and daily amount for a FHS entitlement period are worked out in accordance with the FHS income apportionment method statement.

(4) To avoid doubt, anything done or occurring, or anything purported to have been done or to have occurred (whether under the relevant legislation or otherwise), that would have been wholly, or partly, invalid or ineffective except for subsection (1) is taken for all purposes to be valid and effective and to have always been valid and effective.

(5) Subject to section 1117C, subsections (1) and (4) apply despite any effect that those subsections may have on the accrued rights of any person.

Definitions

(6) In this section:

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do a thing includes:

(a) make a decision (however described); and

(b) exercise a power, perform a function, comply with an obligation or discharge a duty; and

(c) do anything else;

and ***purport to do a thing*** has a corresponding meaning.

relevant legislation means:

(a) the *Farm Household Support Act 1992* as previously in force; or

(b) the social security law as it relates to former farm household support; or

(c) the *Student Assistance Act 1973* as it relates to former farm household support.

1117C Preservation of accrued rights

(1) This Division does not extinguish any cause of action in respect of an accrued general law right.

(2) Any legal proceeding or remedy in respect of a cause of action in respect of an accrued general law right that would, apart from the operation of subsection (1), be affected by the enactment of the *Social Security and Other Legislation Amendment (Technical Changes No. 2) Act 2025* may be instituted, continued or enforced as if that Act had not been enacted.

(3) The Federal Court has jurisdiction with respect to matters arising under subsection (2) and that jurisdiction is exclusive of the jurisdiction of all other courts except the High Court.

Division 3—Calculations after the validation time

1117D Allocating Division 3 work income to entitlement periods—social security benefits and social security pensions

When this section applies

(1) This section applies in relation to Division 3 work income of a person earned, derived or received:

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(a) if the person was in receipt of a specified pension and had reached pension age when the Division 3 work income was earned, derived or received—during the period starting on 20 September 2009 and ending before 7 December 2020; or

(b) if the person was in receipt of a specified pension and was under pension age when the Division 3 work income was earned, derived or received—during the period starting on 20 September 2003 and ending before 7 December 2020; or

(c) in any other case—before 7 December 2020.

(2) After the validation time, the Division 3 work income is to be treated, for the purposes of the social security law, in accordance with this section.

Note: A reference to the social security law includes a reference to the *Farm Household Support Act 2014*: see section 93 of that Act.

(3) To avoid doubt, this section applies in relation to treatment of Division 3 work income whether in connection with a decision or review of a decision (including review under the *Social Security (Administration) Act 1999* or review by the ART).

(4) This section does not apply in relation to treatment of Division 3 work income in relation to youth training allowance or former farm household support.

First approach—entitlement period in which income earned

(5) If the entitlement period in which the Division 3 work income was earned can be identified from the information held by the person applying this Division in connection with a decision or review of a decision, treat the Division 3 work income as if it had been first earned, derived or received as an amount equal to the relevant amount on each day in the entitlement period.

(6) For the purposes of subsection (5), the relevant amount is worked out by dividing the amount of the Division 3 work income by the number of days in the entitlement period.

Second approach—income apportionment

(7) If:

(a) subsection (5) does not apply; and

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(b) the payroll period to which the Division 3 work income relates can be identified from the information held by the person applying this Division in connection with a decision or review of a decision;

treat the Division 3 work income as if it had been first earned, derived or received by the person as an amount equal to the daily amount for the entitlement period on each day in each entitlement period that includes one or more days in that payroll period.

(8) For the purposes of subsection (7), the daily amount for an entitlement period is worked out in accordance with the general income apportionment method statement.

Third approach—entitlement period in which income received

(9) If subsections (5) and (7) do not apply, treat the Division 3 work income as if it had been first earned, derived or received as an amount equal to the relevant amount on each day in the entitlement period in which the person receives the Division 3 work income.

(10) For the purposes of subsection (9), the relevant amount is worked out by dividing the amount of the Division 3 work income by the number of days in the entitlement period.

Fortnightly or yearly expressions of Division 3 work income

(11) If, in accordance with the operation of this section, a person is taken to receive a particular amount of Division 3 work income on each day in an entitlement period:

(a) the rate of the person's Division 3 work income on a fortnightly basis for that day may be worked out by multiplying that amount by 14; and

(b) the rate of the person's Division 3 work income on a yearly basis for that day may be worked out by multiplying that amount by 364.

Priority of provisions

(12) This section applies subject to:

(a) Division 2; and

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(b) section 1073A as in force when the Division 3 work income is earned, derived or received; and

(c) point 1068B-D19 of the rate calculator at the end of section 1068B as in force when the Division 3 work income is earned, derived or received.

(13) If, disregarding this section:

(a) a provision of the social security law required the Division 3 work income to be taken into account in the fortnight in which it is first earned, derived or received; and

(b) that requirement was subject to another provision of the social security law;

this section applies subject to the provision mentioned in paragraph (b).

(14) Apart from subsections (12) and (13), this section applies despite:

(a) any other provision of the social security law; and

(b) any other law of the Commonwealth.

1117E Allocating Division 3 work income to entitlement periods—youth training allowance

When this section applies

(1) This section applies in relation to Division 3 work income of a person earned, derived or received before 1 July 1998.

(2) After the validation time, the Division 3 work income is to be treated in accordance with this section for the purposes of the following legislation (the ***relevant legislation***):

(a) the *Student Assistance Act 1973*;

(b) the social security law as it relates to youth training allowance.

(3) To avoid doubt, this section applies in relation to treatment of Division 3 work income whether in connection with a decision or review of a decision (including review under the relevant legislation or review by the ART).

(4) This section does not apply in relation to treatment of Division 3 work income in relation to former farm household support.

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First approach—entitlement period in which income earned

(5) If the YTA entitlement period in which the Division 3 work income was earned can be identified from the information held by the person applying this Division in connection with a decision or review of a decision, treat the Division 3 work income as if it had been first earned, derived or received in that YTA entitlement period.

Second approach—income apportionment

(6) If:

(a) subsection (5) does not apply; and

(b) the payroll period to which the Division 3 work income relates can be identified from the information held by the person applying this Division in connection with a decision or review of a decision;

treat the Division 3 work income as if it had been first earned, derived or received by the person as an amount equal to the total amount for the YTA entitlement period in each YTA entitlement period that includes one or more days in that payroll period.

(7) For the purposes of subsection (6), the total amount for a YTA entitlement period is worked out in accordance with the YTA income apportionment method statement.

Third approach—entitlement period in which income received

(8) If subsections (5) and (6) do not apply, treat the Division 3 work income as if it had been first earned, derived or received in the YTA entitlement period in which the person receives the Division 3 work income.

Priority of provisions

(9) This section applies subject to Division 2.

(10) If, disregarding this section:

(a) a provision of the relevant legislation required the Division 3 work income to be taken into account in the fortnight in which it is first earned, derived or received; and

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(b) that requirement was subject to another provision of the relevant legislation;

this section applies subject to the provision mentioned in paragraph (b).

(11) Apart from subsections (9) and (10), this section applies despite:

(a) any other provision of the relevant legislation; and

(b) any other law of the Commonwealth.

1117F Allocating Division 3 work income to entitlement periods—former farm household support

When this section applies

(1) This section applies in relation to Division 3 work income of a person earned, derived or received before 1 July 2014.

(2) After the validation time, the Division 3 work income is to be treated in accordance with this section for the purposes of the following legislation (the ***relevant legislation***):

(a) the *Farm Household Support Act 1992* as previously in force;

(b) the social security law as it relates to former farm household support;

(c) the *Student Assistance Act 1973* as it relates to former farm household support.

(3) To avoid doubt, this section applies in relation to treatment of Division 3 work income whether in connection with a decision or review of a decision (including review under the relevant legislation or review by the ART).

First approach—entitlement period in which income earned

(4) If the FHS entitlement period in which the Division 3 work income was earned can be identified from the information held by the person applying this Division in connection with a decision or review of a decision, treat the Division 3 work income as if it had been first earned, derived or received as an amount equal to the relevant amount on each day in the FHS entitlement period.

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(5) For the purposes of subsection (4), the relevant amount is worked out by dividing the amount of the Division 3 work income by the number of days in the FHS entitlement period.

Second approach—income apportionment

(6) If:

(a) subsection (4) does not apply; and

(b) the payroll period to which the Division 3 work income relates can be identified from the information held by the person applying this Division in connection with a decision or review of a decision;

treat the Division 3 work income as if it had been first earned, derived or received by the person as an amount equal to the daily amount for the FHS entitlement period on each day in each FHS entitlement period that includes one or more days in that payroll period.

(7) For the purposes of subsection (6), the daily amount for a FHS entitlement period is worked out in accordance with the FHS income apportionment method statement.

Third approach—entitlement period in which income received

(8) If subsections (4) and (6) do not apply, treat the Division 3 work income as if it had been first earned, derived or received as an amount equal to the relevant amount on each day in the FHS entitlement period in which the person receives the Division 3 work income.

(9) For the purposes of subsection (8), the relevant amount is worked out by dividing the amount of the Division 3 work income by the number of days in the FHS entitlement period.

Fortnightly or yearly expressions of Division 3 work income

(10) If, in accordance with the operation of this section, a person is taken to receive a particular amount of Division 3 work income on each day in an FHS entitlement period:

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(a) the rate of the person's Division 3 work income on a fortnightly basis for that day may be worked out by multiplying that amount by 14; and

(b) the rate of the person's Division 3 work income on a yearly basis for that day may be worked out by multiplying that amount by 364.

Priority of provisions

(11) This section applies subject to Division 2.

(12) If, disregarding this section:

(a) a provision of the relevant legislation required the Division 3 work income to be taken into account in the fortnight in which it is first earned, derived or received; and

(b) that requirement was subject to another provision of the relevant legislation;

this section applies subject to the provision mentioned in paragraph (b).

(13) Apart from subsections (11) and (12), this section applies despite:

(a) any other provision of the relevant legislation; and

(b) any other law of the Commonwealth.

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Schedule 2—Debt waivers

Part 1—Waiver in special circumstances

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

1 Paragraph 101(a)

Repeal the paragraph, substitute:

(a) one of the following subparagraphs applies:

(i) the debt did not result wholly or partly from the debtor or another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of the family assistance law;

(ii) the debt resulted wholly or partly from the debtor knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of the family assistance law, but that act, failure or omission was justified in the circumstances;

(iii) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of the family assistance law, but the debtor did not know about that act, failure or omission;

(iv) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of the family assistance law, and the debtor knew about that act, failure or omission but it was justified in the circumstances for the debtor not to correct that act, failure or omission; and

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Paid Parental Leave Act 2010

2 Paragraph 199(a)

Repeal the paragraph, substitute:

(a) one of the following subparagraphs applies:

(i) the debt did not result wholly or partly from the debtor or another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act;

(ii) the debt resulted wholly or partly from the debtor knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, but that act, failure or omission was justified in the circumstances;

(iii) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, but the debtor did not know about that act, failure or omission;

(iv) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, and the debtor knew about that act, failure or omission but it was justified in the circumstances for the debtor not to correct that act, failure or omission; and

Social Security Act 1991

3 Paragraph 1237AAD(a)

Repeal the paragraph, substitute:

(a) one of the following subparagraphs applies:

(i) the debt did not result wholly or partly from the debtor or another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, the Administration Act or the 1947 Act;

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(ii) the debt resulted wholly or partly from the debtor knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, the Administration Act or the 1947 Act, but that act, failure or omission was justified in the circumstances;

(iii) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, the Administration Act or the 1947 Act, but the debtor did not know about that act, failure or omission;

(iv) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, the Administration Act or the 1947 Act, and the debtor knew about that act, failure or omission but it was justified in the circumstances for the debtor not to correct that act, failure or omission; and

Student Assistance Act 1973

4 Paragraph 43F(a)

Repeal the paragraph, substitute:

(a) one of the following subparagraphs applies:

(i) the debt did not result wholly or partly from the debtor or another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act;

(ii) the debt resulted wholly or partly from the debtor knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, but that act, failure or omission was justified in the circumstances;

(iii) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, but the debtor did not know about that act, failure or omission;

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(iv) the debt resulted wholly or partly from another person knowingly making a false statement or a false representation, or failing or omitting to comply with a provision of this Act, and the debtor knew about that act, failure or omission but it was justified in the circumstances for the debtor not to correct that act, failure or omission; and

Division 2—Application of amendments

5 Application of amendments

The amendments made by this Part apply in relation to a debt that is raised before or after this item commences.

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Part 2—Small debt waiver

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

6 Section 99

Repeal the section, substitute:

99 Waiver of small debt

(1) The Secretary must waive the right to recover a debt if the debt is, or is likely to be, less than the amount referred to in section 1237AAA of the *Social Security Act 1991*.

Note 1: The amount referred to in section 1237AAA of the *Social Security Act 1991* is indexed on each 1 July (see sections 1191 to 1194 of that Act). Immediately before 1 July 2026, the amount was $250.

Note 2: If the Secretary suspects that there may have been fraud or serious non-compliance in relation to a debt waived under this section, the waiver does not prevent the Secretary from taking further appropriate action against the debtor or any other person.

(2) Subsection (1) does not apply if the debt could be recovered by setting off under section 87A against a payment referred to in paragraph 82(1)(c) (child care service payments).

Paid Parental Leave Act 2010

7 Section 197

Repeal the section, substitute:

197 Waiver of debts—small debts

The Secretary must waive the right to recover a debt if the debt is, or is likely to be, less than the amount referred to in section 1237AAA of the *Social Security Act 1991*.

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Note 1: The amount referred to in section 1237AAA of the *Social Security Act 1991* is indexed on each 1 July (see sections 1191 to 1194 of that Act). Immediately before 1 July 2026, the amount was $250.

Note 2: If the Secretary suspects that there may have been fraud or serious non-compliance in relation to a debt waived under this section, the waiver does not prevent the Secretary from taking further appropriate action against the debtor or any other person.

Social Security Act 1991

8 Section 1190 (at the end of the table)

Add:

	Small debt waiver		
71.	Small debt waiver	Small debt waiver	Section 1237AAA

9 Subsection 1191(1) (at the end of the table)

Add:

	Small debt waiver				
43.	Small debt waiver	1 July	March	highest March quarter before reference quarter (but not earlier than March quarter 2025)	$1.00

10 At the end of section 1192

Add:

(9) The first indexation of the amount in section 1237AAA (waiver of small debt) is to take place on 1 July 2026.

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10A At the end of Part 5.2

Add:

1230D Non-recovery of certain amounts

If a record of an amount less than the amount referred to in section 1237AAA is entered into the records of the Human Services Department, the Secretary must waive the Commonwealth's right to raise a debt in respect of the whole or a part of the amount if, were the Commonwealth to exercise that right, the resulting debt would be a debt within the meaning of Part 5.4.

Note 1: The amount referred to in section 1237AAA is indexed on each 1 July (see sections 1191 to 1194). Immediately before 1 July 2026, the amount was $250.

Note 2: See also section 1237AAA (waiver of small debt).

Note 3: A waiver under this section of the Commonwealth's right to raise a debt in respect of an amount does not prevent the Secretary from considering whether any person may have engaged in fraud or serious non-compliance in relation to the amount and taking further appropriate action.

11 Section 1237AAA

Repeal the section, substitute:

1237AAA Waiver of small debt

The Secretary must waive the right to recover a debt if the debt is, or is likely to be, less than $250.

Note 1: This amount is indexed on each 1 July (see sections 1191 to 1194).

Note 2: Section 1237AAE limits the circumstances in which an assurance of support debt may be waived under this section, and the amount of the debt that may be waived.

Note 3: If the Secretary suspects that there may have been fraud or serious non-compliance in relation to a debt waived under this section, the waiver does not prevent the Secretary from taking further appropriate action against the debtor or any other person.

Note 4: See also section 1230D (non-recovery of certain amounts).

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Student Assistance Act 1973

12 Section 43D

Repeat the section, substitute:

43D Waiver of small debt

The Secretary must waive the right to recover a debt if the debt is, or is likely to be, less than the amount referred to in section 1237AAA of the *Social Security Act 1991*.

Note 1: The amount referred to in section 1237AAA of the *Social Security Act 1991* is indexed on each 1 July (see sections 1191 to 1194 of that Act). Immediately before 1 July 2026, the amount was $250.

Note 2: If the Secretary suspects that there may have been fraud or serious non-compliance in relation to a debt waived under this section, the waiver does not prevent the Secretary from taking further appropriate action against the debtor or any other person.

Note 3: See also section 44 (non-recovery of certain amounts).

12A At the end of Part 6

Add:

Division 5—Other matters

44 Non-recovery of certain amounts

If a record of an amount less than the amount referred to in section 1237AAA of the *Social Security Act 1991* is entered into the records of the Human Services Department, the Secretary must waive the Commonwealth's right to raise a debt in respect of the whole or a part of the amount if, were the Commonwealth to exercise that right, the resulting debt would be a debt to which this Part applies.

Note 1: The amount referred to in section 1237AAA of the *Social Security Act 1991* is indexed on each 1 July (see sections 1191 to 1194 of that Act). Immediately before 1 July 2026, the amount was $250.

Note 2: See also section 43D (waiver of small debt).

Note 3: A waiver under this section of the Commonwealth's right to raise a debt in respect of an amount does not prevent the Secretary from

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considering whether any person may have engaged in fraud or serious non-compliance in relation to the amount and taking further appropriate action.

44A Secretary may arrange for use of computer programs to make decisions

(1) The Secretary may arrange for the use, under the Secretary's control, of computer programs for any purposes for which an officer may make a decision that is the doing of a thing under section 43D (waiver of small debt) or section 44 (non-recovery of certain amounts).

(2) A decision made by the operation of a computer program under an arrangement made under subsection (1) is taken to be a decision made by the Secretary.

Division 2—Application of amendments

13 Application of amendments

Debts

(1) The amendments made by this Part apply in relation to a debt that is:
(a) raised after this item commences; or
(b) raised before but varied after this item commences.

(2) Subitem (1) has effect despite section 1236A of the *Social Security Act 1991* (application).

Non-recovery of certain amounts

(3) The amendments made by this Part apply in relation to a record that is entered into the records of the Human Services Department after the commencement of this item.

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Part 3—One-off waiver

14 One-off waiver

(1) This item applies in relation to an amount (other than an amount of child care subsidy or additional child care subsidy) if:

(a) the amount would, or would likely, be a debt of less than $250 for the purposes of an Act specified in subitem (4) if the amount were to be raised, at the time when this item commences, as a debt due to the Commonwealth for the purposes of the specified Act; and

(b) immediately before this item commences:

(i) a record of the amount is held in the records of Services Australia; and

(ii) the amount has not been raised as a debt.

(2) Any right of the Commonwealth to recover (wholly or partly) the amount as a debt (if it were to be raised as a debt) is waived, by force of this item, when this item commences.

(3) This item has effect despite any provision of an Act specified in subitem (4).

(4) The following Acts are specified:

(a) the *A New Tax System (Family Assistance) (Administration) Act 1999*;

(b) the *Paid Parental Leave Act 2010*;

(c) the *Social Security Act 1991*;

(d) the *Student Assistance Act 1973*.

(5) In this item:

additional child care subsidy has the same meaning as in the *A New Tax System (Family Assistance) Act 1999*.

child care subsidy has the same meaning as in the *A New Tax System (Family Assistance) Act 1999*.

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Schedule 3—Income Apportionment Resolution Scheme

1 Definitions

In this Schedule:

Division 2 work income has the meaning given by Part 3.11 of the *Social Security Act 1991* (as inserted by Schedule 1 to this Act).

effective acceptance: a person lodges an effective acceptance of an offer to be paid a resolution payment under the Income Apportionment Resolution Scheme if:

(a) the notice making the offer meets the requirements determined for the purposes of paragraph 3(1)(i); and

(b) the person lodges the acceptance of the offer in accordance with the requirements determined for the purposes of paragraph 3(1)(j).

family assistance law has the meaning given by subsection 3(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Income Apportionment Resolution Scheme has the meaning given by subitem 2(1).

resolution payment has the meaning given by subitem 2(1).

social security law has the meaning given by subsection 23(17) of the *Social Security Act 1991*.

2 Establishment of Income Apportionment Resolution Scheme

Establishment of Income Apportionment Resolution Scheme

(1) A scheme (the ***Income Apportionment Resolution Scheme***) to provide for the Commonwealth to pay an amount of reparation (a ***resolution payment***) to a person who is covered by subitem (2), (3) or (4) is established by force of this Schedule.

Note 1: Despite this item, the Minister may determine that a person is not entitled to a resolution payment (see paragraph 3(1)(f)).

Note 2: For the appropriation for the Income Apportionment Resolution Scheme, see Schedule 4.

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Entitlement to resolution payments

(2) A person is entitled to a resolution payment under the Income Apportionment Resolution Scheme if:

(a) the person owes or owed a debt to the Commonwealth under:

(i) the social security law; or

Note: The social security law includes the *Farm Household Support Act 2014*: see section 93 of that Act.

(ii) the repealed *Farm Household Support Act 1992*; or

(iii) the family assistance law; or

(iv) any other Act determined by the Minister under paragraph 3(1)(a); and

(b) the debt was raised, before this item commences, as a result of an overpayment of a payment or benefit under:

(i) the social security law; or

(ii) the repealed *Farm Household Support Act 1992*; or

(iii) the family assistance law; or

(iv) an Act determined for the purposes of subparagraph (a)(iv); and

(c) the debt relates to one or more periods (***debt periods***), and the debt periods included one or more days in the period:

(i) beginning on 20 September 2003; and

(ii) ending on 6 December 2020; and

(d) the debt arose (whether wholly or partly, or directly or indirectly) because the Division 2 work income of the person, or of a partner of the person, was worked out using the method set out in section 1114 or 1116 of the *Social Security Act 1991* (as inserted by Schedule 1 to this Act).

Example: A person's debt may arise indirectly if the person's debt arises under the family assistance law because the Division 2 work income of the person, or the person's partner, was worked out using the method set out in section 1114 of the *Social Security Act 1991*.

(3) A person is entitled to a resolution payment under the Income Apportionment Resolution Scheme if:

(a) the person owes or owed a debt to the Commonwealth, and the person is covered by circumstances determined for the purposes of paragraph 3(1)(b); and

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(b) the debt arose (whether wholly or partly, or directly or indirectly) because the Division 2 work income of the person, or of a partner of the person, was worked out using the method set out in section 1114 or 1116 of the *Social Security Act 1991* (as inserted by Schedule 1 to this Act).

Payments to those acting on behalf of recipients

(4) To avoid doubt, a resolution payment to which a person (the ***recipient***) covered by subitem (2) or (3) is entitled to be paid under the Income Apportionment Resolution Scheme may be paid to another person who is acting for or on behalf of the recipient.

Effect of effective acceptance of offer of resolution payment—main case

(5) If a person covered by subitem (2) or (3) lodges an effective acceptance of an offer to be paid a resolution payment, then, by force of this subitem, at the time the person lodges the acceptance:

(a) the person releases and forever discharges the Commonwealth from all liability in relation to any claim against the Commonwealth that arises as a result (whether directly or indirectly) of the Division 2 work income of the person, or of the partner of the person, being worked out using the method set out in section 1114 or 1116 of the *Social Security Act 1991*; and

(b) the person cannot, whether as an individual, a representative party (within the meaning of Part IVA of the *Federal Court of Australia Act 1976*) or a member of a group, bring or continue any such claim against the Commonwealth.

Note: This subitem ceases to apply if the effective acceptance ceases to be in force (see subitem (7)).

Effect of effective acceptance of offer of resolution payment—agents

(6) If a person (the ***agent***), acting for or on behalf of another person (the ***recipient***) who is covered by subitem (2) or (3), lodges an effective acceptance of an offer to be paid a resolution payment, then, by force of this subitem, at the time the agent lodges the acceptance:

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(a) the Commonwealth is released and forever discharged from all liability in relation to any claim against the Commonwealth that arises as a result (whether directly or indirectly) of the Division 2 work income of the recipient, or of the partner of the recipient, being worked out using the method set out in section 1114 or 1116 of the *Social Security Act 1991*; and

(b) no person can, whether as an individual, a representative party (within the meaning of Part IVA of the *Federal Court of Australia Act 1976*) or a member of a group, bring or continue any such claim against the Commonwealth to the extent that it relates to the recipient.

Note: This subitem ceases to apply if the effective acceptance ceases to be in force (see subitem (7)).

(7) Subitems (5) and (6) cease to apply in relation to a person if the effective acceptance of the offer to be paid a resolution payment relating to the person ceases to be in force.

Note: The Minister may determine provisions relating to when an effective acceptance ceases to be in force (see paragraph 3(1)(k)).

3 Determination relating to Income Apportionment Resolution Scheme

(1) The Minister may, by legislative instrument, determine provisions for and in relation to the Income Apportionment Resolution Scheme, including by determining the following matters, or provisions relating to the following matters:

(a) Acts for the purposes of subparagraph 2(2)(a)(iv);

(b) for the purposes of paragraph 2(3)(a), circumstances relating to a person who owes or owed a debt to the Commonwealth;

Note: The determination may, for example, deal with a person who owed a debt to the Commonwealth who has died.

(c) criteria for a person to be eligible to apply for a resolution payment under subitem 2(2) or (3);

(d) the manner or method in which a person may apply for a resolution payment;

(e) requirements for a person to provide information for the purposes of an application under the scheme;

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(f) criteria for a person to be entitled, or not entitled, to be paid a resolution payment (despite item 2);

(g) the amount of a resolution payment that a person is entitled to be paid;

(h) making a decision on an application under the scheme, including:

(i) who may make a decision on the application; and

Note: A power to make a decision may be delegated under section 234 of the *Social Security (Administration) Act 1999*.

(ii) the way in which a decision on the application may be made; and

Note: A computer may make a decision under section 6A of the *Social Security (Administration) Act 1999*.

(iii) the matters that may be taken into account in making a decision; and

(iv) requirements in relation to notifying the applicant of the decision;

(i) requirements for a notice making an offer to pay a resolution payment to an applicant;

(j) requirements for a person to lodge an effective acceptance of an offer to be paid a resolution payment;

Note: Examples of requirements for a person to lodge an effective acceptance of an offer include the method or manner of accepting the offer, and an acknowledgement of the effect of subitem 2(5) or (6).

(k) circumstances in which an effective acceptance of an offer to be paid a resolution payment ceases to be in force;

(l) requirements for a person to reject an offer to be paid a resolution payment;

(m) methods for paying a resolution payment, which may include how a resolution payment may be applied to reduce the outstanding amount of another debt due to the Commonwealth;

(n) review of any decision under the scheme;

Note 1: The determination must provide for review of a decision (see subitem (2)).

Note 2: Parts 4 and 4A of the *Social Security (Administration) Act 1999* do not apply in relation to a decision under the scheme (see subitem 6(2)).

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(o) debts arising under the scheme and debt recovery for such debts;

Note: See also subitem (4) and item 5.

(p) the operation of the scheme in relation to a person who owes or owed more than one debt to the Commonwealth;

(q) the operation of the scheme in relation to a person who is acting for or on behalf of a person covered by subitem 2(2) or (3);

(r) timeframes for things to be done under the scheme, including:

(i) extensions of such timeframes; and

(ii) limits on extensions of such timeframes;

(s) any other matters in relation to the operation of the scheme.

Other matters relating to determination

(2) The determination must provide for review of any decision under the Income Apportionment Resolution Scheme for the purposes of paragraph (1)(n).

(3) Without limiting this item, the determination may make different provision in relation to different classes of applications, debts or resolution payments.

Note: For example, the determination may provide for different resolution payments in relation to different classes of debts for the purposes of paragraph (1)(g).

(4) Without limiting this item, the determination may provide that:

(a) a resolution payment is to be treated, for the purposes of a specified Act or Acts, as if it was a payment made under a specified Act, or part of an Act; or

(b) a debt arising under the scheme is to be treated, for the purposes of a specified Act or Acts, as if it was a debt arising under a specified Act, or part of an Act.

4 Guidelines for the purposes of the Income Apportionment Resolution Scheme

(1) The Minister may, in writing, make guidelines for the purposes of the Income Apportionment Resolution Scheme.

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(2) A guideline made under subitem (1) is not a legislative instrument.

5 Overpayments etc. of resolution payments

(1) If:

(a) a resolution payment is paid to a person; and

(b) the person to or on behalf of whom the payment is made was not entitled for any reason to receive all or part of the payment;

the amount of the payment to which the person is not entitled is a debt due to the Commonwealth by the person.

(2) The debt is taken to arise when the person receives the benefit of the payment.

(3) If a resolution payment is made to, or as directed or authorised by, the person who is entitled to obtain the benefit of the payment, subitem (1) does not apply to any other person who afterwards obtains the benefit of the payment unless the other person obtained the benefit because of a mistake made by the first person in connection with the giving of the direction or authorisation.

(4) This item does not limit paragraph 3(1)(o).

6 Relationship with Social Security Act

(1) For the purposes of paragraph 23(17)(c) of the *Social Security Act 1991*, the following form part of the social security law:

(a) this Schedule, and any instrument made for the purposes of this Schedule;

(b) Schedule 4 (appropriation).

Review

(2) Parts 4 and 4A of the *Social Security (Administration) Act 1999* do not apply in relation to a decision under the Income Apportionment Resolution Scheme.

Note: The determination must specify how decisions under the Income Apportionment Resolution Scheme are reviewed (see paragraph 3(1)(n) and subitem 3(2)).

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Schedule 4—Appropriation

1 Appropriation

The following amounts are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly:

(a) a resolution payment made under Schedule 3 to this Act;

(b) an amount payable as a result (whether directly or indirectly) of working out a person's Division 3 work income under Part 3.11 of the *Social Security Act 1991* (as inserted by Schedule 1 to this Act).

Note: This Schedule forms part of the social security law (see subitem 6(1) of Schedule 3).

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Schedule 5—Benefit restriction notices

Part 1—Social Security Act amendments

Social Security Act 1991

1 Subsection 23(1)

Insert:

> ***AFP Minister*** means the Minister administering the *Australian Federal Police Act 1979*.
>
> ***ASIO Minister*** means the Minister administering the *Australian Security Intelligence Organisation Act 1979*.
>
> ***benefit restriction notice*** means a notice under section 38MA or 38N.
>
> ***senior AFP member*** has the same meaning as in the *Criminal Code*.

2 Subsection 23(1) (definition of *Home Affairs Minister*)

Repeal the definition.

3 Subsection 23(1) (definition of *security notice*)

Repeal the definition.

4 Part 1.3B (heading)

Omit "**on security grounds**".

5 Section 38L

Repeal the section, substitute:

38L Simplified outline of this Part

> Persons may lose social security payments or concession cards if they:

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(a) are the subject of an arrest warrant in respect of a serious violent or sexual offence; or
(b) might prejudice the security of Australia or a foreign country.

6 Section 38M (heading)

Omit "**on security grounds**".

7 Subsection 38M(1)

Omit "security notice", substitute "benefit restriction notice".

8 Subsection 38M(1) (note)

Repeal the note, substitute:

Note: A benefit restriction notice is a notice under section 38MA or 38N.

9 Subsections 38M(2) to (4)

Omit "security notice", substitute "benefit restriction notice".

10 After section 38M

Insert:

38MA Benefit restriction notice from AFP Minister

(1) The AFP Minister may give the Minister a written notice requiring that this Part apply in relation to a specified person if:
(a) the person is the subject of an arrest warrant issued in Australia in respect of a serious violent or sexual offence (within the meaning of Division 395 of the *Criminal Code*); and
(b) the person has not been arrested under the warrant; and
(c) a cancellation request for the person has been made as mentioned in subsection (2).

Cancellation requests

(2) For the purposes of paragraph (1)(c), a cancellation request has been made for the person if a request to cancel the person's social

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security payments or concession card (however expressed) has been made, in writing:

(a) by a senior AFP member or a member of a State or Territory police force whose rank is equivalent to the rank of a senior AFP member; and

(b) to any of the following:

(i) the AFP Minister;

(ii) the Minister;

(iii) the Minister administering the *Human Services (Centrelink) Act 1997*;

(iv) the Department;

(v) the Human Services Department.

Considerations for giving a notice

(3) Before giving a notice under this section, the AFP Minister must have regard to the following:

(a) the extent to which the person is likely to be a threat or danger to the community while the person is not arrested under the warrant;

(b) the likely effect of the operation of section 38M on the person's dependants, if the AFP Minister is aware of those dependants.

(4) The Secretary of the Department administered by the AFP Minister must:

(a) seek the advice of the Human Services Secretary in relation to paragraph (3)(b); and

(b) inform the AFP Minister of that advice.

(5) Subsection (3) does not limit the matters to which regard may be had.

11 Section 38N (heading)

Repeal the heading, substitute:

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38N Benefit restriction notice from ASIO Minister

12 Section 38N

Omit "Home Affairs" (wherever occurring), substitute "ASIO".

13 Section 38P

Omit "Home Affairs", substitute "ASIO".

14 Section 38R (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

15 Section 38R

Omit "security notice", substitute "benefit restriction notice".

16 Section 38S (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

17 Section 38S

Omit "security notice", substitute "benefit restriction notice".

18 Section 38SA (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

19 Section 38SA

Omit "the Home Affairs Minister must consider whether to revoke a security notice", substitute "the Minister who gave a benefit restriction notice must consider whether to revoke the benefit restriction notice".

20 Paragraph 38SA(b)

Omit "the Home Affairs", substitute "that".

21 Section 38T (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

22 Subsection 38T(1)

Repeal the subsection, substitute:

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(1) If the AFP Minister or the ASIO Minister has given a benefit restriction notice, that Minister may, by written notice given to the Minister, revoke the benefit restriction notice.

23 Paragraph 38T(4)(b)

Omit "Home Affairs Minister revokes the security notice", substitute "AFP Minister or ASIO Minister revokes the benefit restriction notice".

24 Application

The amendments made by this Part apply in relation to arrest warrants issued before, on or after the commencement of this item.

25 Transitional

A security notice that was:

(a) given under section 38N of the *Social Security Act 1991* (as in force before the commencement of this item); and

(b) in force immediately before that commencement;

continues in force (and may be dealt with) at and after that commencement as if it were a benefit restriction notice given under that section as amended by this Part.

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Part 2—Family Assistance Act amendments

A New Tax System (Family Assistance) Act 1999

26 Subsection 3(1)

Insert:

AFP Minister means the Minister administering the *Australian Federal Police Act 1979*.

ASIO Minister means the Minister administering the *Australian Security Intelligence Organisation Act 1979*.

benefit restriction notice means a notice under section 57GIA or 57GJ.

senior AFP member has the same meaning as in the *Criminal Code*.

27 Subsection 3(1) (definition of *Home Affairs Minister*)

Repeal the definition.

28 Subsection 3(1) (definition of *security notice*)

Repeal the definition.

29 Division 7 of Part 3 (heading)

Omit "**on security grounds**".

30 Section 57GH

Repeal the section, substitute:

57GH Simplified outline of this Division

Individuals may lose family assistance if they:

(a) are the subject of an arrest warrant in respect of a serious violent or sexual offence; or

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(b) might prejudice the security of Australia or a foreign country.

31 Section 57GI (heading)

Omit "**on security grounds**".

32 Subsection 57GI(1) (heading)

Omit "*Security notice*", substitute "*Benefit restriction notice*".

33 Subsection 57GI(1)

Omit "security notice", substitute "benefit restriction notice".

34 Section 57GI (note 1)

Repeal the note, substitute:

Note 1: A benefit restriction notice is a notice under section 57GIA or 57GJ.

35 Subsections 57GI(2) to (4)

Omit "security notice", substitute "benefit restriction notice".

36 Subsection 57GI(7) (heading)

Omit "*Security notice*", substitute "*Benefit restriction notice*".

37 Paragraph 57GI(7)(a)

Omit "security notice", substitute "benefit restriction notice".

38 After section 57GI

Insert:

57GIA Benefit restriction notice from AFP Minister

(1) The AFP Minister may give the Minister a written notice requiring that this Division apply in relation to a specified individual if:

(a) the individual is the subject of an arrest warrant issued in Australia in respect of a serious violent or sexual offence (within the meaning of Division 395 of the *Criminal Code*); and

(b) the individual has not been arrested under the warrant; and

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(c) a cancellation request for the individual has been made as mentioned in subsection (2).

Cancellation requests

(2) For the purposes of paragraph (1)(c), a cancellation request has been made for the individual if a request to cancel the individual's family assistance (however expressed) has been made, in writing:

(a) by a senior AFP member or a member of a State or Territory police force whose rank is equivalent to the rank of a senior AFP member; and

(b) to any of the following:

(i) the AFP Minister;

(ii) the Minister;

(iii) the Minister administering the *Human Services (Centrelink) Act 1997*;

(iv) the Department;

(v) the Human Services Department.

Notice may recommend payments to payment nominee

(3) A notice under this section may recommend that payments of family assistance of the individual, to the extent set out in the notice, be paid to a payment nominee of the individual under Part 8B of the Family Assistance Administration Act.

Considerations for giving a notice

(4) Before giving a notice under this section, the AFP Minister must have regard to the following:

(a) the extent to which the individual is likely to be a threat or danger to the community while the individual is not arrested under the warrant;

(b) the likely effect of the operation of section 57GI on the individual's dependants, if the AFP Minister is aware of those dependants.

(5) The Secretary of the Department administered by the AFP Minister must:

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(a) seek the advice of the Human Services Secretary in relation to paragraph (4)(b); and
(b) inform the AFP Minister of that advice.

(6) Subsection (4) does not limit the matters to which regard may be had.

39 Section 57GJ (heading)

Repeal the heading, substitute:

57GJ Benefit restriction notice from ASIO Minister

40 Section 57GJ

Omit "Home Affairs" (wherever occurring), substitute "ASIO".

41 Section 57GK

Omit "Home Affairs", substitute "ASIO".

42 Section 57GM (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

43 Sections 57GM

Omit "security notice", substitute "benefit restriction notice".

44 Section 57GN (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

45 Sections 57GN

Omit "security notice", substitute "benefit restriction notice".

46 Section 57GNA (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

47 Section 57GNA

Omit "the Home Affairs Minister must consider whether to revoke a security notice", substitute "the Minister who gave a benefit restriction notice must consider whether to revoke the benefit restriction notice".

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48 Paragraph 57GNA(b)

Omit "the Home Affairs", substitute "that".

49 Section 57GO (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

50 Subsection 57GO(1)

Repeal the subsection, substitute:

(1) If the AFP Minister or the ASIO Minister has given a benefit restriction notice, that Minister may, by written notice given to the Minister, revoke the benefit restriction notice.

51 Paragraph 57GO(4)(b)

Omit "Home Affairs Minister revokes the security notice", substitute "AFP Minister or ASIO Minister revokes the benefit restriction notice".

52 Application

The amendments made by this Part apply in relation to arrest warrants issued before, on or after the commencement of this item.

53 Transitional

A security notice that was:

(a) given under section 57GJ of the *A New Tax System (Family Assistance) Act 1999* (as in force before the commencement of this item); and

(b) in force immediately before that commencement;

continues in force (and may be dealt with) at and after that commencement as if it were a benefit restriction notice given under that section as amended by this Part.

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Part 3—Paid Parental Leave Act amendments

Paid Parental Leave Act 2010

54 Section 6

Insert:

AFP Minister means the Minister administering the *Australian Federal Police Act 1979*.

ASIO Minister means the Minister administering the *Australian Security Intelligence Organisation Act 1979*.

benefit restriction notice means a notice under section 278BA or 278C.

senior AFP member has the same meaning as in the *Criminal Code*.

55 Section 6 (definition of *Home Affairs Minister*)

Repeal the definition.

56 Section 6 (definition of *security notice*)

Repeal the definition.

57 Division 5 of Part 6-1 (heading)

Omit "**on security grounds**".

58 Section 278A

Repeal the section, substitute:

278A Simplified outline of this Division

Persons may lose parental leave pay if they:

(a) are the subject of an arrest warrant in respect of a serious violent or sexual offence; or

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(b) might prejudice the security of Australia or a foreign country.

59 Section 278B (heading)

Omit "**on security grounds**".

60 Subsection 278B(1)

Omit "security notice", substitute "benefit restriction notice".

61 Subsection 278B(1) (note)

Repeal the note, substitute:

Note: A benefit restriction notice is a notice under section 278BA or 278C.

62 Subsections 278B(3)

Omit "security notice", substitute "benefit restriction notice".

63 After section 278B

Insert:

278BA Benefit restriction notice from AFP Minister

(1) The AFP Minister may give the Minister a written notice requiring that this Division apply in relation to a specified person if:

(a) the person is the subject of an arrest warrant issued in Australia in respect of a serious violent or sexual offence (within the meaning of Division 395 of the *Criminal Code*); and

(b) the person has not been arrested under the warrant; and

(c) a cancellation request for the person has been made as mentioned in subsection (2).

Cancellation requests

(2) For the purposes of paragraph (1)(c), a cancellation request has been made for the person if a request to cancel the person's parental leave pay (however expressed) has been made, in writing:

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(a) by a senior AFP member or a member of a State or Territory police force whose rank is equivalent to the rank of a senior AFP member; and

(b) to any of the following:

(i) the AFP Minister;

(ii) the Minister;

(iii) the Minister administering the *Human Services (Centrelink) Act 1997*;

(iv) the Department;

(v) the Human Services Department.

Considerations for giving a notice

(3) Before giving a notice under this section, the AFP Minister must have regard to the following:

(a) the extent to which the person is likely to be a threat or danger to the community while the person is not arrested under the warrant;

(b) the likely effect of the operation of section 278B on the person's dependants, if the AFP Minister is aware of those dependants.

(4) The Secretary of the Department administered by the AFP Minister must:

(a) seek the advice of the Human Services Secretary in relation to paragraph (3)(b); and

(b) inform the AFP Minister of that advice.

(5) Subsection (3) does not limit the matters to which regard may be had.

64 Section 278C (heading)

Repeal the heading, substitute:

278C Benefit restriction notice from ASIO Minister

65 Section 278C

Omit "Home Affairs" (wherever occurring), substitute "ASIO".

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66 Section 278D

Omit "Home Affairs", substitute "ASIO".

67 Section 278F (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

68 Section 278F

Omit "security notice", substitute "benefit restriction notice".

69 Section 278G (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

70 Section 278G

Omit "security notice", substitute "benefit restriction notice".

71 Section 278GA (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

72 Section 278GA

Omit "the Home Affairs Minister must consider whether to revoke a security notice", substitute "the Minister who gave a benefit restriction notice must consider whether to revoke the benefit restriction notice".

73 Paragraph 278GA(b)

Omit "the Home Affairs", substitute "that".

74 Section 278H (heading)

Omit "**security notice**", substitute "**benefit restriction notice**".

75 Subsection 278H(1)

Repeal the subsection, substitute:

(1) If the AFP Minister or the ASIO Minister has given a benefit restriction notice, that Minister may, by written notice given to the Minister, revoke the benefit restriction notice.

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76 Application

The amendments made by this Part apply in relation to arrest warrants issued before, on or after the commencement of this item.

77 Transitional

A security notice that was:

(a) given under section 278C of the *Paid Parental Leave Act 2010* (as in force before the commencement of this item); and

(b) in force immediately before that commencement;

continues in force (and may be dealt with) at and after that commencement as if it were a benefit restriction notice given under that section as amended by this Part.

[*Minister's second reading speech made in—*
House of Representatives on 4 September 2025
Senate on 3 November 2025]

(70/25)

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