Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011

No.  , 2011

(Tertiary Education, Skills, Jobs and Workplace Relations)

A Bill for an Act to amend the law relating to social security and family assistance, and for other purposes
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A Bill for an Act to amend the law relating to social security and family assistance, and for other purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the Social Security and Other Legislation Amendment (Miscellaneous Measures) Act 2011.

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

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
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</thead>
<tbody>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
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<tr>
<td>3. Schedule 2, item 1</td>
<td>Immediately after the commencement of item 8 of Schedule 1 to the <em>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</em>.</td>
<td></td>
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<td>4. Schedule 2, item 2</td>
<td>Immediately after the commencement of section 2 of the <em>Family Assistance Legislation Amendment (Child Care Rebate) Act 2011</em>.</td>
<td>21 April 2011</td>
</tr>
<tr>
<td>5. Schedule 3</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>

1. Note: This table relates only to the provisions of this Act as originally enacted.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. (2) Any information in column 3 of the table is not part of this Act.

3. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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2. *Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 No. 1, 2011*
Schedule 1—Notification of change of circumstances etc.

Social Security (Administration) Act 1999

1 Before section 67

Insert:

66A General requirement to inform of a change of circumstances etc.

Person who has made a claim

(1) If:

(a) a person has made a claim for:
   (i) a social security payment; or
   (ii) a concession card; and

(b) the claim has been granted or has not been determined; and

(c) an event or change of circumstances occurs that might affect the payment of that social security payment or the person’s qualification for the concession card;

the person must, within 14 days after the day on which the event or change occurs, inform the Department of the occurrence of the event or change.

Person receiving a social security payment or holding a concession card

(2) If:

(a) either:
   (i) a social security payment (other than utilities allowance or seniors supplement) is being paid to a person; or
   (ii) a person holds a concession card; and

(b) an event or change of circumstances occurs that might affect the payment of that social security payment or the person’s qualification for the concession card;
Schedule 1 Notification of change of circumstances etc.

the person must, within 14 days after the day on which the event or change occurs, inform the Department of the occurrence of the event or change.

Person who has received a social security payment or held a concession card

(3) If:
   (a) either:
      (i) a person is not receiving a social security payment but a social security payment (other than utilities allowance or seniors supplement) has at any time been paid to the person; or
      (ii) a person does not hold a concession card but has at any time held such a card; and
   (b) an event or change of circumstances occurs that might have affected the payment of that social security payment or the person’s qualification for the concession card;

   the person must, within 14 days after the day on which the event or change occurs, inform the Department of the occurrence of the event or change.

Interaction with notices under this Subdivision

(4) If:
   (a) a person is subject to a requirement under subsection (1), (2) or (3) in relation to an event or change of circumstances; and
   (b) the person is given, or purportedly given, a notice under this Subdivision in relation to the same event or change of circumstances; and
   (c) the person complies with the notice to the extent that it relates to that event or change;

   the person is taken to have also complied with that requirement within the period referred to in that subsection.

(5) Subsection (4) does not apply if the notice is given after the end of the period referred to in subsection (1), (2) or (3).

(6) This section does not limit the power of the Secretary to give a person a notice under this Subdivision.
2 Section 73

Omit “67”, substitute “66A”.

Note: The heading to section 73 is altered by omitting “notice”.

3 Application provision

Section 66A of the Social Security (Administration) Act 1999, as inserted by this Schedule, applies in relation to an event or change of circumstances that occurs on or after 20 March 2000.
Schedule 2—Technical amendments

Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011

1 Item 8 of Schedule 1 (heading)

Omit “and”, substitute “to”.

Family Assistance Legislation Amendment (Child Care Rebate) Act 2011

2 Subsection 2(1) (table item 28)

Repeal the item, substitute:

28. Schedule 3, item 1

The day after this Act receives the Royal Assent.

However, if Part 1 of Schedule 1 to the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011 commences after that day, the provision(s) do not commence at all.

29. Schedule 3, item 2

The day after this Act receives the Royal Assent.

However, if Schedule 5 to the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011 commences after that day, the provision(s) do not commence at all.

30. Schedule 3, item 3

The day after this Act receives the Royal Assent.

However, if Part 1 of Schedule 1 to the Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011 commences after that day, the provision(s) do not commence at all.

31. Schedule 3, The day after this Act receives the Royal

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| Items 4 and 5 | Assent.  
|---------------|-------------------------------------------------|  
|               | However, if Schedule 5 to the *Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011* commences after that day, the provision(s) do not commence at all.  
| 32. Schedule 3, items 6 to 10 | The day after this Act receives the Royal Assent.  
|               | However, if Part 1 of Schedule 1 to the *Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011* commences after that day, the provision(s) do not commence at all.  

*Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011*  
No. 2011 7
Schedule 3—Decisions made by computer programs

1 Decisions made by computer programs

(1) This item applies to a decision made under the social security law if:

(a) the decision was made on or after 12 June 2001 but before the commencement of this item; and

(b) the decision was made by the operation of a computer program.

(2) The Secretary is taken to have arranged for the use of the computer program under subsection 6A(1) of the Administration Act for any purpose in relation to the decision.

(3) The use of the computer program is taken to have been under the Secretary’s control for the purposes of subsection 6A(1) of the Administration Act.

(4) In this item:

*Administration Act* means the *Social Security (Administration) Act 1999.*

*Secretary* means the Secretary who is taken to have made the decision under subsection 6A(2) of the Administration Act.

*social security law* has the same meaning as in the Administration Act.