



# Health Insurance (FTB(A) Family) Amendment Determination 2009 (No. 1)<sup>1</sup>

*Health Insurance Act 1973*

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I, NICOLA ROXON, Minister for Health and Ageing, make this Determination under subsection 8A (1) of the *Health Insurance Act 1973*.

Dated 10 December 2009

NICOLA ROXON  
Minister for Health and Ageing

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**1 Name of Determination**

This Determination is the *Health Insurance (FTB(A) Family) Amendment Determination 2009 (No. 1)*.

**2 Commencement**

This Determination commences on 1 January 2010.

**3 Amendment of *Health Insurance (FTB(A) Family) Determination 2004***

Schedule 1 amends the *Health Insurance (FTB(A) Family) Determination 2004*.

## Schedule 1      Amendments

(section 3)

### [1]      After section 5

*insert*

### 5A      Notional overpayment due to revised income estimate

- (1) A registered family is an FTB(A) family in relation to a year (the *safety-net year*) if:
  - (a) a member of the family makes a claim for payment of family tax benefit by instalment under paragraph 7 (1) (a) of the Family Assistance Administration Act; and
  - (b) the Secretary determines, under section 16 of the Family Assistance Administration Act, that the member is entitled to be paid family tax benefit by instalment that has a Part A rate that is greater than nil; and
  - (c) before the first time in the safety-net year that the member is to receive an instalment amount under section 23 of the Family Assistance Administration Act, the Secretary varies the determination mentioned in paragraph (b) under section 31E of the Family Assistance Administration Act, because there is a daily overpayment rate within the meaning of that section, so that the member's daily rate of family tax benefit is reduced to nil.
- (2) The time after which the registered family is an FTB(A) family is the first time in the safety-net year when, but for the variation mentioned in paragraph (1) (c), the member would have received a payment of an instalment of family tax benefit under section 23 of the Family Assistance Administration Act that has a Part A rate that is greater than nil.

### 5B      Non-payment of family tax benefit payments due to non-lodgement of tax return

- (1) A registered family is an FTB(A) family in relation to a year (the *safety-net year*) if:
  - (a) a member of the family makes a claim for payment of family tax benefit by instalment under paragraph 7 (1) (a) of the Family Assistance Administration Act; and
  - (b) the Secretary determines, under section 16 of the Family Assistance Administration Act, that the member is entitled to be paid family tax benefit by instalment that has a Part A rate that is greater than nil; and

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- (c) before the first time in the safety-net year that the member is to receive an instalment amount under section 23 of the Family Assistance Administration Act, the Secretary, under section 32AA or 32AD of the Family Assistance Administration Act, does not make a payment of family tax benefit to the member.
- (2) The time after which the registered family is an FTB(A) family is the first time in the safety-net year when, but for the non-payment mentioned in paragraph (1) (c), the member would have received a payment of an instalment of family tax benefit under section 23 of the Family Assistance Administration Act that has a Part A rate that is greater than nil.

**[2] Subsection 6 (2)**

*substitute*

- (2) However, subsection (1) does not apply if the member does not receive a payment of family tax benefit by instalment with a Part A rate greater than nil in respect of the last income year because of section 31E, 32AA or 32AD of the Family Assistance Administration Act.
- (3) The time after which the registered family is an FTB(A) family is the date when the member receives the single payment of family tax benefit mentioned in subparagraph (1) (c) (ii) that has a Part A rate that is greater than nil and that is in respect of the last income year ending before the start of the safety-net year.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.