



Household Stimulus Package Act (No. 2) 2009

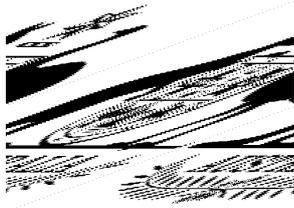
No. 4, 2009

**An Act to amend laws in order to provide payments
relating to the household stimulus package, and for
other purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Household Stimulus Package Act (No. 2) 2009

No. 4, 2009

**An Act to amend laws in order to provide payments
relating to the household stimulus package, and for
other purposes**

[Assented to 18 February 2009]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Household Stimulus Package Act
(No. 2) 2009*.

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
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	18 February 2009
2. Schedule 1	The day on which this Act receives the Royal Assent.	18 February 2009
3. Schedule 2, Part 1	1 January 2009.	1 January 2009
4. Schedule 2, Part 2	At the same time as item 65 of Schedule 2 to the <i>Social Security Legislation Amendment (Employment Services Reform) Act 2009</i> commences.	1 July 2009
5. Schedules 3 to 5	The day on which this Act receives the Royal Assent.	18 February 2009

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Training and learning bonus and farmers hardship bonus

Social Security Act 1991

1 Subsection 23(1)

Insert:

Military Rehabilitation and Compensation Act Education and Training Scheme has the meaning given by the Family Assistance Act.

2 Subsection 23(1)

Insert:

Veterans' Children Education Scheme has the meaning given by the Family Assistance Act.

3 After Part 2.17

Insert:

Part 2.18—Training and learning bonus and farmers hardship bonus

Division 1—Training and learning bonus

910 Qualification for training and learning bonus

Qualified if this section applies

- (1) A person is qualified for a training and learning bonus if subsection (2) or (4) applies to the person.

Receipt of certain payments

- (2) This subsection applies to a person if the person was receiving one or more of the following payments in respect of 3 February 2009:
 - (a) youth allowance;

- (b) austudy payment;
- (c) special benefit;
- (d) sickness allowance;
- (e) a payment under the ABSTUDY Scheme that included an amount identified as living allowance;
- (f) an education allowance under section 3.2, 3.3, 3.4, 3.5, 3.6 or 3.6A of the Veterans' Children Education Scheme;
- (g) an education allowance under section 3.2, 3.3, 3.4, 3.5 or 3.6 of the Military Rehabilitation and Compensation Act Education and Training Scheme.

(3) However:

- (a) paragraph (2)(a) does not apply to the person unless the person was receiving youth allowance on the basis that, on 3 February 2009:
 - (i) the person was undertaking full-time study; or
 - (ii) the person was qualified for a youth allowance under section 540AA; and
- (b) paragraph (2)(c) does not apply if the person had reached pension age on or before 14 October 2008.

Person entitled to family tax benefit Part A

- (4) This subsection applies to a person if:
- (a) on 3 February 2009 the person was entitled to family tax benefit; and
 - (b) the rate of family tax benefit payable in relation to that day consisted of or included a Part A rate greater than nil worked out taking into account at least one FTB child who was aged 21 or more and less than 25 on that day; and
 - (c) the person would have been entitled to a back to school bonus under section 95 of the Family Assistance Act if any such child were aged 4 or more and less than 19 on that day.

One payment under this section only

- (5) A person cannot receive more than one payment under this section, regardless of how many times the person qualifies under this section.

No qualification under subsection (2) in certain circumstances

- (6) Despite anything else in this section, a person who is:
- (a) an FTB child in respect of whom another person is entitled to a back to school bonus under section 95 of the Family Assistance Act; or
 - (b) entitled to a back to school bonus under section 98 of the Family Assistance Act;
- is not qualified for a training and learning bonus under subsection (2) of this section.

911 Amount of training and learning bonus

- (1) The amount of a person's training and learning bonus is:
- (a) if the person qualifies for a training and learning bonus under subsection 910(2) but not under subsection 910(4)—\$950; or
 - (b) if the person qualifies for a training and learning bonus under subsection 910(4) but not under subsection 910(2)—\$950 for each FTB child because of whom the person so qualifies; or
 - (c) if the person qualifies for a training and learning bonus under subsection 910(2) and also qualifies under subsection 910(4)—the sum of:
 - (i) \$950; and
 - (ii) \$950 for each FTB child because of whom the person so qualifies.
- (2) Despite paragraph (1)(b) and subparagraph (1)(c)(ii) of this section, subsections 97(3), (4) and (5) of the Family Assistance Act apply in relation to the amount of a person's training and learning bonus in relation to an FTB child in the same way as they would apply in relation to the amount of a back to school bonus under that Act.

Division 2—Farmers hardship bonus

912 Qualification for farmers hardship bonus

A person is qualified for a farmers hardship bonus if the person was paid any of the following in respect of a period that included 3 February 2009:

- (a) an instalment of exceptional circumstances relief payment under the *Farm Household Support Act 1992*;
- (b) an instalment of farm help income support under that Act;
- (c) a payment by the Commonwealth that:
 - (i) is known as Exceptional Circumstances Interim Income Support or as Transitional Income Support; and
 - (ii) is of a similar nature as a payment of a kind referred to in paragraph (a) or (b).

913 Amount of farmers hardship bonus

The amount of a person's farmers hardship bonus is \$950.

4 Paragraph 1231(1AA)(b)

After "economic security strategy payment", insert ", training and learning bonus or farmers hardship bonus".

5 Paragraph 1231(1AA)(b)

After "the payment" (wherever occurring), insert "or bonus".

Social Security (Administration) Act 1999

6 At the end of section 12AB

Add ", training and learning bonus or farmers hardship bonus".

Note: The heading to section 12AB is altered by adding at the end ", **training and learning bonus or farmers hardship bonus**".

7 After paragraph 47(1)(ht)

Insert:

- (hu) training and learning bonus; or
- (hv) farmers hardship bonus; or

8 Subsection 47(4)

After "Subject to", insert "subsections 47C(3) and (4) and".

9 Section 47C

Before "If an individual", insert "(1)".

Note: The heading to section 47C is altered by adding at the end ", **training and learning bonuses and farmers hardship bonuses**".

10 At the end of section 47C

Add:

- (2) If an individual is qualified for a training and learning bonus or farmers hardship bonus, the Secretary must pay the bonus in a single lump sum:
 - (a) to the individual; and
 - (b) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be made; and
 - (c) in such manner as the Secretary considers appropriate.
- (3) Despite paragraph (2)(a) of this section, if:
 - (a) the individual is qualified for a training and learning bonus under paragraph 910(2)(a) of the 1991 Act because the individual was receiving youth allowance in respect of 3 February 2009; and
 - (b) the whole or a part of the individual's instalment of youth allowance in respect of a period that included that day was paid to a parent of the individual under section 45 of this Act;the Secretary may pay the whole, or the same proportion, of the individual's training and learning bonus to that parent or to any other person.
- (4) Despite paragraph (2)(a) of this section, if:
 - (a) the individual is qualified for a training and learning bonus:
 - (i) under paragraph 910(2)(e) of the 1991 Act because the individual was receiving a payment under the ABSTUDY Scheme in respect of 3 February 2009; or
 - (ii) under paragraph 910(2)(f) or (g) of the 1991 Act because the individual was receiving an education allowance referred to in that paragraph in respect of that day; and
 - (b) the whole or a part of the individual's instalment of the payment or allowance in respect of a period that included that day was paid to a person (the *recipient*) other than the individual;the Secretary may pay the whole, or the same proportion, of the individual's training and learning bonus to the recipient or to any other person.

Schedule 2—Education entry payment

Part 1—Amendments taken to have commenced on 1 January 2009

Social Security Act 1991

1 At the end of section 665U

Add:

Reduction of qualification period during designated period

- (3) Subsection (1) has effect during the designated period as if the reference in subparagraph (b)(ii) to 12 months were a reference to 4 weeks.
- (4) For the purposes of subsection (3), the *designated period* is the period beginning on 1 January 2009 and ending at the end of:
 - (a) 30 June 2010; or
 - (b) if a later date is determined by the Minister by legislative instrument—that later date.

2 Section 665ZC

Before “A woman”, insert “(1)”.

3 At the end of section 665ZC

Add:

Reduction of qualification period during designated period

- (2) Subsection (1) has effect during the designated period as if it were modified as follows:
 - (a) by omitting subparagraph (b)(ii) and substituting the following subparagraph:
 - (ii) had been receiving income support payments in respect of a continuous period of at least 4 weeks (whether or not the kind of payment received has changed over the period and whether the period or any part of it occurred before or after 1 January 2009); and

(b) by omitting Note 1 and substituting the following notes:

Note 1: For *income support payment* see subsection 23(1).

Note 1A: For the determination of whether a person received income support payments in respect of a continuous period of at least 4 weeks see section 38B.

- (3) For the purposes of subsection (2), the *designated period* is the period beginning on 1 January 2009 and ending at the end of:
- (a) 30 June 2010; or
 - (b) if a later date is determined by the Minister by legislative instrument—that later date.

4 Section 665ZQ

Before “A person”, insert “(1)”.

5 At the end of section 665ZQ

Add:

Reduction of qualification period during designated period

- (2) Subsection (1) has effect during the designated period as if it were modified as follows:
- (a) by omitting subparagraph (b)(ii) and substituting the following subparagraph:
 - (ii) had been receiving income support payments in respect of a continuous period of at least 4 weeks (whether or not the kind of payment received has changed over the period and whether the period or any part of it occurred before or after 1 January 2009); and
 - (b) by omitting Note 1 and substituting the following notes:

Note 1: For *income support payment* see subsection 23(1).

Note 1A: For the determination of whether a person received income support payments in respect of a continuous period of at least 4 weeks see section 38B.
- (3) For the purposes of subsection (2), the *designated period* is the period beginning on 1 January 2009 and ending at the end of:
- (a) 30 June 2010; or
 - (b) if a later date is determined by the Minister by legislative instrument—that later date.

6 Section 665ZU

Before “A person”, insert “(1)”.

7 At the end of section 665ZU

Add:

Reduction of qualification period during designated period

(2) Subsection (1) has effect during the designated period as if it were modified as follows:

(a) by omitting subparagraph (b)(ii) and substituting the following subparagraph:

(ii) had been receiving income support payments in respect of a continuous period of at least 4 weeks (whether or not the kind of payment received has changed over the period and whether the period or any part of it occurred before or after 1 January 2009); and

(b) by omitting Note 1 and substituting the following notes:

Note 1: For *income support payment* see subsection 23(1).

Note 1A: For the determination of whether a person received income support payments in respect of a continuous period of at least 4 weeks see section 38B.

(3) For the purposes of subsection (2), the *designated period* is the period beginning on 1 January 2009 and ending at the end of:

(a) 30 June 2010; or

(b) if a later date is determined by the Minister by legislative instrument—that later date.

8 After Division 12 of Part 2.13A

Insert:

Division 12A—Recipients of youth allowance (other)

665ZX Payment to recipient of youth allowance (other)

(1) A person is qualified for an education entry payment under this section if:

(a) either:

- (i) the Secretary is satisfied that the person intends to enrol in a qualifying course; or
- (ii) the person is enrolled in such a course; and
- (b) immediately before the person commences the course, the person:
 - (i) is receiving youth allowance; and
 - (ii) is not undertaking full-time study and is not a new apprentice; and
 - (iii) had been receiving income support payments in respect of a continuous period of at least 4 weeks (whether or not the kind of payment received has changed over the period and whether the period or any part of it occurred before or after 1 January 2009); and
- (c) the person has not, within the last 12 months, received a payment under this Part.

Note 1: For *undertaking full-time study* see section 541B.

Note 2: For *income support payment* see subsection 23(1).

Note 3: For the determination of whether a person received income support payments in respect of a continuous period of at least 4 weeks see section 38B.

- (2) For the purposes of subparagraph (1)(a)(i), a *qualifying course*, in relation to a person, is:
 - (a) a full-time course of education that is an approved course under the ABSTUDY scheme or an approved course of education or study (within the meaning of subsection 541B(5)); or
 - (b) a course that is an activity (whether compulsory or not) provided for by a term of the person's Youth Allowance Activity Agreement.

665ZXA Amount of section 665ZX payment

The amount of an education entry payment under section 665ZX is \$208.

665ZXB Need for claim

A person is not qualified for an education entry payment under section 665ZX unless the person has made a claim for the payment.

665ZXC Cessation of Division

This Division ceases to have effect at the end of:

- (a) 30 June 2010; or
- (b) if a later date is determined by the Minister by legislative instrument—that later date.

9 At the end of Part 2.13A

Add:

Division 14—Education entry payment supplement

665ZZA Qualification for education entry payment supplement

A person is qualified for an education entry payment supplement under this section if the person:

- (a) is qualified for an education entry payment under this Part on or after 1 January 2009; or
- (b) is eligible for an education entry payment under Part VIIAA of the *Veterans' Entitlements Act 1986* on or after 1 January 2009.

665ZZB Amount of education entry payment supplement

The amount of an education entry payment supplement under section 665ZZA is \$950.

665ZZC Separate claim not needed

A person is taken to have made a claim for an education entry payment supplement under section 665ZZA if the person has made a claim for an education entry payment as required by this Part or Part VIIAA of the *Veterans' Entitlements Act 1986*.

665ZZD Education entry payment supplement taken to be part of education entry payment for purposes of social security law

- (1) For the purposes of the social security law, an education entry payment supplement payable to a person who is qualified for the

supplement because of paragraph 665ZZA(a) is taken to be part of the education entry payment payable to the person.

- (2) Subsection (1) has effect except so far as any provision in the social security law expressly provides for or in relation to education entry payment supplement.

665ZZE Cessation of Division

This Division ceases to have effect at the end of:

- (a) 30 June 2010; or
- (b) if a later date is determined by the Minister by legislative instrument—that later date.

Part 2—Amendment commencing on 1 July 2009

Social Security Act 1991

10 Paragraph 665ZX(2)(b)

Repeal the paragraph, substitute:

- (b) a course that is provided for by a term (whether the term is required to be complied with or not) of the person's Youth Allowance Employment Pathway Plan.

Schedule 3—Back to school bonus and single income family bonus

A New Tax System (Family Assistance) Act 1999

1 Subsection 3(1)

Insert:

back to school bonus means a payment to which an individual is entitled under section 95 or 98.

2 Subsection 3(1)

Insert:

single income family bonus means a payment to which an individual is entitled under section 101.

3 After Part 6

Insert:

Part 7—Back to school bonus and single income family bonus

Division 1—Back to school bonus

Subdivision A—Entitlements in relation to eligible children

95 When is an individual entitled to a back to school bonus?

- (1) An individual (the *entitled individual*) is entitled to a back to school bonus if subsection (2), (3) or (4) applies to the individual.
- (2) This subsection applies to the individual if:
 - (a) in relation to 3 February 2009, a determination under section 16 of the Family Assistance Administration Act was in force in respect of the individual as a claimant; and
 - (b) the rate (the *applicable rate*) of family tax benefit payable under the determination in relation to 3 February 2009

consisted of or included a Part A rate greater than nil worked out taking into account at least one FTB child who was aged 4 or more and less than 19 on 3 February 2009.

- (3) This subsection applies to the individual if:
- (a) in relation to 3 February 2009, a determination under section 17 of the Family Assistance Administration Act was in force in respect of the individual as a claimant; and
 - (b) the determination was made as a result of a claim made in the 2008-09, 2009-10 or 2010-11 income year; and
 - (c) if the claim was made in the 2008-09 income year—the rate (the *applicable rate*) of family tax benefit payable under the determination in relation to 3 February 2009 consisted of or included a Part A rate greater than nil worked out taking into account at least one FTB child who was aged 4 or more and less than 19 on 3 February 2009; and
 - (d) if the claim was made in the 2009-10 or 2010-11 income year:
 - (i) the individual has satisfied the FTB reconciliation conditions under section 32B of the Family Assistance Administration Act for all of the same-rate benefit periods in the 2008-09 income year; and
 - (ii) the rate (the *applicable rate*) of family tax benefit that was payable under the determination after the individual satisfied those conditions, and that was payable in relation to 3 February 2009, consisted of or included a Part A rate greater than nil worked out taking into account at least one FTB child who was aged 4 or more and less than 19 on 3 February 2009.
- (4) This subsection applies to the individual if:
- (a) in relation to 3 February 2009, a determination under section 18 of the Family Assistance Administration Act was in force in respect of the individual as a claimant; and
 - (b) the determination was made as a result of a claim made in the 2008-09 income year or a later income year; and
 - (c) the rate (the *applicable rate*) of family tax benefit payable under the determination in relation to 3 February 2009 consisted of or included a Part A rate greater than nil worked out taking into account at least one FTB child who was aged 4 or more and less than 19 on 3 February 2009 (or, if the

child has died, who would have been that age on that date if the child had not died).

96 In respect of what children is the bonus payable?

Each of the following is an *eligible child* in relation to the entitled individual:

- (a) if subsection 95(2) applies to the entitled individual—each FTB child covered by paragraph 95(2)(b) and taken into account in determining the applicable rate;
- (b) if subsection 95(3) applies to the entitled individual—each FTB child covered by paragraph 95(3)(c) or subparagraph 95(3)(d)(ii) and taken into account in determining the applicable rate;
- (c) if subsection 95(4) applies to the entitled individual—each FTB child covered by paragraph 95(4)(c) and taken into account in determining the applicable rate.

97 What is the amount of the bonus?

Add together the amounts applicable under this section for each eligible child

- (1) The amount of the back to school bonus to the entitled individual is worked out by adding together the amounts applicable under this section for each eligible child.

Amount is \$950 unless another subsection applies

- (2) Subject to this section, the amount applicable for an eligible child is \$950.

Reduced amount if applicable rate took account of an individual's shared care percentage

- (3) If the applicable rate (see section 95) took account of a shared care percentage in relation to an eligible child, the amount applicable for the eligible child is that percentage of \$950.

Reduced amount if applicable rate took account of a section 28 percentage determination

- (4) If the applicable rate (see section 95) took account of a determination under section 28 of a particular percentage in relation to one or more FTB children (being an eligible child or eligible children)—the amount applicable for the eligible child, or for each of those eligible children, is:
- (a) unless paragraph (b) applies—that percentage of \$950; or
 - (b) if subsection (3) also applies in relation to the eligible child—that percentage of the amount worked out under subsection (3) for the eligible child.

Reduced amount if applicable rate took account of a section 29 percentage determination

- (5) If the applicable rate (see section 95) took account of a determination under section 29 of a particular percentage in relation to one or more FTB children (being an eligible child or eligible children)—the amount applicable for the eligible child, or for each of those eligible children, is:
- (a) unless paragraph (b) applies—that percentage of \$950; or
 - (b) if subsection (3) also applies in relation to the eligible child—that percentage of the amount worked out under subsection (3) for the eligible child.

Subdivision B—Other entitlements

98 When is an individual entitled to a back to school bonus?

An individual is entitled to a back to school bonus if:

- (a) the individual was receiving either of the following payments in relation to 3 February 2009:
 - (i) a carer payment under Part 2.5 of the *Social Security Act 1991*;
 - (ii) a disability support pension under Part 2.3 of the *Social Security Act 1991*; and
- (b) the individual was aged less than 19 on 3 February 2009.

99 What is the amount of the bonus?

The amount of the back to school bonus to the individual is \$950.

Subdivision C—General rules

100 General rules

- (1) If a back to school bonus under Subdivision A in relation to an eligible child (see section 96) is paid to an individual, no back to school bonus under Subdivision B can be paid to the eligible child.
- (2) If a back to school bonus under Subdivision B is paid to an individual (the *recipient*), no back to school bonus under Subdivision A can be paid to another individual in relation to the recipient.

Division 2—Single income family bonus

101 When is an individual entitled to a single income family bonus?

- (1) An individual (the *entitled individual*) is entitled to a single income family bonus if subsection (2), (3) or (4) applies to the individual.
- (2) This subsection applies to the individual if:
 - (a) in relation to 3 February 2009, a determination under section 16 of the Family Assistance Administration Act was in force in respect of the individual as a claimant; and
 - (b) the rate (the *applicable rate*) of family tax benefit payable under the determination in relation to 3 February 2009 consisted of or included a Part B rate greater than nil.
- (3) This subsection applies to the individual if:
 - (a) in relation to 3 February 2009, a determination under section 17 of the Family Assistance Administration Act was in force in respect of the individual as a claimant; and
 - (b) the determination was made as a result of a claim made in the 2008-09, 2009-10 or 2010-11 income year; and
 - (c) if the claim was made in the 2008-09 income year—the rate (the *applicable rate*) of family tax benefit payable under the

determination in relation to 3 February 2009 consisted of or included a Part B rate greater than nil; and

- (d) if the claim was made in the 2009-10 or 2010-11 income year:
 - (i) the individual has satisfied the FTB reconciliation conditions under section 32B of the Family Assistance Administration Act for all of the same-rate benefit periods in the 2008-09 income year; and
 - (ii) the rate (the *applicable rate*) of family tax benefit that was payable under the determination after the individual satisfied those conditions, and that was payable in relation to 3 February 2009, consisted of or included a Part B rate greater than nil.
- (4) This subsection applies to the individual if:
 - (a) in relation to 3 February 2009, a determination under section 18 of the Family Assistance Administration Act was in force in respect of the individual as a claimant; and
 - (b) the determination was made as a result of a claim made in the 2008-09 income year or a later income year; and
 - (c) the rate (the *applicable rate*) of family tax benefit payable under the determination in relation to 3 February 2009 consisted of or included a Part B rate greater than nil.

102 What is the amount of the bonus?

Amount is \$900 unless another subsection applies

- (1) Subject to this section, the amount of the single income family bonus to the entitled individual is \$900.

Reduced amount if applicable rate took account of an individual's shared care percentage

- (2) If the applicable rate (see section 101) was worked out taking into account only one FTB child and a shared care percentage in relation to that child, the amount of the single income family bonus to the entitled individual is that percentage of \$900.
- (3) If the applicable rate (see section 101) was worked out taking into account more than one FTB child and a shared care percentage for each of those children, the amount of the single income family

bonus to the entitled individual is the highest of those percentages of \$900.

Reduced amount if applicable rate took account of a section 28 percentage determination

- (4) If the applicable rate (see section 101) took account of a determination under section 28 of a particular percentage in relation to one or more FTB children, the amount of the single income family bonus to the entitled individual is:
- (a) unless paragraph (b) applies—that percentage of \$900; or
 - (b) if subsection (2) or (3) also applies—that percentage of the amount worked out under subsection (2) or (3).

Reduced amount if applicable rate took account of a section 29 percentage determination

- (5) If the applicable rate (see section 101) took account of a determination under section 29 of a particular percentage in relation to one or more FTB children, the amount of the single income family bonus to the entitled individual is:
- (a) unless paragraph (b) applies—that percentage of \$900; or
 - (b) if subsection (2) or (3) also applies—that percentage of the amount worked out under subsection (2) or (3).

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

4 After Division 4B of Part 3

Insert:

Division 4C—Back to school bonus and single income family bonus

65H Payment of back to school bonus and single income family bonus

If an individual is entitled to a back to school bonus or a single income family bonus, the Secretary must pay the bonus to the individual in a single lump sum:

- (a) on the date that the Secretary considers to be the earliest date on which it is reasonably practicable for the bonus to be made; and
- (b) in such manner as the Secretary considers appropriate.

Note: The individual does not have to make a claim for the bonus.

5 At the end of subsection 66(1)

Add:

- ; (i) back to school bonus or single income family bonus.

6 Section 70

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

7 After section 71J

Insert:

71K Debts arising in respect of back to school bonus or single income family bonus

- (1) This section applies in relation to an individual (the *recipient*) who has been paid a back to school bonus or a single income family bonus (the *relevant payment*).

What determinations are relevant?

- (2) Each of the following is a *relevant determination* in relation to the recipient:
 - (a) if the relevant payment was made because, at that time, subsection 95(2) of the Family Assistance Act applied to the recipient—the determination referred to in paragraph 95(2)(a) of that Act;
 - (b) if the relevant payment was made because, at that time, subsection 95(3) of the Family Assistance Act applied to the recipient—the determination referred to in paragraph 95(3)(a) of that Act;
 - (c) if the relevant payment was made because, at that time, subsection 95(4) of the Family Assistance Act applied to the

recipient—the determination referred to in paragraph 95(4)(a) of that Act;

- (d) if the relevant payment was made because, at that time, section 98 of the Family Assistance Act applied to the recipient—the determination made under Part 3 of the *Social Security (Administration) Act 1999* that resulted in the recipient receiving the carer payment or disability support pension;
- (e) if the relevant payment was made because, at that time, subsection 101(2) of the Family Assistance Act applied to the recipient—the determination referred to in paragraph 101(2)(a) of that Act;
- (f) if the relevant payment was made because, at that time, subsection 101(3) of the Family Assistance Act applied to the recipient—the determination referred to in paragraph 101(3)(a) of that Act;
- (g) if the relevant payment was made because, at that time, subsection 101(4) of the Family Assistance Act applied to the recipient—the determination referred to in paragraph 101(4)(a) of that Act.

Situation in which whole amount is a debt

- (3) If:
 - (a) after the relevant payment was made to the recipient, a relevant determination in relation to the recipient, at least so far as it relates to 3 February 2009, is or was (however described) changed, revoked, set aside, or superseded by another determination; and
 - (b) the decision to change, revoke, set aside or supersede the relevant determination is or was made for the reason, or for reasons including the reason, that the recipient knowingly made a false or misleading statement, or knowingly provided false information; and
 - (c) had the change, revocation, setting aside or superseding occurred on or before 3 February 2009, the relevant payment would not have been made;

the amount of the relevant payment is a debt due to the Commonwealth by the recipient.

Situation in which part of amount is a debt

(4) If:

- (a) after the relevant payment was made to the recipient, a relevant determination in relation to the recipient, at least so far as it relates to 3 February 2009, is or was (however described) changed, revoked, set aside, or superseded by another determination; and
- (b) the decision to change, revoke, set aside or supersede the relevant determination is or was made for the reason, or for reasons including the reason, that the recipient knowingly made a false or misleading statement, or knowingly provided false information; and
- (c) had the change, revocation, setting aside or superseding occurred on or before 3 February 2009, the amount of the relevant payment would have been reduced;

the amount by which the relevant payment would have been reduced is a debt due to the Commonwealth by the recipient.

8 Paragraph 74(a)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

9 Subsection 82(3) (paragraph (a) of the definition of *debt*)

After “71J,”, insert “71K,”.

10 Subsection 93A(6) (at the end of the definition of *family assistance payment*)

Add:

; or (e) a payment of back to school bonus or single income family bonus.

11 Subsection 106(3)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

12 Subsection 109D(4)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

13 Paragraph 109D(5)(a)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

14 Section 219TA (at the end of the definition of *relevant benefit*)

Add:

; or (k) back to school bonus or single income family bonus.

Schedule 4—Administrative scheme for household stimulus payments

1 Administrative scheme for household stimulus payments

- (1) Subject to this item, a Minister administering:
- (a) the *A New Tax System (Family Assistance) Act 1999*; or
 - (b) the *Social Security Act 1991*; or
 - (c) the *Farm Household Support Act 1992*; or
 - (d) the *Veterans' Entitlements Act 1986*;
- may, by legislative instrument, determine a scheme under which household stimulus payments may be made to persons in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.
- (2) The circumstances in which the scheme provides for payments must be:
- (a) circumstances:
 - (i) in which the Minister considers that Part 7 of the *A New Tax System (Family Assistance) Act 1999* or Part 2.18 of the *Social Security Act 1991* does not produce appropriate results; and
 - (ii) that occur in the financial year starting on 1 July 2008; or
 - (b) circumstances:
 - (i) in which the Minister considers that Division 14 of Part 2.13A of the *Social Security Act 1991* does not produce appropriate results; and
 - (ii) that occur in the period starting on 1 July 2008 and ending on the day on which that Division ceases to have effect under section 665ZZE of that Act.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
- (a) the circumstances in which payments are to be made;
 - (b) the amount of the payments;
 - (c) what a person has to do to get a payment;
 - (d) debt recovery;

- (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Without limiting the generality of subparagraph (2)(a)(i), circumstances in which the provisions referred to in that subparagraph do not produce appropriate results may include the circumstance of an FTB child (within the meaning of the *A New Tax System (Family Assistance) Act 1999*) aged 19 or 20 on 3 February 2009.
- (5) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

Schedule 5—Other amendments

Farm Household Support Act 1992

1 At the end of section 24A

Add:

Farmers hardship bonus disregarded

- (8) To avoid doubt, in calculating a rate referred to in subsection (1), any farmers hardship bonus under the *Social Security Act 1991* is to be disregarded.

2 At the end of section 24AA

Add:

Farmers hardship bonus disregarded

- (10) To avoid doubt, in calculating a rate referred to in subsection (1), any farmers hardship bonus under the *Social Security Act 1991* is to be disregarded.

3 At the end of section 24B

Add:

- (5) To avoid doubt, in calculating a rate referred to in this section, any farmers hardship bonus under the *Social Security Act 1991* is to be disregarded.

Income Tax Assessment Act 1936

4 Subsection 159J(6) (paragraph (ac) of the definition of *separate net income*)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

5 Subsection 159J(6) (after paragraph (adah) of the definition of *separate net income*)

Insert:

- (adai) does not include training and learning bonus or farmers hardship bonus under the *Social Security Act 1991*; and
- (adaj) does not include education entry payment supplement under the *Social Security Act 1991*; and
- (adak) does not include payments under the scheme determined under Schedule 4 to the *Household Stimulus Package Act 2009*; and

Income Tax Assessment Act 1997

6 Section 11-15 (at the end of the table item headed “family assistance”)

Add:

- back to school bonus or single income family bonus 52-150
- payments under the scheme determined under
Schedule 4 to the *Household Stimulus Package Act*
2009 52-165

7 Section 11-15 (table item headed “social security or like payments”)

After:

- economic security strategy payment under the *Veterans’ Entitlements Act 1986* 52-65

insert:

- education entry payment supplement under the *Social Security Act 1991* 52-10

8 Section 11-15 (table item headed “social security or like payments”)

After:

- exceptional circumstances relief, payment for..... 53-10 and 53-15

insert:

- farmers hardship bonus under the *Social Security Act 1991* 52-10

9 Section 11-15 (table item headed “social security or like payments”)

After:

payments under a scheme determined under item 1 of
Schedule 2 to the *Social Security and Veterans’
Entitlements Legislation Amendment (One-off
Payments and Other Budget Measures) Act 2008* 52-10

insert:

payments under the scheme determined under
Schedule 4 to the *Household Stimulus Package Act
2009* 52-165

10 Section 11-15 (table item headed “social security or like payments”)

After:

social security payments Subdivision 52-A

insert:

training and learning bonus under the *Social Security
Act 1991* 52-10

11 At the end of subsection 52-10(1) (before the note)

Add:

- ; or (y) training and learning bonus under the *Social Security Act 1991*; or
- (z) farmers hardship bonus under the *Social Security Act 1991*;
or
- (za) education entry payment supplement under the *Social Security Act 1991*.

12 After subsection 52-10(1F)

Insert:

- (1G) Training and learning bonus under the *Social Security Act 1991* is exempt from income tax.
- (1H) Farmers hardship bonus under the *Social Security Act 1991* is exempt from income tax.
- (1J) Education entry payment supplement under the *Social Security Act 1991* is exempt from income tax.

13 Subsection 52-150(1)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

14 At the end of Subdivision 52-H

Add:

52-165 Household stimulus payments are exempt

Payments under the scheme determined under Schedule 4 to the *Household Stimulus Package Act 2009* are exempt from income tax.

Social Security Act 1991

15 Paragraph 8(8)(jaa)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

16 After paragraph 8(8)(yi)

Insert:

(yj) a payment under the scheme determined under Schedule 4 to the *Household Stimulus Package Act 2009*;

17 After section 1223ABAAA

Insert:

1223ABAAB Debts arising in respect of training and learning bonuses etc.

- (1) If:
- (a) an individual has been paid a training and learning bonus, farmers hardship bonus or an education entry payment supplement; and
 - (b) after the payment was made to the individual, a determination in relation to the individual, at least so far as it relates to 3 February 2009 or to a period that includes that day, is or was (however described) changed, revoked, set aside, or superseded by another determination; and

- (c) the determination is one to which subsection (2) applies in relation to the payment; and
- (d) the decision to change, revoke, set aside or supersede the determination is or was made for the reason, or for reasons including the reason, that the individual knowingly made a false or misleading statement, or knowingly provided false information; and
- (e) had the change, revocation, setting aside or superseding occurred on or before 3 February 2009, the payment would not have been made;

the amount of the payment is a debt due to the Commonwealth by the individual.

- (2) This subsection applies to:
 - (a) if the individual qualified for the payment because of paragraph 910(2)(a), (b), (c) or (d) of this Act—a determination made under Part 3 of the Administration Act because of which the individual was receiving a payment of a kind referred to in that paragraph; and
 - (b) if the individual qualified for the payment because of paragraph 910(2)(e) of this Act—a determination (however described) made under the ABSTUDY Scheme because of which the individual was receiving a payment of a kind referred to in that paragraph; and
 - (c) if the individual qualified for the payment because of paragraph 910(2)(f) of this Act—a determination (however described) made under the Veterans' Children Education Scheme because of which the individual was receiving a payment of a kind referred to in that paragraph; and
 - (d) if the individual qualified for the payment because of paragraph 910(2)(g) of this Act—a determination (however described) made under the Military Rehabilitation and Compensation Act Education and Training Scheme because of which the individual was receiving a payment of a kind referred to in that paragraph; and
 - (e) if the individual qualified for the payment because of subsection 910(4) of this Act—a determination made under Part 3 of the Family Assistance Administration Act because of which the individual was entitled to family tax benefit; and
 - (f) if the individual qualified for the payment because of paragraph 912(a) or (b) of this Act—a determination made

- under Part 3 of the *Farm Household Support Act 1992* because of which the individual was paid an instalment of a payment of a kind referred to in that paragraph; and
 - (g) if the individual qualified for the payment because of paragraph 912(c) of this Act—a determination (however described) of the Commonwealth because of which the individual was paid a payment of a kind referred to in that paragraph; and
 - (h) if the individual qualified for the payment because of section 665ZZA of this Act—a determination made under Part 3 of the Administration Act because of which the individual was qualified for an education entry payment.
- (3) If:
- (a) the Secretary has paid a person’s training and learning bonus to another person (the *recipient*) under subsection 47C(3) or (4) of the Administration Act; and
 - (b) the reason why, or one of the reasons why, the Secretary decided to pay the bonus to the recipient was that the recipient made a particular statement or provided particular information; and
 - (c) after the payment is made, the Secretary becomes satisfied that:
 - (i) the statement or information is false or misleading; and
 - (ii) the recipient made the statement, or provided the information, knowing that it was false or misleading; and
 - (iii) the bonus should have been paid to a person other than the recipient;
- the amount of the payment is a debt due to the Commonwealth by the recipient.
- (4) Apart from section 1224AA, the other provisions of this Part under which debts arise do not apply in relation to payments to which this section applies.

Social Security (Administration) Act 1999

18 Section 123TC

Insert:

household stimulus payment means:

- (a) a training and learning bonus under Division 1 of Part 2.18 of the 1991 Act; or
- (b) a farmers hardship bonus under Division 2 of Part 2.18 of the 1991 Act; or
- (c) an education entry payment supplement under Division 14 of Part 2.13A of the 1991 Act; or
- (d) a back to school bonus or single income family bonus under Part 7 of the Family Assistance Act; or
- (e) a payment under the scheme determined under Schedule 4 to the *Household Stimulus Package Act 2009*.

19 Subdivision DB of Division 5 of Part 3B (heading)

Repeal the heading, substitute:

Subdivision DB—Economic security strategy payments and household stimulus payments

20 At the end of Subdivision DB of Division 5 of Part 3B

Add:

123XPD Deductions from household stimulus payments

Scope

- (1) This section applies if:
 - (a) a person is subject to the income management regime; and
 - (b) a household stimulus payment is payable to the person.

Deductions from household stimulus payments

- (2) The following provisions have effect:
 - (a) the Secretary must deduct from the household stimulus payment the deductible portion of the payment;
 - (b) an amount equal to the deductible portion of the payment is credited to the Special Account;
 - (c) an amount equal to the deductible portion of the payment is credited to the person's income management account.

- (3) For the purposes of subsection (2), the *deductible portion* of a household stimulus payment is 100% of the amount of the payment.

Veterans' Entitlements Act 1986

21 Paragraph 5H(8)(paa)

Omit “or economic security strategy payment to families”, substitute “, economic security strategy payment to families, back to school bonus or single income family bonus”.

22 At the end of subsection 5H(8)

Add:

; (zzg) a payment under the scheme determined under Schedule 4 to the *Household Stimulus Package Act 2009*.

[*Minister's second reading speech made in—
House of Representatives on 12 February 2009
Senate on 13 February 2009*]

(20/09)
