



Social Services and Other Legislation Amendment (Seniors Supplement Cessation) Act 2015

No. 91, 2015

**An Act to amend the law relating to social security
and veterans' entitlements, and for related
purposes**

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

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**An Act to amend the law relating to social security
and veterans' entitlements, and for related
purposes**

[Assented to 26 June 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Services and Other Legislation Amendment (Seniors Supplement Cessation) Act 2015*.

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.	26 June 2015
2. Schedule 1	20 June 2015.	20 June 2015

Note: This table relates only to the provisions of this Act as originally enacted.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.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Energy supplement replacing seniors supplement

Part 1—Main amendments

Social Security Act 1991

1 Subparagraph 8(8)(y)(viib)

Omit “seniors supplement”, substitute “energy supplement”.

2 Subsection 23(1) (definition of *seniors supplement*)

Repeal the definition.

3 Paragraph 916D(3)(c)

Omit “seniors supplement”, substitute “energy supplement”.

4 Paragraph 1061R(d)

Omit “seniors supplement under this Act or the Veterans’ Entitlements Act”, substitute “energy supplement under Part 2.25B of this Act or Part VIIAD of the Veterans’ Entitlements Act”.

5 Paragraph 1061T(2)(b)

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B”.

6 Paragraph 1061TA(2)(b)

Omit “seniors supplement under the Veterans’ Entitlements Act”, substitute “energy supplement under Part VIIAD of the Veterans’ Entitlements Act”.

7 Part 2.25B

Repeal the Part, substitute:

Part 2.25B—Energy supplement

Division 1—Qualification and payability

1061U Qualification for energy supplement

A person is qualified for energy supplement if the person is the holder of a seniors health card.

1061UA When energy supplement is payable

- (1) Energy supplement is payable to a person in relation to each day on which the person is qualified for the supplement.
- (2) However, energy supplement is not payable to the person in relation to a day if:
 - (a) before that day:
 - (i) the person had elected not to be covered by this Part; and
 - (ii) that election had not been withdrawn; or
 - (b) subsection 55(5) (failing to nominate a bank account) of the Administration Act applies to the person.

Division 2—Rate of energy supplement

1061UB Rate of energy supplement

- (1) If subsection (2) applies to the person on a day, the person's daily rate of energy supplement, for that day, is $\frac{1}{364}$ of the amount worked out using the following table:

Energy supplement		
Item	Person's family situation	Amount of energy supplement
1	Not a member of a couple	\$366.60
2	Partnered	\$275.60
3	Member of an illness separated couple	\$366.60

Energy supplement		
Item	Person's family situation	Amount of energy supplement
4	Member of a respite care couple	\$366.60
5	Partnered (partner in gaol)	\$366.60

- (2) This subsection applies to a person on a day if on that day the person is residing in Australia and either:
- (a) is in Australia; or
 - (b) is temporarily absent from Australia and has been so for a continuous period not exceeding 6 weeks.

8 Section 1190 (note)

Omit “the rate of seniors supplement (see section 1061UB) and”.

Social Security (Administration) Act 1999

9 Section 12D (heading)

Repeal the heading, substitute:

12D Energy supplement

10 Section 12D

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

11 Section 48B (heading)

Repeal the heading, substitute:

48B Payment of energy supplement

12 Subsection 48B(1)

Omit “Seniors supplement”, substitute “Energy supplement under Part 2.25B of the 1991 Act”.

13 Subsection 48B(2)

Omit “seniors supplement”, substitute “energy supplement”.

14 Paragraph 48B(3)(a)

Omit “seniors supplement”, substitute “energy supplement”.

15 Subsection 48B(4) (paragraph (a) of the definition of *instalment period*)

Omit “seniors supplement”, substitute “energy supplement”.

16 Subsection 48B(4) (note to paragraph (a) of the definition of *instalment period*)

Omit “seniors supplement”, substitute “energy supplement”.

17 Subparagraphs 66A(2)(a)(i) and (3)(a)(i)

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

18 Subsection 68(1)

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

19 Subsection 69(1)

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

20 Paragraph 75(1)(b)

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

21 Section 78A

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

22 Section 90A

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

23 Section 123A (paragraph (e) of the definition of *relevant payment*)

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

24 Saving and transitional provisions

- (1) Paragraph 916D(3)(c) of the *Social Security Act 1991* applies on and after the commencement of this item as if a reference in that paragraph to energy supplement included a reference to seniors supplement.
- (2) Despite the amendments made by items 7 and 12 to 16, Part 2.25B of the *Social Security Act 1991*, and section 48B of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to an instalment period ending before that commencement.
- (3) An election referred to in subparagraph 1061UA(2)(a)(i) of the *Social Security Act 1991* that was in force immediately before the commencement of this item continues in force on and after that commencement.

Veterans’ Entitlements Act 1986

25 Paragraph 5H(8)(gb)

Omit “seniors supplement”, substitute “energy supplement”.

26 Subsection 5Q(1) (definition of *seniors supplement*)

Repeal the definition.

27 Section 59A (note 1)

Omit “Note 1”, substitute “Note”.

28 Section 59A (note 1)

Omit “and the rate of seniors supplement (see section 118PB)”.

29 Section 59A (note 2)

Repeal the note.

30 Subsection 62E(1) (note 1)

Repeal the note.

31 Subsection 62E(1) (note 2)

Omit “Note 2”, substitute “Note”.

32 Paragraph 118B(3)(c)

Omit “seniors supplement under this Act or the Social Security Act”, substitute “energy supplement under Part VIIAD of this Act or Part 2.25B of the Social Security Act”.

33 Part VIIAD (heading)

Repeal the heading, substitute:

Part VIIAD—Energy supplement

34 Section 118P (heading)

Repeal the heading, substitute:

118P Eligibility for energy supplement

35 Subsection 118P(1)

Omit “for seniors supplement”, substitute “for energy supplement”.

36 Subparagraph 118P(1)(b)(iv)

Repeal the subparagraph, substitute:

(iv) energy supplement under Part 2.25B of the Social Security Act.

37 Subsection 118P(2)

Omit “for seniors supplement”, substitute “for energy supplement”.

38 Subparagraph 118P(2)(d)(iv)

Repeal the subparagraph, substitute:

(iv) energy supplement under Part 2.25B of the Social Security Act.

39 Section 118PA (heading)

Repeal the heading, substitute:

118PA When energy supplement is payable

40 Subsection 118PA(1)

Omit “Seniors supplement”, substitute “Energy supplement”.

41 Subsection 118PA(2)

Omit “seniors supplement”, substitute “energy supplement”.

42 Division 2 of Part VIIAD (heading)

Repeal the heading, substitute:

Division 2—Rate of energy supplement

43 Section 118PB (heading)

Repeal the heading, substitute:

118PB Rate of energy supplement

44 Subsections 118PB(1) and (1A)

Repeal the subsections, substitute:

- (1) If subsection (2) applies to the person on a day, the person’s daily rate of energy supplement, for that day, is $\frac{1}{364}$ of the amount worked out using the following table:

Energy supplement		
Item	Person’s family situation	Amount of energy supplement
1	Not a member of a couple	\$366.60
2	Partnered	\$275.60
3	Member of an illness separated couple	\$366.60
4	Member of a respite care couple	\$366.60

Note: For *member of a couple, partnered, illness separated couple* and *respite care couple* see subsections 5E(1) and (5) and 5R(5) and (6) respectively.

45 Subsection 118PB(2) (heading)

Repeal the heading.

46 Division 3 of Part VIIAD

Repeal the Division, substitute:

Division 3—Payment of energy supplement

118PC Payment of energy supplement

- (1) Energy supplement under this Part is to be paid by instalments.
- (2) An instalment of energy supplement is to be paid to a person as soon as is reasonably practicable after the end of an instalment period.
- (3) The amount of the instalment is worked out by:
 - (a) working out the person's amount of energy supplement for each day in the instalment period (using the daily rate of the supplement for that day); and
 - (b) adding up the amounts resulting from paragraph (a).
- (4) In this section:

instalment period means a period:

- (a) in relation to each day of which energy supplement is payable to the person; and

Note: For when energy supplement is payable to the person, see section 118PA.

- (b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and
- (c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and
- (d) that is not included in a longer instalment period.

47 Subsections 122A(1A) and (1C)

Omit “seniors supplement”, substitute “energy supplement under Part VIIAD”.

48 Saving and transitional provisions

- (1) Despite the amendments made by items 33 to 46, Part VIIAD of the *Veterans’ Entitlements Act 1986*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an instalment period ending before that commencement.
- (2) An election referred to in subparagraph 118PA(2)(a)(i) of the *Veterans’ Entitlements Act 1986* that was in force immediately before the commencement of this item continues in force on and after that commencement.

Part 2—Consequential amendments

Income Tax Assessment Act 1997

49 Section 52-10 (table item 22B.1)

Omit “Seniors supplement”, substitute “Energy supplement under Part 2.25B of the *Social Security Act 1991*”.

50 Section 52-40 (table item 22B)

Omit “Seniors supplement”, substitute “Energy supplement”.

51 Section 52-65 (table item 16A.1)

Omit “Seniors supplement”, substitute “Energy supplement under Part VIIAD of the *Veterans’ Entitlements Act 1986*”.

52 Section 52-75 (table item 16A)

Omit “Seniors supplement”, substitute “Energy supplement”.

53 Saving provision

Despite the amendments of sections 52-10 and 52-65 of the *Income Tax Assessment Act 1997* made by this Schedule, item 22B.1 of the table in section 52-10 of that Act, and item 16A.1 of the table in section 52-65 of that Act, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of seniors supplement made before, on or after that commencement.

Military Rehabilitation and Compensation Act 2004

54 Paragraph 222(5)(d)

Repeal the paragraph, substitute:

(d) energy supplement under Part 2.25B of the *Social Security Act 1991* or Part VIIAD of the *Veterans’ Entitlements Act 1986*; or

55 Paragraph 246(4)(d)

Repeal the paragraph, substitute:

- (d) energy supplement under Part 2.25B of the *Social Security Act 1991* or Part VIIAD of the *Veterans' Entitlements Act 1986*; or

Part 3—Transitional provisions

56 Transitional provision—seniors supplement

If a person has been paid seniors supplement under Part 2.25B of the *Social Security Act 1991* or Part VIIAD of the *Veterans' Entitlements Act 1986* in relation to a day on or after 20 June 2015 and before 20 September 2015, then the amendments made by this Schedule do not apply in relation to the person in relation to that day.

*[Minister's second reading speech made in—
House of Representatives on 2 October 2014
Senate on 28 October 2014]*

(216/14)
