



Social Services Legislation Amendment (Low Income Supplement) Act 2015

No. 143, 2015

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

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

Contents

| | | |
|------------------------------|--|----------|
| 1 | Short title..... | 1 |
| 2 | Commencement..... | 2 |
| 3 | Schedules..... | 3 |
| Schedule 1—Amendments | | 4 |
| Part 1—Main amendments | | 4 |
| | <i>Social Security Act 1991</i> | 4 |
| | <i>Social Security (Administration) Act 1999</i> | 5 |
| Part 2—Taxation amendments | | 6 |
| | <i>Income Tax Assessment Act 1936</i> | 6 |
| | <i>Taxation Administration Act 1953</i> | 6 |
| Part 3—Contingent amendments | | 7 |
| | <i>Social Security (Administration) Act 1999</i> | 7 |
| Part 4—Saving provisions | | 8 |



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

[Assented to 12 November 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Social Services Legislation
Amendment (Low Income Supplement) 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. | 12 November 2015 |
| 2. Schedule 1, Parts 1 and 2 | 1 July 2017. | 1 July 2017 |
| 3. Schedule 1, item 20 | 1 July 2017. However, if item 57 of Schedule 2 to the <i>Social Services and Other Legislation Amendment (Student Measures) Act 2015</i> commences on or before 1 July 2017, the provisions do not commence at all. | |
| 4. Schedule 1, item 21 | The later of: (a) immediately after the commencement of the provisions covered by table item 5; and (b) immediately after the commencement of item 57 of Schedule 2 to the <i>Social Services and Other Legislation Amendment (Student Measures) Act 2015</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. | |
| 5. Schedule 1, Part 4 | 1 July 2017. | 1 July 2017 |

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—Amendments

Part 1—Main amendments

Social Security Act 1991

1 Subsection 23(1) (paragraph (c) of the definition of *clean energy payment*)

Repeal the paragraph.

2 Subsection 23(1) (definition of *low income supplement*)

Repeal the definition.

3 Division 3 of Part 2.18A

Repeal the Division.

4 Section 1224A (heading)

Repeal the heading, substitute:

1224A Debts relating to essential medical equipment payments

5 Paragraph 1224A(1)(a)

Repeal the paragraph, substitute:

- (a) an individual has been paid an essential medical equipment payment because of a determination made under Part 3 of the Administration Act; and

6 Paragraph 1231(1AA)(b)

Omit “low income supplement,”.

7 Paragraph 1231(1AA)(b)

Omit “, supplement” (wherever occurring).

Social Security (Administration) Act 1999

8 Subsection 16(3)

Omit “, subject to subsection (3A),”.

9 Subsection 16(3A)

Repeal the subsection.

10 Subdivision FC of Division 1 of Part 3

Repeal the Subdivision.

11 Subsection 47(1) (paragraph (l) of the definition of *lump sum benefit*)

Omit “low income supplement or”.

12 Section 47DAA (heading)

Repeal the heading, substitute:

47DAA Payment of essential medical equipment payment

13 Section 47DAA

Omit “a low income supplement or”, substitute “an”.

14 Section 47DAA

Omit “supplement or payment (as the case requires)”, substitute “payment”.

15 Paragraph 129(3)(a)

Omit “, low income supplement”.

16 Section 204B

Repeal the section.

Part 2—Taxation amendments

Income Tax Assessment Act 1936

17 Paragraph 202(haa)

Repeal the paragraph.

Taxation Administration Act 1953

18 Paragraph 8WA(1AA)(b)

Omit “(haa),”.

19 Paragraphs 8WB(1A)(a) and (b)

Omit “(haa),”.

Part 3—Contingent amendments

Social Security (Administration) Act 1999

20 Subsection 238(1A)

Omit “low income supplement or”.

21 Paragraph 238(1A)(a)

Repeal the paragraph.

Part 4—Saving provisions

22 Saving provisions

- (1) Despite the amendment made by item 3, Division 3 of Part 2.18A of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to working out qualification for a low income supplement for the 2016-17 income year or an earlier income year.
- (2) Despite the amendments made by items 4, 5, 6, 7, 20 and 21, sections 1224A and 1231 of the *Social Security Act 1991* and section 238 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 payments of low income supplement made before, on or after that commencement.
- (3) Despite the amendments made by items 8, 9 and 10, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the making of claims for low income supplement for the 2016-17 income year or an earlier income year.
- (4) Despite the amendments made by items 11, 12, 13 and 14, Part 3 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to:
 - (a) making payments of low income supplement for the 2016-17 income year or an earlier income year; and
 - (b) determinations made under that Part before, on or after that commencement in relation to low income supplement.
- (5) Despite the amendment made by item 15, Part 4 of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a decision under the social security law in relation to low income supplement made before, on or after that commencement.

- (6) Despite the amendment made by item 16, section 204B of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to claims for low income supplement made for the 2016-17 income year or an earlier income year.
- (7) Despite the amendments made by this Schedule, subsection 52-10(1L) of the *Income Tax Assessment Act 1997*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to payments of low income supplement made before, on or after that commencement.
- (8) Despite the amendments made by items 17, 18 and 19, sections 8WA and 8WB of the *Taxation Administration Act 1953*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person exercising powers or performing functions under, or in relation to, a law of the Commonwealth of a kind referred to in paragraph 202(haa) of the *Income Tax Assessment Act 1936* (as in force immediately before that commencement).
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[Minister's second reading speech made in—
House of Representatives on 16 September 2015
Senate on 14 October 2015]

(162/15)
