





**Family Assistance Legislation  
Amendment (Extend Family Assistance  
to ABSTUDY Secondary School  
Boarding Students Aged 16 and Over)  
Act 2019**

**No. 73, 2019**

**An Act to amend the law relating to family  
assistance, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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## Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	2
<b>Schedule 1—Amendments</b>		3
	<i>A New Tax System (Family Assistance) Act 1999</i>	3
	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	4

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No. 73, 2019      *Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Act 2019*      i





**Family Assistance Legislation  
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to ABSTUDY Secondary School  
Boarding Students Aged 16 and Over)  
Act 2019**

**No. 73, 2019**

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**An Act to amend the law relating to family  
assistance, and for related purposes**

*[Assented to 18 September 2019]*

The Parliament of Australia enacts:

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*No. 73, 2019      Family Assistance Legislation Amendment (Extend Family Assistance  
to ABSTUDY Secondary School Boarding Students Aged 16 and Over)  
Act 2019* *1*

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## 1 Short title

This Act is the *Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Act 2019*.

## 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.

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	As follows: (a) if this Act receives the Royal Assent before 1 January 2020—1 January 2020; (b) if this Act receives the Royal Assent on or after 1 January 2020—the first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent.	1 January 2020 (paragraph (a) applies)

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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.

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2 *Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Act 2019* No. 73, 2019

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## Schedule 1—Amendments

### *A New Tax System (Family Assistance) Act 1999*

#### 1 Section 22A

Before “Despite”, insert “(1)”.

#### 2 Section 22A (at the end of paragraph (c) of the cell at table item 2, column headed “then the individual cannot be an FTB child of the adult if:”)

Add “, unless subsection (2) applies to the individual”.

#### 3 At the end of section 22A

Add:

##### *Interaction with ABSTUDY*

- (2) This subsection applies to an individual if:
- (a) the individual, or someone on behalf of the individual, is, at the particular time, receiving payments under the ABSTUDY scheme; and
  - (b) the payments are being paid on the basis that the individual:
    - (i) is undertaking full-time study at a secondary school (within the meaning of the *Student Assistance Act 1973*); and
    - (ii) is, in accordance with the ABSTUDY scheme, a student approved to live away from home; and
    - (iii) is boarding away from home for the purposes of attending the school.

Note: For *undertaking full-time study*, see subsection 3(1).

#### 4 Subsection 35(1) (at the end of the cell at table item 2, column headed “then the approved care organisation is not eligible for family tax benefit in respect of the individual if:”)

Add “, unless subsection (1A) applies to the individual”.

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## 5 After subsection 35(1)

Insert:

(1A) This subsection applies to an individual if:

- (a) the individual, or someone on behalf of the individual, is, at the particular time, receiving payments under the ABSTUDY scheme; and
- (b) the payments are being paid on the basis that the individual:
  - (i) is undertaking full-time study at a secondary school (within the meaning of the *Student Assistance Act 1973*); and
  - (ii) is, in accordance with the ABSTUDY scheme, a student approved to live away from home; and
  - (iii) is boarding away from home for the purposes of attending the school.

Note: For *undertaking full-time study*, see subsection 3(1).

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

## 6 At the end of subparagraph 28B(1)(c)(iv)

Add “, unless subsection (1A) applies to the individual”.

## 7 After subsection 28B(1)

Insert:

(1A) This subsection applies to an individual if:

- (a) the claim is for payments under the ABSTUDY scheme; and
- (b) the individual is seeking the payments to be paid on the basis of the individual:
  - (i) undertaking full-time study at a secondary school (within the meaning of the *Student Assistance Act 1973*); and
  - (ii) being, in accordance with the ABSTUDY scheme, a student approved to live away from home; and
  - (iii) boarding away from home for the purposes of attending the school.

Note: For *undertaking full-time study*, see subsection 3(1) of the Family Assistance Act.

## **8 Application provisions**

- (1) The amendments of the *A New Tax System (Family Assistance) Act 1999* made by this Schedule apply in relation to working out eligibility for family tax benefit for days on or after the commencement of this item.
- (2) The amendments of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by this Schedule apply in relation to a claim referred to in paragraph 28B(1)(c) of that Act that is made on or after the commencement of this item.

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[Minister's second reading speech made in—  
House of Representatives on 31 July 2019  
Senate on 11 September 2019]

(148/19)

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No. 73, 2019      *Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Act 2019*      5