

2013-2014-2015-2016

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Social Services Legislation Amendment  
(Consistent Treatment of Parental Leave  
Payments) Bill 2016**

**No.     , 2016**

*(Social Services)*

**A Bill for an Act to amend the law relating to paid  
parental leave, social security and veterans'  
entitlements, and for related purposes**



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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.	
2. Schedule 1	The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent.	

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Note: This table relates only to the provisions of this Act as originally enacted.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

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(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.

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**3 Schedules**

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1 **Schedule 1—Amendments**

2 **Part 1—Parental leave pay and dad and partner pay**  
3 **count as income**

4 ***Social Security Act 1991***

5 **1 At the end of subsection 8(1A)**

6 Add:

7 ; or (h) an instalment of parental leave pay; or

8 (i) dad and partner pay.

9 **2 Paragraphs 8(8)(d) and (da)**

10 Repeal the paragraphs.

11 ***Veterans' Entitlements Act 1986***

12 **3 Paragraphs 5H(8)(d) and (da)**

13 Repeal the paragraphs.

14 **4 Application provision**

15 The amendments made by this Part apply in relation to an instalment of  
16 parental leave pay, or to dad and partner pay, that is paid on or after the  
17 commencement of this item in respect of a claim for a child:

18 (a) who is born on or after that commencement; or

19 (b) who becomes entrusted to the care of a person (as mentioned  
20 in subsection 275(2) of the *Paid Parental Leave Act 2010*) on  
21 or after that commencement;

22 whether the claim was made before, on or after that commencement.

**Part 2—Deductions from instalments of parental  
leave pay to avoid overpayments**

***Paid Parental Leave Act 2010***

**5 Section 6**

Insert:

*income support payment* has the same meaning as in the Social  
Security Act.

**6 Subsection 66(2)**

Omit “and 69”, substitute “, 69 and 69A”.

**7 After section 69**

Insert:

**69A Deductions to avoid overpayment of income support payment**

If:

- (a) a payability determination that parental leave pay is payable to a person is made after the start of the person’s PPL period; and
- (b) one or more instalments are payable to the person on a particular day by the Secretary; and
- (c) the person has been paid an income support payment in respect of the whole or a part of the period to which those instalments relate; and
- (d) the Secretary is satisfied that, if the Secretary were to pay those instalments, there would be an overpayment to the person of the income support payment;

the Secretary may deduct an amount or amounts from one or more of those instalments such that the sum of all the deductions under this section equals the amount that would be overpaid.

Note: Since an instalment is counted as income under the *Social Security Act 1991* and the *Veterans’ Entitlements Act 1986*, an overpayment could arise because an increase in a person’s income in relation to a period



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## Part 2 Deductions from instalments of parental leave pay to avoid overpayments

(3) The amendment of section 101 of the *Paid Parental Leave Act 2010* made by this Part applies in relation to claims made on or after the commencement of this item.

(a) who was born on or after that commencement; or

whether the claim was made before, on or after that commencement.