



Australian Government
Department of Social Services

PROTECTED CABINET

MS25-000797

To: Minister for Social Services (For Decision)

VARIATION BID - TECHNICAL CHANGES NO. 1 BILL - AUTUMN 2026 SITTINGS

Critical Date: Please action by 9 January 2026 - Variation Bid due for consideration as soon as possible.

Recommendations:	
1. Agree to seek authority to add one measure to s 34(2) [redacted] [formerly s 34(2)]	Agreed / Not agreed
2. Agree to seek policy authority for the additional measure and other measures already drafted for s 34(2) [redacted]	Agreed / Not agreed
3. Sign the letter to the Prime Minister, the Hon Anthony Albanese MP, at Attachment A .	Signed / Not signed
Minister: <i>T. Perle</i>	Date: 8.1.2026
Comments:	
Clearing Officer:	Jo Evans A/g Deputy Secretary, Social Security Mob: s 47F [redacted] Date Cleared: 23 December 2025
Contact Officer:	Bronwyn Worswick Chief Counsel, Group Manager Legal, Audit and Assurance Mob: s 47F [redacted]

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Key Points:

- s 34(3) [redacted] (MS25-000513 at **Attachment B**).

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2. After further discussions with your Office, the Department of Social Services (the Department) is proposing authority be sought for the Bill to include an additional measure to clarify employment income of a social security payment recipient's partner.
3. The letter and variation bid at **Attachment A** seeks authority to include the additional measure in the Bill, as well as policy authority for that measure and other measures identified during the drafting process that must be included in the Bill, including:

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4. The letter at **Attachment A** must be provided to the Prime Minister's office as soon as possible for the variation bid to be considered by PBC out of session in January 2026.

Additional measure – Employment income attribution

5. The proposed additional measure is necessary to clarify that the employment income of the partner of a social security recipient can be assessed for the purposes of income testing that recipient.

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Sensitivities and Handling

9. Overall, this Bill contains important remediation measures. From a handling perspective, careful communication will be required to explain the necessity of the measures, how the issues were identified, and what steps have been taken to address impacts on affected cohorts. The partner employment income assessment measure is a further legislative fix-up measure.

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Data referenced:

12. Nil.

Consultation:

13. Internal Consultation: Katrina Chatham, A/g Group Manager, System, Strategy and Seniors; Ben Peoples, Group Manager, Participation and Family Payments
14. External Consultation: First Parliamentary Counsel of the Office of Parliamentary Counsel (OPC) and the Parliamentary Affairs and Legislation Section of the Department of the Prime Minister and Cabinet have been consulted on the variation bid.

Risk Management:

15. OPC has advised the drafting of the additional measure is possible and should not affect the proposed introduction date of Week 1. OPC has provided an initial draft of the amendment. All other measures in this Bill are drafted.

Legal advice:

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19. In the absence of amendment, this issue has the potential to impact a number of recipients, although we anticipate the financial impact on an individual's payment rate is limited.

Regulatory Implications:

20. Nil.

Media and communication opportunities:

21. Nil.

Opportunities for First Nations people and their communities:

22. Nil.

Attachments:

- A:** Letter to the Prime Minister
- B:** MS25-000513 – Minister signed brief

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THE HON TANYA PLIBERSEK MP
MINISTER FOR SOCIAL SERVICES

MS25-000797

The Hon Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

I write to seek your approval to vary a Bill to include a new measure on the 2026 Autumn legislation program. I also write to seek policy authority for this measure and several existing measures on the Bill.

The detail for the Bill is as follows:

s 34(2)

s 34(2)

[previously s 34(2)

s 34(2)

Additional Measure

I seek your authority to add the following additional measure to this Bill:

1. s 34(2)

s 47C

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s 47C



The employment income attribution rules were recently amended by Part 3 of Schedule 5 to the *Regulatory Reform Omnibus Act 2025*. In summary, these amendments provide in what circumstances the effect of an income attribution period, as calculated under the employment income attribution rules, will be preserved when a person ceases to receive payment.

s 47C



s 22



s 22



The formal documentation for this bid is enclosed.

The contact officer in my Department is Ms Bronwyn Worswick, Chief Counsel, who can be contacted on s 47F or s 47F.

Yours sincerely



TANYA PLIBERSEK

cc: Minister for Government Services
The Hon Katy Gallagher MP

8.1.2026

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