

Social Security (Administration) Amendment (Income Management and Cashless Welfare) Act 2019

No. 45, 2019

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

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

[*Assented to 5 April 2019*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Social Security (Administration) Amendment (Income Management and Cashless Welfare) 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.

| 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. | 5 April 2019 |
| 2. Schedule 1 | The day after this Act receives the Royal Assent. | 6 April 2019 |

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Income management and cashless welfare

Social Security (Administration) Act 1999

1 Paragraphs 123UF(1)(g) and (2)(h)

Omit “1 July 2019”, substitute “1 July 2020”.

1A Subsection 124PD(1)

Insert:

***health or community worker*** means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their wellbeing.

2 Paragraph 124PF(1)(b)

Repeal the paragraph, substitute:

(b) ending on 30 June 2020.

3 After paragraph 124PG(1)(h)

Insert:

(ha) section 124PHA does not apply to the person; and

4 After paragraph 124PGA(1)(h)

Insert:

(ha) section 124PHA does not apply to the person; and

5 After paragraph 124PGB(1)(h)

Insert:

(ha) section 124PHA does not apply to the person; and

6 After paragraph 124PGC(1)(g)

Insert:

(ga) section 124PHA does not apply to the person; and

7 At the end of Division 2 of Part 3D

Add:

Subdivision C—Exiting cashless welfare arrangements

124PHA Participants who responsibly manage their financial affairs

Application of this section

(1) This section applies to a person if:

(a) all of the following apply:

(i) the person’s usual place of residence is within a trial area where the Minister has authorised a body as a community body;

(ii) the person applies to their local community body on or after 1 July 2019 to exit the trial of cashless welfare arrangements;

(iii) the person’s local community body is satisfied that the person satisfies the criteria mentioned in subsection (2);

(iv) the community body notifies the Secretary in writing that it is so satisfied; or

(b) all of the following apply:

(i) the person’s usual place of residence is not within a trial area where the Minister has authorised a body as a community body;

(ii) the person applies to the Secretary on or after 1 July 2019 to exit the trial of cashless welfare arrangements;

(iii) the Secretary is satisfied that the person satisfies the criteria mentioned in subsection (2).

Note: Subsection (4) sets out when this section ceases to apply to a person.

Criteria

(2) The criteria for the purposes of subparagraphs (1)(a)(iii) and (b)(iii) are:

(a) that the person can demonstrate reasonable and responsible management of their financial affairs, taking into account all of the following:

(i) the interest of any children for whom the person is responsible;

(ii) whether the person has a likelihood of engaging in any unlawful activity;

(iii) risks of homelessness;

(iv) the health and safety of the person and the community;

(v) the responsibilities and circumstances of the person;

(vi) the person’s engagement in the community, including the person’s employment or efforts to obtain work; and

(b) any further criteria that the Minister determines, by legislative instrument, for the purposes of this subsection.

(3) Before the Minister makes a determination under paragraph (2)(b), the Minister must:

(a) consult with local communities and trial participants; and

(b) have regard to any feedback received as a result of those consultations.

When this section ceases to apply

(4) This section ceases to apply to a person if a health or community worker notifies the Secretary in writing that he or she has determined that it is necessary for a person to be a trial participant for medical or safety reasons.

(5) To avoid doubt, the fact that this section ceases to apply to a person following a notification under subsection (4) does not prevent that person from again applying to exit the trial of cashless welfare arrangements.

[*Minister’s second reading speech made in—*

*House of Representatives on 13 February 2019*

*Senate on 3 April 2019*]

(33/19)