Household Stimulus Payment (DAFF) Scheme 2009

I, TONY BURKE, Minister for Agriculture, Fisheries and Forestry, considering that the circumstances set out in section 5 of the following Scheme are circumstances in which Part 2.18 of the Social Security Act 1991 does not produce appropriate results, determine the following Scheme under subitem 1 (1) of Schedule 4 to the Household Stimulus Package Act (No. 2) 2009.

Dated 24 May 2009

Signed
TONY BURKE
Minister for Agriculture, Fisheries and Forestry
Part 1 Preliminary

1 Name of Scheme

This Scheme is the Household Stimulus Payment (DAFF) Scheme 2009.

2 Commencement

This Scheme commences on the day after it is registered.

3 Object

The object of this Scheme is for household stimulus payments to be made to persons in circumstances:
(a) in which the Minister has considered that Part 2.18 of the Social Security Act does not produce appropriate results; and
(b) that occur in the financial year starting on 1 July 2008.

4 Interpretation

(1) In this Scheme:

Department means the Department administered by the Minister administering the Farm Household Support Act 1992.

household stimulus payment means a payment under Part 2.

income test provisions means each of the following:
(a) Module G of Benefit Rate Calculator B in section 1068 of the Social Security Act; and
(b) Module H of the Youth Allowance Rate Calculator in section 1067G of the Social Security Act.

Note Module G of Benefit Rate Calculator B in section 1068 of the Social Security Act applies an income test to newstart allowance and other payments. Module H of the Youth Allowance Rate Calculator in section 1067G of the Social Security Act applies an income test to youth allowance. The income tests for newstart allowance and youth allowance are applied for the purposes of working out the rate of a person’s exceptional circumstances relief payment or farm help income support payment under the Farm Household Support Act 1992.
Section 4

_Secretary_ means the Secretary of the Department.


(2) Unless a contrary intention appears, an expression that is used in the Social Security Act has the same meaning, when used in this Scheme, as in the Social Security Act.

*Note* The following terms are defined in, or have meanings given by, the Social Security Act:
- Agency
- CEO
- exceptional circumstances relief payment
- farm help income support
- partner.
Part 2 Household stimulus payments

5 Payment of household stimulus payments

The Secretary must determine that a person is qualified for a household stimulus payment if 1 of the following circumstances applies:

(a) section 6 applies to the person;
(b) section 7 applies to the person;
(c) section 8 applies to the person.

6 Exceptional circumstances relief payment

This section applies to a person if:

(a) the person was not paid an instalment of exceptional circumstances relief payment in respect of a period that included 3 February 2009; and
(b) the person would have been paid an instalment of exceptional circumstances relief payment in respect of a period that included 3 February 2009 if, for the purposes of working out the person’s rate of exceptional circumstances relief payment for that period, the income test provisions did not apply.

7 Farm help income support

This section applies to a person if:

(a) the person was not paid an instalment of farm help income support in respect of a period that included 3 February 2009; and
(b) the person would have been paid an instalment of farm help income support in respect of a period that included 3 February 2009 if, for the purposes of working out the person’s rate of farm help income support for that period, the income test provisions did not apply; and
(c) section 6 does not apply to the person.
8 Other payments

This section applies to a person if:

(a) the person was not paid a payment of a kind mentioned in paragraph 912 (c) of the Social Security Act in respect of a period that included 3 February 2009; and

(b) the Secretary considers that paragraph (a) applies only because of the amount of income earned, derived or received by the person or the person’s partner; and

(c) neither section 6 nor section 7 applies to the person.

9 Amount of household stimulus payment

The amount of a person’s household stimulus payment is $950.
Part 3 Administration

10 No claim required
A claim is not required for a household stimulus payment.

11 Request for information
If the Secretary requires information from a person to determine that person’s qualification for a household stimulus payment, the Secretary may, by written notice, request that information from the person.

12 Payment of household stimulus payment
If the Secretary determines that a person is qualified for a household stimulus payment, the Secretary must pay the payment to the person in a single lump sum:
(a) on the date that the Secretary considers is the earliest date on which it is reasonably practicable for the payment to be made; and
(b) in a manner that the Secretary considers appropriate.

13 Debts
(1) If:
(a) a person has been paid a household stimulus payment; and
(b) after the payment is made to the person, the Secretary determines that the person was not qualified for the payment; and
(c) the determination is or was made for the reason, or for reasons including the reason, that the person knowingly made a false or misleading statement or knowingly provided false information;
the amount of the payment is a debt due to the Commonwealth by the person.

(2) A debt due to the Commonwealth under subsection (1) is recoverable in a court of competent jurisdiction.
14  Delegation

(1) The Secretary may, in writing, delegate all or any of the powers of the Secretary under this Scheme (other than this power of delegation) to:
   (a) an officer of the Department; or
   (b) the CEO.

(2) The CEO may, in writing, delegate all of any powers delegated to him or her under subsection (1) to an employee of the Agency.

Notes

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See www.frli.gov.au.