

Commonwealth of Australia

*Social Security Act 1991*

**Youth Allowance (Activity Test Exemption  
Guidelines) Determination 1998**

I, JOCELYN MARGARET NEWMAN, Minister for Social Security, make this Determination under subsection 542H (1B) of the *Social Security Act 1991*.

Dated 30 June 1998.

JOCELYN NEWMAN  
Minister for Social Security

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**Part 1—Preliminary**

**1.1 Name of Determination**

This Determination is the *Youth Allowance (Activity Test Exemption Guidelines) Determination 1998*.

**1.2 Commencement**

This Determination commences on 1 July 1998.

**1.3 Definitions**

In this Determination:

*Act* means the *Social Security Act 1991*.

*care* includes attention and supervision.

*Note* The following expressions used in this Determination are defined in the Act (see ss 4 and 23):

- family member
- member of a couple
- partner.

#### **1.4 Examples**

- (1) An example in this Determination is part of this Determination.
- (2) If a provision includes an example of its operation:
  - (a) the example is not exhaustive; and
  - (b) if the example is inconsistent with the provision—the provision prevails.

#### **1.5 Purpose**

The purpose of this Determination is to set out the guidelines for the exercise of the Secretary's discretion under subsection 542H (1A) of the Act to decide whether a person has a special circumstances exemption that, under paragraph 542 (f) of the Act, exempts the person from having to satisfy the activity test in respect of a period.

## **Part 2—Guidelines**

### *Division 1—Major disruption to person's home*

#### **2.1 Special circumstances**

Special circumstances, beyond a person's control, exist if:

- (a) a major disruptive event affects the person's home; and
- (b) the event has a major disruptive consequence for the person.

*Examples of a major disruptive event*

1. Flood.
2. Fire.
3. Earthquake.
4. Vandalism.
5. Burglary.

*Examples of a major disruptive consequence for a person*

1. The person needs to arrange alternative accommodation.
2. The person needs to arrange to replace significant household items.
3. The person needs to organise major home repairs.
4. The person needs to make insurance claims for damage to household items or the home.

#### **2.2 Maximum exemption period**

In the special circumstances mentioned in section 2.1, it could be unreasonable to expect the person to satisfy the activity test for a period of up to 2 weeks, starting when the major disruptive event occurs.

### *Division 2—Major personal crisis*

#### **2.3 Special circumstances**

Special circumstances, beyond a person's control, exist if:

- (a) the person is experiencing a major personal crisis; and
- (b) the experience has a major disruptive consequence for the person.

*Examples of major personal crises*

1. Death of a family member.
2. For a person who is a member of a couple—breakdown in that relationship.
3. The person is homeless and unable to obtain stable accommodation.
4. Domestic violence.

*Examples of major disruptive consequences for a person*

1. The person needs to arrange a funeral for a deceased family member or make arrangements for the property of the deceased family member.
2. The person needs to arrange alternative accommodation.
3. The person needs to move belongings away from his or her present accommodation.
4. The person needs to arrange care for his or her child.
5. The person needs to attend counselling.

## **2.4 Maximum exemption period**

- (1) In the special circumstances mentioned in section 2.3, except where the person is homeless and unable to obtain stable accommodation, it could be unreasonable to expect the person to satisfy the activity test for a period of up to:
  - (a) 2 weeks, starting when the person begins to experience the major personal crisis; or
  - (b) if the special circumstances are extremely traumatic for the person—4 weeks, starting when the person begins to experience the major crisis.
- (2) In the circumstance where the person is homeless and unable to obtain stable accommodation, it could be unreasonable to expect the person to satisfy the activity test for a period of up to 13 weeks, starting at the beginning of that circumstance.

### *Division 3—Carer's duties*

## **2.5 Special circumstances**

Special circumstances, beyond a person's control, exist if a family member of the person is temporarily incapacitated due to illness or accident, and:

- (a) the family member needs full-time care during the incapacity; and
- (b) the person provides the care; and
- (c) other ways of providing the care are not reasonably available; and

- (d) the person does not qualify for a carer payment under section 198 of the Act; and
- (e) the person is unable to satisfy the activity test because the person is providing the care.

## **2.6 Maximum exemption period**

In the special circumstances mentioned in section 2.5, it could be unreasonable to expect the person to satisfy the activity test:

- (a) for a period of up to 13 weeks, starting when the person begins to provide the care; and
- (b) if, at the end of that period, the special circumstances continue unchanged—for a further period of up to 13 weeks.

### *Division 4—Serving on a jury*

## **2.7 Special circumstances**

Special circumstances, beyond a person's control, exist if the person is serving on a jury and, under the laws of the Commonwealth, State or Territory, as the case may be:

- (a) the person is eligible to serve on the jury; and
- (b) the person is not exempt from liability to serve on the jury; and
- (c) the person is not disqualified from serving on the jury.

## **2.8 Maximum exemption period**

In the special circumstances mentioned in section 2.7, it could be unreasonable to expect the person to satisfy the activity test for:

- (a) the period for which the person is empanelled on the jury or up to 13 weeks, whichever is the shorter; and
- (b) if, at the end of that period, or a further period under this paragraph, the special circumstances continue unchanged—for a further period of up to 13 weeks.

### *Division 5—Refugees*

## **2.9 Special circumstances**

Special circumstances, beyond a person's control, exist if the person is a refugee, within the meaning of subsection 7 (6B) of the Act.

## **2.10 Maximum exemption period**

In the special circumstances mentioned in section 2.9, it could be unreasonable to expect the person to satisfy the activity test for a period of up to 13 weeks, starting when the person enters Australia.

### *Division 6—Community service orders*

## **2.11 Special circumstances**

Special circumstances, beyond a person's control, exist if the person is subject to a community service order requiring the person to perform more than 20 hours of community service for each week that the order has effect.

## **2.12 Maximum exemption period**

In the special circumstances mentioned in section 2.11, it could be unreasonable to expect a person to satisfy the activity test for the duration of the community service order or up to 13 weeks, whichever is the shorter.

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