Social Security (Clean Energy – Multiple Qualification Exclusion) (DIISRTE) Determination 2012

Social Security Act 1991


Dated 20th April 2012

Chris Evans
Minister for Tertiary Education, Skills, Science and Research
Part 1  Preliminary

1  Name of determination
This Determination is the Social Security (Clean Energy – Multiple Qualification Exclusion) (DIISRTE) Determination 2012.

2  Commencement
This Determination commences on 14 May 2012.

3  Definitions
In this Determination:

- **Act** means the *Social Security Act 1991*.
- **clean energy advance** has the same meaning as in the Act, the Veterans’ Entitlements Act and the MRCA.
- **clean energy advance period** has the same meaning as in the Act, the Veterans’ Entitlements Act and the MRCA.
- **clean energy bonus** has the same meaning as in the Act, the Veterans’ Entitlements Act and the MRCA.
- **clean energy supplement** has the same meaning as in the Act, the Veterans’ Entitlements Act and the MRCA.
- **MRCA** means the *Military Rehabilitation and Compensation Act 2004*.
- **MRCAETS** means the Military Rehabilitation and Compensation Act Education and Training Scheme established under section 258 of the MRCA.
- **Secretary** has the same meaning as in the Act.
- **social security payment** has the same meaning as in the Act.
- **Special Rate Disability Pension** has the same meaning as in the MRCA.
- **top-up payment** means a payment made under one of the Determinations or schemes set out in subsection 4(4) of this Determination.
- **VCES** means the Veterans’ Children Education Scheme established under section 117 of the Veterans’ Entitlements Act.
- **Veterans’ Entitlements Act** means the *Veterans’ Entitlements Act 1986*.
Part 2  When a person will be excluded from qualifying for a clean energy bonus

4  Clean energy advance

(1) Despite any provisions of the Act a person is not qualified for a clean energy advance under the Act for a given clean energy advance period if they have previously been paid, or are qualified for a clean energy advance under:

(a) the Veterans’ Entitlements Act disregarding a clean energy advance for a pension under Part II or Part IV of that Act at a rate determined under or by reference to Division 4 of Part II of that Act; or

(b) the MRCA disregarding a clean energy advance for a payment under Part 2 of Chapter 4 of that Act or a Special Rate Disability Pension; or

(c) the ABSTUDY scheme; or

(d) the VCES; or

(e) the MRCAETS.

(2) Despite any provisions of the Act a person is not qualified for a clean energy advance if the person has previously been paid a clean energy advance under section 914 of the Act and has a change of circumstances that would qualify them for a clean energy advance under subsections 914A(1) or (2) of the Act.

(3) Despite any provisions of the Act a person is not qualified for a clean energy advance if the person has previously been paid a clean energy advance under section 914A of the Act and has a change of circumstances that would qualify them for a clean energy advance under subsections 914(1) or (2) of the Act.

(4) A person to whom subsections 4(1), (2) or (3) of the Determination applies may still qualify for a top-up payment under one of the following:

(a) the Social Security (Clean Energy Advance – Top-up Payment) (FaHCSIA) Determination 2012, or

(b) the Social Security (Clean Energy Advance – Top-up Payment) (DEEWR) Determination 2012, or

(c) the Social Security (Clean Energy Advance – Top-up Payment) (DIISRTE) Determination 2012; or

(d) the Veterans’ Entitlements (Clean Energy Advance – Top-up Payment) Determination 2012; or
(e) the Military Rehabilitation and Compensation (Clean Energy Advance – Top-up Payment) Determination 2012; or

(f) the ABSTUDY scheme; or

(g) the VCES; or

(h) the MRCAETS.

5 Clean energy supplement

Despite any provisions of the Act, a person is not qualified to have a clean energy supplement used to calculate their rate of social security payment on a day if the person is also in receipt of payments under:

(a) the Veterans’ Entitlements Act disregarding a clean energy supplement for a pension under Part II or Part IV of that Act at a rate determined under or by reference to Division 4 of Part II of that Act; or

(b) the MRCA disregarding a clean energy supplement for a payment under Part 2 of Chapter 4 of that Act or a Special Rate Disability Pension.