Social Security (Special Circumstances - Family) Specification 2016

Social Security Act 1991

I, RENÉE LEON, Secretary of the Department of Employment, make this Specification under subsections 502C(2A), 542F(2A), 602B(2A) and 731DA(2A) of the Social Security Act 1991.

Dated: 16 / 03 / 2016

Renée Leon PSM
Secretary
Department of Employment
1 **Name of Specification**
This Specification is the Social Security (Special Circumstances - Family) Specification 2016.

2 **Commencement**
This Specification commences on the day after it is registered on the Federal Register of Legislation.

3 **Revocation**
The following determinations are revoked:
   (a) Social Security (Special Circumstances relating to a Person’s Family) (DEWR) Determination 2006; and
   (b) Social Security (Special Circumstances relating to a Person’s Family) (FaCSIA) Determination 2006.

4 **Definitions**
In this Specification:


   **Note:** Other words and phrases used in this Specification that are defined in the Act have the meaning given by the Act.

5 **Matters to be taken into account in deciding whether there are special circumstances relating to a person’s family**

   (1) The Secretary must take into account the matters set out in subsection (2) in deciding whether there are special circumstances in relation to a person’s family that make it appropriate to make a determination in relation to the person under:

      (a) section 502C of the Act; or
      (b) section 542F of the Act; or
      (c) section 602B of the Act; or
      (d) section 731DA of the Act

   (2) The matters are:

      (a) if the person cares for one or more children, who have turned 6, but who have not commenced school — the caring responsibilities of the person; and

      (b) any significant caring responsibilities of the person that:

         (i) require the person to care temporarily for an immediate family member who is incapacitated due to illness or accident; and
         (ii) prevent, or are likely to prevent, the person from both being able to look for work and being able to participate in training activities; unless the Secretary is satisfied that the responsibilities could have been avoided with appropriate planning; and
(c) if:

(i) the person has been subjected to domestic violence; and
(ii) the domestic violence specifically affects the person’s capacity to both look for work and participate in training activities,

the impact of the domestic violence; and

Note: The Secretary may make a determination under paragraphs 502C(2)(a), 542F(2)(a), 602B(2)(a) or 731DA(2)(a) of the Act if the person has been subjected to domestic violence in the 26 weeks prior to the making of the determination. Paragraph 5(2)(c) of this Specification will only be relevant if the domestic violence occurred more than 26 weeks prior to the making of the determination.

(d) if:

(i) the person has ceased to be a member of a couple in the period of 4 weeks before the date of the proposed determination under section 502C, 542F, 602B or 731DA of the Act; and
(ii) the effect of ceasing to be a member of a couple has had a significant adverse impact on the person’s emotional or physical wellbeing; and
(iii) the effect on the person’s wellbeing will prevent, or is likely to prevent, the person from both being able to look for work and being able to participate in training activities;

the person’s emotional or physical wellbeing.