Social Security (Administration) (Payment Pending Review) (Employment) Guidelines 2019

I, Michaelia Cash, Minister for Employment, Skills, Small and Family Business, make the following instrument.

Dated 26 September 2019

MICHAELIA CASH
Minister for Employment, Skills, Small and Family Business
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1 Name

This instrument is the Social Security (Administration) (Payment Pending Review) (Employment) Guidelines 2019.

2 Commencement

(1) Each provision of this instrument 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.

<table>
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<tr>
<th>Commencement information</th>
<th>Column 1</th>
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<tbody>
<tr>
<td>Provisions</td>
<td>Commencement</td>
<td>Date/Details</td>
<td></td>
</tr>
<tr>
<td>1. The whole of this instrument</td>
<td>1 October 2019.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under sections 132 and 146 of the Act.

4 Definitions

Note: Some of the expressions used in this instrument are defined in the Act or in the Social Security Act 1991, including the following:
(a) participation payment; and
(b) adverse decision.

In this instrument:


5 Application

For sections 131 and 145 of the Act, the guidelines in section 6 apply to adverse decisions made under Division 3A of Part 3 of the Act in relation to participation payments.
6 Declaration continuing payment during a compliance penalty period

(1) If a person in receipt of a participation payment:
   (a) is subject to an adverse decision that results in the application of a compliance penalty period under subsection 42P(1) or 42S(1) of the Act; and
   (b) applies for review of the adverse decision under section 129 or 142 of the Act; and
   (c) the compliance penalty period has not ended before the person applies for review;

the Secretary may declare, under section 131 or 145 of the Act, that:
   (d) the participation payment is payable to the person from the date that the compliance penalty period commenced or is to commence; and
   (e) the participation payment is to continue to be payable to the person pending the determination of the review, as if the adverse decision had not been made.

Note 1 A declaration under section 131 or 145 takes effect on the day it is made or an earlier day (if any) specified in the declaration: see paragraphs 131(5)(a) and 145(4)(a) of the Act.

Note 2 A declaration under section 131 or 145 ceases to have effect: on the day the application for review is withdrawn or dismissed; when the declaration is revoked by the Secretary; or 13 weeks after a decision reviewing the adverse decision is made (or an earlier day specified by the Secretary). See paragraphs 131(5)(b) and 145(4)(b) of the Act.