

Explanatory Statement

Social Security (Payment Pending—SSAT Application for Review) Guidelines 2004 – Revocation 2007

Authority

Under section 146 of the *Social Security (Administration) Act 1999* (the 1999 Act), the relevant Minister by legislative instrument, is to set guidelines for the exercise of the Secretary's power to make declarations under subsection 145(1) to continue social security payments to persons who are seeking review of a decision imposing a compliance penalty period.

The Social Security (Payment Pending—SSAT Application for Review) Guidelines 2004 – Revocation 2007 (2007 Revocation Guidelines) are made under section 146 of the 1999 Act.

Purpose

The 2007 Revocation Guidelines revoke the Social Security (Payment Pending—SSAT Application for Review) Guidelines 2004 (the 2004 Guidelines).

Explanation

The 2004 Guidelines are revoked because new guidelines, namely the Social Security (Payment Pending—SSAT Application for Review) (DEWR) Guidelines 2007 have been made which supersede the 2004 Guidelines. The 2007 Revocation Guidelines were prepared in accordance with legal advice regarding the processes of revocation of the 2004 Guidelines.

When the 2004 Guidelines were issued, the Secretary of the Department of Family and Community Services could continue to pay a range of social security payments to persons subject to a compliance penalty period who had sought review by the Social Security Appeals Tribunal. Depending on the social security payment involved, these matters are now administered by the Department of Families, Community Services and Indigenous Affairs (FaCSIA), the Department of Employment and Workplace Relations (DEWR) and the Department of Education, Science and Training (DEST). In the case of DEWR, the social security payments involved are parenting payment, youth allowance and newstart allowance. Given these administrative arrangements, the 2007 Revocation Guidelines are to be signed by each of the respective Ministers.

The 2007 Revocation Guidelines are a legislative instrument.

Consultation regarding this instrument was undertaken with FaCSIA and DEST.

Commencement

The 2007 Revocation Guidelines came into effect on the day after they were registered on the Federal Register of Legislative Instruments.