

EXPLANATORY STATEMENT

ADVANCE PAYMENT OF ENTITLEMENT (WAIVER OF WAITING PERIOD) DETERMINATION (NO.1) 1998

Issued by the authority of the Secretary to the Department of Social Security

Summary

This determination is made under subsection 1061A(2) of the *Social Security Act 1991* (the Social Security Act), which was inserted by Schedule 9 to the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998*.

The purpose of this determination is to exempt from the 3 month waiting period for an advance payment of a social security entitlement, certain persons undertaking study.

Background

Paragraph 1061A(1)(b) of the Social Security Act provides that for a person to qualify for an advance payment of a social security entitlement, the person must be in receipt of an income support payment for a period of at least 3 months immediately before applying for the advance payment. New subsection 1061A(2) provides that the Secretary may determine that the 3 month period does not apply to people who receive youth allowance or austudy payment.

Explanation of provisions

Section 1 cites the name of the instrument and section 2 states that the determination commences on 1 July 1998.

Section 5 provides that paragraph 1061A(1)(b) of the Social Security Act does not apply to a person who has applied for an advance payment of austudy payment if the person is receiving austudy payment. Similarly, a person who is receiving youth allowance and is undertaking, or about to undertake, an approved course of education or training, is also exempt from the 3 month waiting period. This exemption will help students to deal with costs related to their studies.

Section 3 provides that an approved course of education or training has the meaning given by subsection 541B(5) of the Act. The Act is also defined to mean the *Social Security Act 1991*.