

Social Security (Administration) (Trial Area - Ceduna and Surrounding Region) Amendment Determination (No. 1) 2016

*Social Security (Administration) Act 1999*

I, ALAN TUDGE, Minister for Human Services, acting under subsection 124PG(1) of the *Social Security (Administration) Act 1999* make this Determination.

Dated: 9 March 2016

ALAN TUDGE

Minister for Human Services

1 Name of instrument

This Determination is the *Social Security (Administration) (Trial Area – Ceduna and Surrounding Region) Amendment Determination (No. 1) 2016*.

2 Commencement

This Determination commences on the later of:

1. the day after it is registered on the Federal Register of Legislation; and
2. immediately after the commencement of the *Social Security (Administration) (Trial Area – Ceduna and Surrounding Region) Determination 2015*.

3 Schedules

Schedule 1 amends the *Social Security (Administration) (Trial Area – Ceduna and Surrounding Region) Determination 2015*.

Schedule 1 - Amendment

Amendments to the *Social Security (Administration)(Trial Area – Ceduna and Surrounding Region) Determination 2015*

[1] Section 4, *before the definition of “Act” insert*:

*ABSTUDY Scheme* has the meaning given by subsection 23(1) of the Social Security Act.

[2] Section 4, *before the definition of Part 3D payment nominee insert:*

*outside trial area student* means:

1. a full-time student for the purposes of Part 3B of the Act; or
2. a person receiving a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as living allowance; or
3. a person receiving pensioner education supplement at a fortnightly rate provided for by subsection 1061PZG(2) of the Social Security Act; or
4. a person who is receiving youth allowance as a new apprentice as defined in subsection 23(1) of the Social Security Act; or
5. a person who is receiving an austudy payment; or
6. a person who is receiving special benefit on the basis the person is:
   1. required by the Secretary to undertake a course under section 736 of the Social Security Act; or
   2. engaged in a course undertaken under a Special Benefit Employment Pathway Plan;

who lives outside the trial area for the purposes of meeting study requirements.

[3] Section 4, *omit the definition of* “*Part 3D payment nominee*” *and substitute*:

*Part 3D payment nominee* means:

(a) a person who is, by virtue of an appointment in force under section 123B of the Act or section 219TB of the *A New Tax System (Family Assistance)(Administration) Act 1999*, the payment nominee of another person; or

(b) a person to whom another person's instalments of youth allowance are to be paid in accordance with subsection 45(1) of the Act; or

(c) a person to whom another person’s payments under the scheme known as the ABSTUDY Scheme are to be paid in accordance with part 71.7 of the ABSTUDY policy manual.

*pension age* has the meaning given by section 23 of the Social Security Act.

*Social Security Act* means the *Social Security Act 1991*.

[4] At the end of subparagraph 6(a)(ii)

*Insert:*

(iii) have not reached pension age and will not reach pension age during the 12 month period commencing 15 March 2016; and

(iv) are not subject to the income management regime under section 123UC or 123UF of the Act; and

(v) are not subject to the income management regime under section 123UCB or 123UCC of the Act because subsection 123UCB(3) or subsection 123UCC(3) applies to the person; and

(vi) are not an outside trial area student; and

(vii) are not the subject of a determination by the Secretary under section 7 of this Determination; and

[5] At the end of section 6

*Insert:*

7 Class of persons—determination by Secretary

(1) The Secretary may determine that a person, who would otherwise be in a class of persons determined in section 6, is not in a class of person for the purposes of subsection 124PG(1) of the Act if the Secretary is satisfied that being a trial participant would seriously risk that person's mental, physical or emotional wellbeing.

(2) To avoid doubt, the Secretary is not required to consider whether to make a decision under this section prior to a person becoming a trial participant.