



Social Security (Administration) (Persistent Non-compliance) Determination 2025

I, Amanda Rishworth, Minister for Employment and Workplace Relations, make the following Determination.

25 SEPTEMBER 2025

Amanda Rishworth
Minister for Employment and Workplace Relations

1 Name

This determination is the *Social Security (Administration) (Persistent Non-compliance) Determination 2025*.

2 Commencement

- (1) Each provision of this determination 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this determination	1 October 2025	

Note: This table relates only to the provisions of this determination as originally made.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

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

3 Authority

This determination is made under subsection 42M(4) of the *Social Security (Administration) Act 1999*.

4 Schedule

Each determination that is specified in a Schedule to this determination is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this determination has effect according to its terms.

5 Definitions

In this determination:

Act means the *Social Security (Administration) Act 1999*.

comprehensive compliance assessment has the meaning given by section 42NA of the Act.

failure means a failure to comply with an obligation in relation to a participation payment, and includes a no show no pay failure, a non-attendance failure, a connection failure and a reconnection failure.

6 Matters to be taken into account in determining persistent non-compliance

- (1) For subsection 42M(4) of the Act, the following matters are matters that the Secretary must take into account in deciding whether a person persistently failed to comply with his or her obligations in relation to a participation payment.
 - (a) the findings of the most recent comprehensive compliance assessment in respect of the person (*current comprehensive compliance assessment*);
 - (b) whether, during the *assessment period*, the person has committed 3 or more failures (whether those failures are of the same kind or of different kinds). The *assessment period* is:
 - (i) the period of 6 months before the start of the current comprehensive compliance assessment; or
 - (ii) if the person has incurred a serious failure period in the period of 6 months before the start of the current comprehensive compliance assessment — the period from the end of that serious failure period until the start of the current comprehensive compliance assessment;
 - (c) if the person committed 3 or more failures during the assessment period:
 - (i) the number of failures; and
 - (ii) whether or not the failures demonstrate a pattern of non-compliance or should be viewed as a single instance of non-compliance;

Example

A job seeker who incurred three no show no pay failures for missing three consecutive days of an activity several months ago but has fully met their requirements since then would not necessarily be considered to be persistently non-compliant on the basis of those failures.

- (d) the extent to which the person has otherwise complied with his or her obligations in relation to a participation payment during the assessment period.

Note 1 The Secretary must not take into account failures that are outside the person's control, and may only take into account failures that occurred intentionally, recklessly or negligently: subsection 42M (2) of the Act.

- (2) However, subsection (1) does not require the Secretary to take into account a matter if, in the particular case, the matter is not relevant to whether a person persistently failed to comply with his or her obligations in relation to a participation payment.

7 Transitional arrangements

This determination applies in relation to decisions made on or after 1 October 2025 whether relevant failures occurred before that date or not.

Schedule 1—Repeals

Social Security (Administration) (Persistent Non-compliance) (Employment) Determination 2015 (No. 1)

1 The whole of the determination

Repeal the determination.