



# **Social Security (Administration) (Exempt Welfare Payment Recipients — Persons with Dependent Children) (Specified Activities) Determination 2010**

*Social Security (Administration) Act 1999*

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I, JENNY MACKLIN, Minister for Families, Housing, Community Services and Indigenous Affairs, acting under subsections 123UGD(2) and (3) of the *Social Security (Administration) Act 1999* and on behalf of the Minister for Education and the Minister for Employment and Workplace Relations, make this Determination.

Dated                                      29<sup>th</sup> July                                      2010

J Macklin

Minister for Families, Housing, Community Services and Indigenous Affairs

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## 1 Name of Determination

This Determination is the *Social Security (Administration) (Exempt Welfare Payment Recipients — Persons with Dependent Children) (Specified Activities) Determination 2010*.

## 2 Commencement

This Determination commences on 9 August 2010.

## 3 Interpretation

(1) In this Determination:

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

**approved care service** means:

- (a) an approved centre based long day care service; and
- (b) an approved family day care service; and
- (c) an approved in-home care service; and
- (d) an approved occasional care service.

**Family Assistance Administration Act** means the *A New Tax System (Family Assistance) (Administration) Act 1999*.

**pre-school** includes kindergarten.

**program of regular health and development assessments** means, in relation to a child of a particular age, a series of health and development assessments that are provided to that child:

- (a) by one or more treating health professionals; and
- (b) in accordance with the schedule of health and development assessments for a child of that age, as set out in the record published by the Northern Territory Government and known as the *Personal Health and Immunisation Record*.

**severe disability or severe medical condition** has the same meaning as in Part 2.5 of the Social Security Act.

**school age** means that age at which a child is required, under a law of a State or Territory:

- (a) to be enrolled at a school; or
- (b) to attend a school at times required under that law.

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

**terminal condition** has the same meaning as in the Social Security Act.

**treating health professional** has the meaning given by subsection 197(1) of the Social Security Act.

**treatment** includes care.

*Note 1* At 9 August 2010, the list of persons determined under section 38F of the Social Security Act to be treating health professionals was set out in the *Social Security (Treating Health Professionals) Determination 2010*.

*Note 2* For **dependent child**, see subsection 123UGD(7) of the Act.

*Note 3* For **school age child**, see section 123UGG of the Act.

*Note 4* The following terms are defined in subsection 3(1) of the Family Assistance Act and, in this Determination, have the meaning given by that subsection:

- approved centre based long day care service;
- approved family day care service;
- approved in-home care service;
- approved occasional care service.

- (2) For section 5, a child is **unable to participate in an engagement-related activity** if:
- (a) the child has a severe disability or severe medical condition; and
  - (b) because of that disability or condition, the child is not able to participate in any of the kinds of activities that are set out in Part 3 of Schedule 2.

#### **4 Specified activities — school age child (with terminal condition)**

##### *Application*

- (1) Subsection(2) applies to a dependent child who:
- (a) is a school age child; and
  - (b) has a terminal condition.

##### *Specified activities*

- (2) For subparagraph 123UGD(1)(b)(iii) of the Act, each activity mentioned in an item of the table in Schedule 1 to this Determination is specified.

#### **5 Specified activities — dependent child (other than school age child)**

For paragraph 123UGD(1)(c) of the Act, each activity mentioned in an item of the table in Schedule 2 to this Determination is specified.

#### **6 Specified required number and kind of activities — dependent child (other than school age child)**

For paragraph 123UGD(1)(c) of the Act, the number and kind of activities set out in column 4 of an item in the following table are specified in relation to a dependent child:

- (a) who is not a school age child; and
- (b) whose age falls within the age-range specified in column 2 of an item in the following table; and
- (c) who satisfies the conditions set out in column 3 of that item.

Table – section 6

<b>Item</b>	<b>If the child is aged...</b>	<b>If the child...</b>	<b>Specified number and kind of activities...</b>
<b>1</b>	less than 36 months	is not a child to whom item 7 applies	2 of the activities set out in Part 2 of Schedule 2
<b>2</b>	between 36 and 48 months	(a) is not a child to whom item 7 applies; and (b) is unable to participate in an engagement-related activity	3 of the activities set out in Part 2 of Schedule 2
<b>3</b>	between 36 and 48 months	is not a child to whom item 2 or item 7 applies	(a) 2 of the activities set out in Part 2 of Schedule 2; and (b) 1 of the activities set out in Part 3 of Schedule 2
<b>4</b>	at least 48 months	(a) is not a child to whom item 7 applies; and (b) is unable to participate in an engagement-related activity; and (c) is not attending pre-school	3 of the activities set out in Part 2 of Schedule 2
<b>5</b>	at least 48 months	(a) is not a child to whom item 4 or item 7 applies; and (b) is not attending pre-school	(a) 2 of the activities set out in Part 2 of Schedule 2; and (b) 2 of the activities set out in Part 3 of Schedule 2
<b>6</b>	at least 48 months	(a) is not a child to whom item 4 or item 7 applies; and (b) is attending pre-school	2 of the activities set out in Part 2 of Schedule 2
<b>7</b>	less than school age	has a terminal condition	1 of the activities set out in Part 2 of Schedule 2

**Schedule 1**      **Specified activities — school age child with terminal condition**  
(section 4)

<b>Item</b>	<b>Activity</b>
1	A program of treatment (however described), provided by one or more treating health professionals in relation to the child's condition

## Schedule 2 Specified activities — dependent child (other than school age child)

(section 5)

### Part 1 Activities related to child with a terminal condition

Item	Activity
1	A program of treatment (however described), provided by one or more treating health professionals in relation to the child's condition

### Part 2 Other health-related activities

Item	Activity
1	An activity required in order to meet the immunisation requirements in the Family Assistance Act in accordance with section 6 of that Act
2	A program of regular health and development assessments
3	A program of treatment (however described), provided by one or more treating health professionals

### Part 3 Engagement-related activities

Item	Activity
1	Care, of a minimum duration of 8 hours per week, provided by one or more approved care services
2	Playgroup (whether formally facilitated or otherwise)
3	Creche
4	Kindergym
5	An age appropriate activity (other than an activity mentioned in items 1 to 4) that is designed to promote the child's social, emotional, mental or physical development.
6	Primary school