



Social Security (Clean Energy – Multiple Qualification Exclusion) (FaHCSIA) Determination 2012

Social Security Act 1991

I, JENNY MACKLIN, Minister for Families, Community Services and Indigenous Affairs and Minister for Disability Reform acting under section 918 of the *Social Security Act 1991* make this Determination.

Dated 17th April

2012

J Macklin

Minister for Families, Community Services and Indigenous Affairs and
Minister for Disability Reform

Part 1 Preliminary

1 Name of determination

This Determination is the *Social Security (Clean Energy – Multiple Qualification Exclusion) (FaHCSIA) Determination 2012*

2 Commencement

This Determination commences on 14 May 2012.

3 Definitions

In this Determination:

Act means the *Social Security Act 1991*.

clean energy advance has the same meaning as in the Act, the Veterans' Entitlements Act and the MRCA.

clean energy advance period has the same meaning as in the Act, the Veterans' Entitlements Act and the MRCA.

clean energy bonus has the same meaning as in the Act, the Veterans' Entitlements Act and the MRCA.

clean energy supplement has the same meaning as in the Act, the Veterans' Entitlements Act and the MRCA.

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

MRCAETS means the Military Rehabilitation and Compensation Act Education and Training Scheme established under section 258 of the MRCA.

Secretary has the same meaning as in the Act.

social security payment has the same meaning as in the Act.

Special Rate Disability Pension has the same meaning as in the MRCA.

top-up payment means a payment made under one of the Determinations or schemes set out in subsection 4(4) of this Determination.

VCES means the Veterans' Children Education Scheme established under section 117 of the Veterans' Entitlements Act.

Veterans' Entitlements Act means the *Veterans' Entitlements Act 1986*.

Part 2 When a person will be excluded from qualifying for a clean energy bonus

4 Clean energy advance

- (1) Despite any provisions of the Act a person is not qualified for a clean energy advance under the Act for a given clean energy advance period if they have previously been paid, or are qualified for a clean energy advance under:
 - (a) the Veterans' Entitlements Act disregarding a clean energy advance for a pension under Part II or Part IV of that Act at a rate determined under or by reference to Division 4 of Part II of that Act; or
 - (b) the MRCA disregarding a clean energy advance for a payment under Part 2 of Chapter 4 of that Act or a Special Rate Disability Pension; or
 - (c) the ABSTUDY scheme; or
 - (d) the VCES; or
 - (e) the MRCAETS.
- (2) Despite any provisions of the Act a person is not qualified for a clean energy advance if the person has previously been paid a clean energy advance under section 914 of the Act and has a change of circumstances that would qualify them for a clean energy advance under subsections 914A(1) or (2) of the Act.
- (3) Despite any provisions of the Act a person is not qualified for a clean energy advance if the person has previously been paid a clean energy advance under section 914A of the Act and has a change of circumstances that would qualify them for a clean energy advance under subsections 914(1) or (2) of the Act.
- (4) A person to whom subsections 4(1), (2) or (3) of the Determination applies may still qualify for a top-up payment under one of the following:
 - (a) the *Social Security (Clean Energy Advance – Top-up Payment) (FaHCSIA) Determination 2012*, or
 - (b) the *Social Security (Clean Energy Advance – Top-up Payment) (DEEWR) Determination 2012*, or
 - (c) the *Social Security (Clean Energy Advance – Top-up Payment) (DIISRTE) Determination 2012*; or
 - (d) the *Veterans' Entitlements (Clean Energy Advance – Top-up Payment) Determination 2012*; or

- (e) the *Military Rehabilitation and Compensation (Clean Energy Advance – Top-up Payment) Determination 2012*; or
- (f) the ABSTUDY scheme; or
- (g) the VCES; or
- (h) the MRCAETS.

5 Clean energy supplement

Despite any provisions of the Act, a person is not qualified to have a clean energy supplement used to calculate their rate of social security payment on a day if the person is also in receipt of payments under:

- (a) the Veterans' Entitlements Act disregarding a clean energy supplement for a pension under Part II or Part IV of that Act at a rate determined under or by reference to Division 4 of Part II of that Act; or
- (b) the MRCA disregarding a clean energy supplement for a payment under Part 2 of Chapter 4 of that Act or a Special Rate Disability Pension.