

Social Security (Administration) (Schooling Requirement) Amendment Determination 2012 (No. 1)

*Social Security (Administration) Act 1999*

I, JENNY MACKLIN, Minister for Families, Community Services and Indigenous Affairs, and Minister for Disability Reform, acting under section 124C of the *Social Security (Administration) Act 1999* (the Act) and on behalf of the Minister for School Education, Early Childhood and Youth, and the Minister for Tertiary Education, Skills, Science and Research, make this determination*.*

Dated 4 November 2012

JENNY MACKLIN

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

1 Name of instrument

 This instrument is the *Social Security (Administration) (Schooling Requirement) Amendment Determination 2012 (No*.*1)*.

2 Commencement

 This instrument commences the day after it is registered on the Federal Register of Legislative Instruments.

3 Schedule(s)

 Schedule 1 amends the *Social Security (Administration) (Schooling Requirement) Determination 2009 (No*.*1)*.

Schedule 1 – Amendment

**Amendments to the *Social Security (Administration) (Schooling Requirement) Determination 2009 (No*.*1)***

[1] At the end of paragraph 5 (b)

Insert:

(c) for Division 3A of Part 3C of the Act – a school term (however described) at any time during which the first person is required, under a law of a State or Territory, to attend the school at which they are enrolled (or the relevant place for alternative attendance).

[2] Section 7

Repeal the heading, substitute:

**Special circumstances for failure to comply with enrolment, attendance or compliance notice**

[3] At the end of subsection 7 (2)

Insert:

(2A) In determining whether special circumstances apply, for subsection 124NE (2) of the Act, the Secretary must have regard to the following:

1. the personal and family circumstances of the person;
2. any actions or omissions of the Secretary or a person responsible for the operation of a school that have adversely affected the person’s ability to comply with the compliance notice.

[4] Subsection 7 (3)

Omit “or 124L (2) (b) (ii)”, substitute “, 124L (2) (b) (ii) or subsection 124NE (2)”.

[5] Section 8

Repeal the heading, substitute:

**Special circumstances for payment after suspension and payment of arrears of schooling requirement payment**

[6] At the end of subsection 8 (1)

Insert:

(1A) In determining whether special circumstances apply, for subparagraphs 124NG (1) (c) (ii) and 124NG (2) (c) (ii) of the Act, the Secretary must have regard to the following:

1. the personal and family circumstances of the person;
2. any actions or omissions of the Secretary or person responsible for the operation of a school that have adversely affected the person’s ability to enter into a school attendance plan or comply with the school attendance plan prior to the reconsideration day.

(1B) In determining whether special circumstances apply, for paragraph 124NG (5) (b) of the Act, the Secretary must have regard to the following:

1. the personal and family circumstances of the person;
2. any actions or omissions of the Secretary or person responsible for the operation of a school that have adversely affected the person’s ability to comply with the compliance notice prior to the reconsideration day.

[7] Subsection 8 (2)

Omit “or 124N (5) (b)”, substitute: “, 124N (5) (b), subparagraph 124NG (1) (c) (ii), 124NG (2) (c) (ii), or paragraph 124NG (5) (b)”.