Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2015 (No. 2)

Social Security Act 1991

I, CHRISTIAN PORTER, Minister for Social Services, acting under paragraph 739A(3)(b), subsection 739A(6) and paragraph 739A(8)(c) of the *Social Security Act 1991*, make this Determination.

Dated: 25 September 2015

CHRISTIAN PORTER

Minister for Social Services

1 Name of determination

This Determination is the *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2015 (No. 2)*.

2 Commencement

This Determination commences on 1 October 2015.

3 Revocation

The following determinations are revoked:

(a) *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2004*;

(b) *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2004 (No. 2);*

(c) *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2009;*

(d) *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2011*;

(e) *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2014;* and

(f) *Social Security (Class of Visas – Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2015.*

4 Definitions

In this Determination:

Act means the *Social Security Act 1991*.

5 Classes of visas for the purposes of paragraph 739A(3)(b) of the Act

For the purposes of paragraph 739A(3)(b) of the Act, classes of visas are:

(a) Subclass 309 (Partner (Provisional)); and

(b) Subclass 820 (Partner).

6 Classes of visas for the purposes of subsection 739A(6) of the Act

(1) For the purposes of subsection 739A(6) of the Act, classes of visas are:

(a) Subclass 070 (Bridging (Removal Pending));

(b) Subclass 449 (Humanitarian Stay (Temporary));

(c) Subclass 785 (Temporary Protection);

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(d) Subclass 786 (Temporary (Humanitarian Concern));

(e) Subclass 790 (Safe Haven Enterprise); and

(f) if the circumstances in subsection (2) are met, a criminal justice stay visa granted under subsection 155(2) of the *Migration Act 1958*.

(2) For paragraph (1)(f), the circumstances are that the criminal justice stay visa was granted for the purpose of assisting in the administration of criminal justice in relation to an offence of:

(a) trafficking in persons;

(b) slavery; or

(c) slavery-like practices.

7 Classes of visas for the purposes of paragraph 739A(8)(c) of the Act

For the purposes of paragraph 739A(8)(c) of the Act, classes of visas are:

(a) Subclass 309 (Partner (Provisional)); and

(b) Subclass 820 (Partner).

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