



Social Security (Administration) (Vulnerable Welfare Payment Recipient) Amendment Principles 2015

Social Security (Administration) Act 1999

I, Christian Porter, Minister for Social Services make these Principles under subsection 123UGA(2) of the *Social Security (Administration) Act 1999*.

Dated: 11 December 2015

Minister for Social Services

1 Name of Principles

These Principles are the *Social Security (Administration) (Vulnerable Welfare Payment Recipient) Amendment Principles 2015*.

2 Commencement

These Principles commence the day after registration.

3 Amendment of 2013 Principles

Schedule 1 amends the *Social Security (Administration) (Vulnerable Welfare Payment Recipient) Principles 2013*.

4 Application of Items [7], [8] and [9]

Items [7], [8] and [9] apply to determinations made under subsection 123UGA(1) of the Act made before, on or after the commencement of these Principles.

Schedule 1 Amendments

[1] Heading to Part 3

Repeal the heading

Substitute

“Part 3 Decision-Making Principles – decisions relating to certain persons who are vulnerable youth or have been released from gaol or psychiatric confinement”

[2] Heading to section 8

Repeal the heading

Substitute

“8 Decision-making Principles – determinations relating to certain persons who are vulnerable youth or have been released from gaol or psychiatric confinement”

[3] Subsection 8(1)

Repeal the subsection

Substitute

“(1) Despite anything in Part 2 of these Principles, but subject to subsection (2), the Secretary must make a determination under subsection 123UGA(1) of the Act about a person, if the person is:

- (a) under 16 years old and is receiving special benefit;
- (b) at least 16 years old but under 22 years old and is receiving:
 - (i) youth allowance;
 - (ii) disability support pension; or
 - (iii) a payment under the ABSTUDY Scheme,
at a rate of payment calculated on the basis that the person is independent under subsection 1067A(9) of the Social Security Act; or
- (c) under 25 years old and has, within the last 13 weeks, received a crisis payment as a result of being qualified for the payment under section 1061JG of the Social Security Act (release from gaol or psychiatric confinement).”

[4] Paragraph 8(2)(b)

Repeal the paragraph

Substitute

“(b) the person is undertaking full-time study or is an apprentice; or”

[5] Paragraph 8(2)(c)

Repeal the paragraph

Substitute

- “(c) within at least 4 of the last 6 fortnights, the person has received less than 25% (other than because a compliance penalty period applied to the person) of:
 - (i) the maximum basic rate of youth allowance or disability support pension, or the maximum fortnightly rate of a payment made under the ABSTUDY Scheme (as applicable); or
 - (ii) if the person has received crisis payment, the maximum basic rate of the social security pension or social security benefit payable to the person as provided by subsection 1061JU(4) of the Social Security Act; or
 - (iii) if the person is receiving special benefit, the equivalent rate of special benefit; or”

[6] Heading to section 9

Repeal the heading

Substitute

“9 Decision-making Principles – revocation of determination made in relation to certain persons who are vulnerable youth or have been released from gaol or psychiatric confinement”

[7] Paragraph 9(1)(a)

Repeal the paragraph

Substitute

- (a) the person no longer meets the criteria in paragraph 8(1)(a) or (b) which allowed the current determination to be made and the person has requested that the determination be revoked; or

[8] Paragraph 9(1)(c)

Repeal the paragraph

Substitute

- “(c) the person is undertaking full-time study or is an apprentice; or”

[9] Paragraph 9(1)(d)

Repeal the paragraph

Substitute

- “(d) within at least 4 of the last 6 fortnights, the person has received less than 25% (other than because a compliance penalty period applied to the person) of:
- (i) the maximum basic rate of youth allowance or disability support pension, or the maximum fortnightly rate of a payment made under the ABSTUDY Scheme (as applicable); or
 - (ii) if the person has received crisis payment, the maximum basic rate of the social security pension or social security benefit payable to the person as provided by subsection 1061JU(4) of the Social Security Act; or
 - (iii) if the person is receiving special benefit, the equivalent rate of special benefit; or”

[10] After section 9

Insert

“Part 4 Exclusion of participants in the trial of cashless welfare arrangements

10 Participants in the trial of cashless welfare arrangements

Notwithstanding anything in these Principles, a person cannot be subject to a determination under subsection 123UGA(1) of the Act if they are:

- (a) a trial participant (within the meaning of Part 3D of the Act) for the purposes of cashless welfare arrangements; or
- (b) a voluntary participant (within the meaning of Part 3D of the Act) for the purposes of cashless welfare arrangements.”