Social Security (Administration) (Trial Area – East Kimberley) Determination 2016

made under subsection 124PQ(1) of the *Social Security (Administration) Act 1999*

Compilation No. 1

Compilation date: 11 October 2016

Includes amendments up to: Social Security (Administration) (Trial Area – East Kimberley) Amendment Determination 2016 (F2016L01599)

This compilation was prepared by the Department of Social Services.

About this compilation

This compilation

This is a compilation of the *Social Security (Administration) (Trial Area – East Kimberley) Determination 2016* that shows the text of the law as amended and in force on 11 October 2016 **(the compilation date)**.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

1   Name of instrument

This Determination is the *Social Security (Administration) (Trial Area – East Kimberley) Determination 2016*.

2   Commencement

This Determination commences on 26 April 2016.

3   Cessation

This Determination ceases on 25 April 2017.

4   Definitions

In this Determination:

ABSTUDY Scheme has the meaning given by subsection 23(1) of the Social Security Act.

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

East Kimberley is the area composed of and limited to the Australian Bureau of Statistics' 2011 Australian Statistical Geography Standard (ASGS) Statistical Area Level 1s (SA1) of 5120808, 5120810, 5120802, 5120805, 5120801, 5120807, 5120815, 5120812, 5120814, 5120816, 5120818, 5120811 and 5120817.

Included Communities are the communities listed in Schedule 1 to this determination.

outside trial area student means:

(a)   a full-time student for the purposes of Part 3B of the Act; or

(b)   a person receiving a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as living allowance; or

(c)   a person receiving pensioner education supplement at a fortnightly rate provided for by subsection 1061PZG(2) of the Social Security Act; or

(d)   a person who is receiving youth allowance as a new apprentice as defined in subsection 23(1) of the Social Security Act; or

(e)   a person who is receiving an austudy payment; or

(f)   a person who is receiving special benefit on the basis the person is:

    (i) required by the Secretary to undertake a course under section 736 of the Social Security Act; or

    (ii)   engaged in a course undertaken under a Special Benefit Employment Pathway Plan;

who lives outside the trial area for the purposes of meeting study requirements.

Part 3D payment nominee means:

(a) a person who is, by virtue of an appointment in force under section 123B of the Act or section 219TB of the *A New Tax System (Family Assistance)(Administration) Act 1999*, the payment nominee of another person; or

(b) a person to whom another person's instalments of youth allowance are to be paid in accordance with subsection 45(1) of the Act; or

(c) a person to whom another person's payments under the scheme known as the ABSTUDY Scheme are to be paid in accordance with part 71.7 of the ABSTUDY policy manual.

pension age has the meaning given at paragraph (b) of the definition of 'pension age' in subsection 23(1) of the Social Security Act.

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

Note: Pursuant to paragraph 13(1)(b) of the *Legislation Act 2003* (Cth), expressions used in this determination have the same meaning as in the Act.

5   Trial area

East Kimberley and the areas of each of the Included Communities are an area for the purposes of the definition of trial area under subsection 124PD(2) of the Act.

6   Application of trigger payment

For subsection 124PG(1) of the Act, all the trigger payments listed in subsection 124PD(1) of the Act apply both:

(a)   in respect of a class of persons who:

   (i)   do not have a Part 3D payment nominee; and

   (ii)   are not the subject of a determination made by the Secretary under subsection 43(3A) of the Act; and

   (iii)   have not reached pension age and will not reach pension age during the 12 month period commencing 26 April 2016; and

   (iv)   are not subject to the income management regime under section 123UC or 123UF of the Act; and

   (v)   are not subject to the income management regime under section 123UCB or 123UCC of the Act because subsection 123UCB(3) or subsection 123UCC(3) applies to the person; and

   (vi)   are not an outside trial area student; and

   (vii)   are not the subject of a determination by the Secretary under section 7 of this Determination; and

(b)   in relation to East Kimberley and the Included Communities.

7 Class of persons—determination by Secretary

(1) The Secretary may determine that a person, who would otherwise be in a class of persons determined in section 6, is not in a class of person for the purposes of subsection 124PG(1) of the Act if the Secretary is satisfied that being a trial participant would seriously risk that person's mental, physical or emotional wellbeing.

(2) To avoid doubt, the Secretary is not required to consider whether to make a decision under this section prior to a person becoming a trial participant.

Schedule 1 – Included Communities

NAME	ALTERNATE NAME 1	ALTERNATE NAME 2	ALTERNATE NAME 3	ALTERNATE NAME 4
ALLIGATOR HOLE	ALLIGATOR COMMUNITY	ALLIGATOR HOLE COMMUNITY	ALLIGATOR CAMP	
BELL SPRINGS				
COCKATOO SPRINGS	NGUNULUN	NGUNULUM		
DINGO SPRINGS	YARDANGARLI	YARDUNGARL		
FOUR MILE	4 MILE			
GEBOOWAMA	MORNING GLORY	GEBOOWANA	GEBOWAMA	ROCKY SPRING
GULBERANG	8 MILE	EIGHT MILE (GULBERANG)	GALBURRING	GULBURANG
HOLLOW SPRINGS	WOOLEREEREERLING	WOOLERREGERBERLENG	WOOLIE	
NGULWIRRIWIRRI	FOUR MILE CREEK	NGULLY		
RED CREEK	RED CREEK	BILJING BILGING BINGAR	BILJING BILJING BINGARR	
DILLON SPRINGS				
WUGGABUN	WUGGUN	CARD CREEK	WUGGUBUN	WUGGUBYN
WOOLAH	DOON DOON	DOON DOON STATION	DUNHAM RIVER	
GLEN HILL	MANDANGALA			
MUNTHANMAR				
MUD SPRINGS	RIBINYUNG DAAWANG	RIBINYUNG DAWANG	ROWENA DOWNS	RIBIMYUNG DAWANG
MINIATA				

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

exp = expires/expired or ceases/ceased to have
    effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given
    effect

(md not incorp) = misdescribed amendment
    cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s)
    /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not
    commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Social Security (Administration) (Trial Area – East Kimberley) Determination 2016	9 March 2016	26 April 2016	
Social Security (Administration) (Trial Area – East Kimberley) Amendment Determination 2016	10 October 2016	11 October 2016	

Endnote 4—Amendment history

Provision affected	How affected
Section 3	am. F2016L01599