



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

### *Social Security (Administration) Act 1999*

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I, ALAN TUDGE, Minister for Human Services, acting under subsections 124PD(2) and 124PG(1) of the *Social Security (Administration) Act 1999* make this Determination.

Dated: 9 March 2016

ALAN TUDGE

Minister for Human Services

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**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 the date 6 months from its commencement.

**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

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- (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.

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## **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.

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## 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			
GEBOWAMA	MORNING GLORY	GEBOWANA	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				