



Social Security (Unsuitable Work) Determination 2016

Social Security Act 1991

I, RENÉE LEON, Secretary of the Department of Employment, make this Determination under subsections 502(4A), 541D(1AC), 601(2AC) and 731B(1C) of the *Social Security Act 1991*.

Dated: 4 March 2016

Renée Leon PSM
Secretary
Department of Employment

1 Name of Determination

This Determination is the Social Security (Unsuitable Work) Determination 2016.

2 Commencement

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

3 Revocation

The following determinations are revoked:

- (a) *Social Security (Unsuitable Work) (DEWR) Determination 2006*; and
- (b) *Social Security (Unsuitable Work) (FaCSIA) Determination 2006*.

4 Definitions

In this Determination:

Act means the Social Security Act 1991.

appropriate care and supervision:

- (a) has the meaning given by subsection 502(5) of the Act, to the extent to which this Determination is made under subsection 502(4A) of the Act; and
- (b) has the meaning given by subsection 541D(1AA) of the Act, to the extent to which this Determination is made under subsection 541D(1AC) of the Act;
- (c) has the meaning given by subsection 601(2AAA) of the Act, to the extent to which this Determination is made under subsection 601(2AC) of the Act; and
- (d) has the meaning given by subsection 731B(1A) of the Act, to the extent to which this Determination is made under subsection 731B(1C) of the Act.

partial capacity to work has the meaning given by section 16B of the Act.

principal carer has the meaning given by subsections 5(15) to (24) of the Act.

Note: *Other words and phrases used in this Determination that are defined in the Act have the meaning given by the Act.*

5 Matters to be taken into account in determining if particular paid work is unsuitable

(1) This section applies in relation to a person who:

- (a) has a partial capacity to work; or
- (b) is the principal carer of at least one child.

(2) For:

- (a) paragraph 502(4)(j) of the Act; and
- (b) paragraph 541D(1)(i) of the Act; and
- (c) paragraph 601(2A)(j) of the Act; and

(d) paragraph 731B(1)(i) of the Act;

the Secretary must take into account the matters mentioned in subsection (3) in deciding whether particular paid work is unsuitable for the person.

(3) The matters are:

(a) if:

- (i) the duration of the journey from the person's home to the person's place of work would normally exceed 60 minutes; or
- (ii) the duration of the journey from the place of work to the person's home would normally exceed 60 minutes;

that journey; and

(b) if the person would be financially worse off as a result of undertaking the work, by comparison with not undertaking the work:

- (i) because of the financial cost to the person in providing appropriate care and supervision for one or more children, for whom the person is the principal carer, at the times when the person would be required to undertake the work; and
- (ii) because of the financial cost of travel that would be incurred by the person in undertaking the work;

that fact; and

(c) if the financial benefit for the person of undertaking the work would be marginal, because of the financial cost to the person in providing appropriate care and supervision for one or more children, for whom the person is the principal carer, at the times when the person would be required to undertake the work — that fact.

(4) In considering, for the purposes of paragraph 5(3)(a), whether the duration of a journey would normally exceed 60 minutes, the Secretary must have regard to all forms of transport (whether public or private) that are available to and accessible by the person.