



Social Security (Administration) (Trial of Cashless Welfare Arrangements) Determination 2018

I, Dan Tehan, Minister for Social Services, make the following instrument.

Dated 13 March 2018

Dan Tehan
Minister for Social Services

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Part 1 — Preliminary

1 Name

This instrument is the *Social Security (Administration) (Trial of Cashless Welfare Arrangements) Determination 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1 Part 1	The day this instrument is registered.	
2. Part 2 (except sections 7 to 9)	The day this instrument is registered.	
3. Sections 7 to 9	26 March 2018.	
4. Parts 3 to 5	The day this instrument is registered.	
5. Schedule 1	The day this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Repeal

This instrument is repealed at the start of 1 July 2019.

4 Authority

This instrument is made under subsection 124PD(2), section 124PE, subsection 124PG(1), section 124PI, subsection 124PJ(3) and subsection 124PJ(4) of the *Social Security (Administration) Act 1999*.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Definitions

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) Ceduna area;
 - (b) East Kimberley area;
 - (c) Goldfields area;
 - (d) trial area;
 - (e) trial participant;
 - (f) trigger payment.

In this instrument:

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

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

cashless welfare card means a debit card issued to a participant and which is linked to an account that is a welfare restricted bank account.

Ceduna Region Community Panel means the unincorporated body established by local leaders in Ceduna.

intervening occurrence means:

- (a) a technological fault or malfunction with a participant's cashless welfare card;
- (b) a technological fault or malfunction with a participant's welfare restricted bank account; or
- (c) a natural disaster.

Kununurra Community Panel means the unincorporated body established by local leaders in Kununurra.

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 a trial area for the purposes of meeting study requirements.

participant means a trial participant or a voluntary participant.

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 by section 23 of the Social Security Act.

Plumridge Lakes means the locality of Plumridge Lakes referred to in the definition of the Goldfields – Esperance Police District in Schedule 1 to the *Police Districts Notice 2017* (Western Australia).

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

urgent payment means a payment of a person's social security periodic payment under subsection 43(1) of the Act which is made before the person's usual payment date because the person is in severe financial hardship as a result of exceptional and unforeseen circumstances.

Wyndham Community Panel means the unincorporated body established by local leaders in Wyndham.

Part 2 — Trial area and application of trigger payments

7 Trial area – Goldfields

For the purposes of the definition of trial area in subsection 124PD(1) of the Act, Plumridge Lakes is determined.

8 Application of trigger payments – Goldfields

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 March 2018; 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 9 of this instrument; and
- (b) in relation to the Goldfields area.

9 Class of persons—determination by Secretary

- (a) The Secretary may determine that a person, who would otherwise be in a class of persons determined in section 8, 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.
- (b) 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.

10 Application of trigger payments – East Kimberley

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) are not subject to the income management regime under section 123UC or 123UF of the Act; and
 - (iv) 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
 - (v) are not an outside trial area student; and
 - (vi) are not the subject of a determination by the Secretary under section 11 of this instrument; and
- (b) in relation to the East Kimberley area.

11 Class of persons—determination by Secretary

- (a) The Secretary may determine that a person, who would otherwise be in a class of persons determined in section 10, 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.
- (b) 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.

12 Application of trigger payments – Ceduna

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) are not subject to the income management regime under section 123UC or 123UF of the Act; and
 - (iv) 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
 - (v) are not an outside trial area student; and
 - (vi) are not the subject of a determination by the Secretary under section 13 of this instrument; and
- (b) in relation to the Ceduna area.

13 Class of persons—determination by Secretary

- (a) The Secretary may determine that a person, who would otherwise be in a class of persons determined in section 12, 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.

(b) 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.

Part 3 — Authorised community bodies

14 Authorised community bodies—East Kimberley

The Kununurra Community Panel and the Wyndham Community Panel are each authorised as community bodies for the purposes of Part 3D of the Act.

15 Authorised community body—Ceduna

The Ceduna Region Community Panel is authorised as a community body for the purposes of Part 3D of the Act.

Part 4 — Excluded Voluntary Participants

16 Excluded voluntary participants

A person other than:

- (a) a person who has reached pension age; or
- (b) a person who has not reached pension age but will reach pension age during the 12 month period commencing on the date the trial area in which the person has their usual place of residence became specified as a trial area;

is in a class of person who may not be a voluntary participant.

Part 5 — Variation of Percentage Amounts

17 Application

For the purposes of paragraph 124PJ(4)(a) of the Act, the varied percentage amounts set out in section 18 of this instrument apply both:

- (a) in respect of a class of person comprising participants who are the subject of a determination by the Secretary under section 19 of this instrument; and
- (b) in relation to any trial area.

18 Variation of percentage amounts

For the purposes of subsection 124PJ(3) of the Act:

- (a) the percentage amount in paragraph 124PJ(1)(a) of the Act is varied to 0% of the gross amount of the payment;
- (b) the percentage amount in paragraph 124PJ(1)(b) of the Act is varied to 100% of the gross amount of the payment; and
- (c) the percentage amount in subsection 124PJ(2) of the Act is varied to 0% of the gross amount of the payment.

19 Classes of persons—determination by Secretary

The Secretary may determine that a participant is in a class of persons to whom this instrument applies if:

- (a) the Secretary is satisfied that the participant is unable to use his or her cashless welfare card or access the participant's welfare restricted bank account as a direct result of an intervening occurrence; or
- (b) the Secretary is satisfied that the participant is a participant to whom a restrictable payment is payable in instalments, and that any part of the restrictable payment is payable as either:
 - (i) an urgent payment; or
 - (ii) an advance payment pursuant to section 51 of the Act.

Schedule 1 — Repeals

Social Security (Administration) (Trial Area – Ceduna and Surrounding Region) Determination 2015

1 The whole of the instrument

Repeal the instrument

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

2 The whole of the instrument

Repeal the instrument

Social Security (Administration) (Trial – Community Body – Ceduna Region Community Panel) Authorisation 2016

3 The whole of the instrument

Repeal the instrument

Social Security (Administration) (Trial — Community Body – East Kimberley Region Community Panels) Authorisation 2016

4 The whole of the instrument

Repeal the instrument

Social Security (Administration) (Trial — Excluded Voluntary Participants) Determination 2016

5 The whole of the instrument

Repeal the instrument

Social Security (Administration) (Trial - Variation of Percentage Amounts) Determination 2016

6 The whole of the instrument

Repeal the instrument