



Social Security (Administration) (Class of Persons - Intent to Claim) Determination 2018

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

Dated 29 June 2018.

Dan Tehan
Minister for Social Services

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1 Name

This instrument is the *Social Security (Administration) (Class of Persons – Intent to Claim) Determination 2018*.

2 Commencement

This instrument commences on 1 July 2018.

3 Authority

This instrument is made under section 14A of the *Social Security (Administration) Act 1999*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the *Social Security Act 1991*, including the following:

- (a) psychiatric confinement (subsection 23(8));
- (b) dependent child and parent (subsection 5(1));
- (c) immediate family member (subsection 23(1));
- (d) remote area, and physically present in a remote area (section 14).

In this instrument:

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

contact day means the day on which the Department is contacted by or on behalf of a person in relation to a claim for a social security payment or concession card.

extreme circumstance includes, but is not limited to:

- (a) a flood;
- (b) a fire;
- (c) an earthquake; and
- (d) a storm.

humanitarian entrant to Australia is a person who arrives in Australia and the arrival is the first time the person has arrived in Australia as the holder of a humanitarian visa.

humanitarian visa is a visa that is a qualifying humanitarian visa specified by the Minister by legislative instrument under subsection 1061JJ(2) of the Social Security Act.

relevant period means the period of 8 weeks ending on the contact day.

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

5 Class of persons to whom sections 13 and 14 of the Act apply

For the purposes of paragraphs 13(1)(aa), (2)(aa), (3)(aa) and (3A)(aa) and 14(1)(aa), (2)(aa), (3)(aa) and (3A)(aa) of the Act, a person is in a class of persons if the person is unable to lodge a claim on the contact day because, at any time during the relevant period, the person is:

- a) subject to domestic or family violence;
- b) homeless;
- c) hospitalised or suffering from a temporary incapacity arising from a medical condition;
- d) released from prison or psychiatric confinement;
- e) experiencing high stress associated with a relationship separation;
- f) a parent of a dependent child born during the relevant period;
- g) affected by the death during the relevant period of an immediate family member;
- h) a person who entered Australia during the relevant period as a humanitarian entrant to Australia;
- i) a person whose usual place of residence is in a remote area, and the person is physically present in the remote area;
- j) a person whose principal place of residence was lost or sustained major damage during the relevant period as a result of an extreme circumstance, or
- k) subject to other special circumstances beyond the person's control.

Note: A person may be considered to be physically present in a remote area during temporary absences (see subsection 14(2) of the Social Security Act).