



Social Security (Streamlined Participation Requirements Transitional Arrangements) Instrument 2022

I, Stuart Robert, Minister for Employment, Workforce, Skills, Small and Family Business, make the following instrument.

Dated 4 April 2022

Stuart Robert
Minister for Employment, Workforce, Skills, Small and Family Business

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1 Name

This instrument is the *Social Security (Streamlined Participation Requirements Transitional Arrangements) Instrument 2022*.

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. The whole of the instrument	Immediately after the commencement of Schedule 1 to the <i>Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Act 2022</i> .	8 April 2022

Note: This table relates only to the provisions of this instrument as originally made.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 Authority

This instrument is made under the following:

- (a) subsection 42AR(1) of the *Social Security (Administration) Act 1999*;
- (b) item 160 of Schedule 1 to the *Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Act 2022*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Amending Act means the *Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Act 2022*.

commencement day means the day this instrument commences.

6 Continued operation of instrument made under subsection 500(2) of the *Social Security Act 1991*

Despite the amendment of paragraph 500(1)(ca) of the *Social Security Act 1991* made by Schedule 1 to the Amending Act, an instrument in force under subsection 500(2) of the *Social Security Act 1991* immediately before the commencement day continues in force (and may be dealt with) on and after that day.

7 Continued operation of instrument made under subsection 28C(1) of the *Social Security Act 1991*

The amendments of the *Social Security Act 1991* and the *Social Security (Administration) Act 1999* made by the Amending Act do not affect the validity or operation of an instrument in force under subsection 28C(1) of the *Social Security Act 1991* immediately before the commencement day.

Schedule 1—Amendments

Social Security (Administration) (Non-Compliance) Determination 2018 (No. 1)

1 Section 4 (after subparagraph (1)(a)(i) of the definition of 3 active months)

Insert:

- (ia) periods during which the person is not required to satisfy the employment pathway plan requirements under section 40L, 40M, 40N, 40P or 40Q of the Act;

2 Section 4 (after subparagraph (1)(a)(i) of the definition of 6 active months)

Insert:

- (ia) periods during which the person is not required to satisfy the employment pathway plan requirements under section 40L, 40M, 40N, 40P or 40Q of the Act;

3 Subsection 6(1)

Repeal the subsection (not including the heading), substitute:

(1) If:

- (a) the Secretary determines under paragraph 42AF(2)(c) of the Act that an instalment of a person's participation payment for an instalment period is to be reduced; and
- (b) the Secretary is satisfied that the circumstances set out in paragraph 5(1)(a) or (b) of this instrument apply to the person;

then, for the purposes of subsection 42AN(4) of the Act, the Secretary must determine that paragraph 42AN(3)(a) of the Act applies in relation to the reduction.

4 Subsection 6(2)

Repeal the subsection (not including the heading), substitute:

(2) Despite subsection (1), if:

- (a) the Secretary determines under paragraph 42AF(2)(c) of the Act that an instalment of the person's participation payment for an instalment period (the *relevant instalment period*) is to be reduced; and
- (b) in the 3 active months prior to the relevant failure:
 - (i) the Secretary has previously determined under paragraph 42AF(2)(c) of the Act that an instalment of the person's participation payment for an instalment period (whether for the relevant instalment period or another instalment period) is to be reduced by the amount specified in paragraph 42AN(3)(a) of the Act; and
 - (ii) that previous determination was the last determination made under paragraph 42AF(2)(c) of the Act in relation to the person before the determination referred to in paragraph (a);

then, for the purposes of subsection 42AN(4) of the Act, the Secretary must determine that paragraph 42AN(3)(b) of the Act applies in relation to the reduction referred to in paragraph (a).

5 Subsection 6(3)

Repeal the subsection (including the heading and the note).

6 Subsection 6(4)

Repeal the subsection (not including the heading), substitute:

- (4) Despite subsection (2), if:
- (a) the person previously received a participation payment; and
 - (b) that payment was cancelled under paragraph 42AF(2)(d) of the Act; and
 - (c) the relevant failure is the first mutual obligation failure where the person does not have a reasonable excuse in the 3 active months since that cancellation;

then, for the purposes of subsection 42AN(4) of the Act, the Secretary must determine that paragraph 42AN(3)(a) of the Act applies in relation to the reduction referred to in paragraph (2)(a) of this instrument.