



## **Social Security (Streamlined Participation Requirements) Instrument 2022**

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I, Michele Bruniges, Secretary of the Department of Education, Skills and Employment, make the following instrument.

Dated 5 April 2022

Michele Bruniges  
Secretary of the Department of Education, Skills and Employment

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## Part 1—Preliminary

### 1 Name

This instrument is the *Social Security (Streamlined Participation Requirements) 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 this 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Note: This table relates only to the provisions of this instrument as originally made.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 28(1) of the *Social Security Act 1991*;
- (b) subsections 40K(2), 40X(4) and 42AC(3) of the *Social Security (Administration) Act 1999*.

### 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.

## **Part 2—Approved programs of work for income support payment**

### **5 Approved programs of work for income support payment**

For the purposes of subsection 28(1) of the *Social Security Act 1991*, the following programs are declared to be approved programs of work for income support payment:

- (a) Work for the Dole;
- (b) National Work Experience Programme.

## **Part 3—Kinds of requirements that employment pathway plans must not contain**

### **6 Kinds of requirements that employment pathway plans must not contain**

For the purposes of subsection 40K(2) of the *Social Security (Administration) Act 1999*, the following kinds of requirements are declared:

- (a) a requirement that a person:
  - (i) seek to be involved in, or be involved in, a criminal activity; or
  - (ii) undergo involuntary medical treatment; or
  - (iii) undergo involuntary psychiatric or psychological treatment; or
  - (iv) in relation to a person who resides in Australia—seek to be involved in, or undertake, an activity outside Australia; or
  - (v) seek work as a sex worker, or be involved in, the sex or adult entertainment industry;
- (b) a requirement that a person seek to undertake, or undertake, an activity that would contravene:
  - (i) a law of the Commonwealth, a State or a Territory relating to discrimination against persons; or
  - (ii) a law of the Commonwealth, a State or a Territory relating to occupational health and safety;
- (c) in relation to a person who has an illness, disability or injury that has been established by medical evidence—a requirement that the person seek to undertake, or undertake, an activity:
  - (i) that medical evidence indicates would aggravate the illness, disability or injury; or
  - (ii) in circumstances where appropriate support or facilities to manage or take account of the illness, disability or injury would not be available.

Section 7

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## Part 4—Matters to be taken into account in working out whether particular paid work is unsuitable

### 7 Matters to be taken into account in working out whether particular paid work is unsuitable

- (1) This section applies in relation to working out whether particular paid work is unsuitable to be done by a person who:
- (a) has a partial capacity to work; or
  - (b) is the principal carer of one or more children (the *person's children*).

Note: For the meaning of *partial capacity to work*, see section 16B of the *Social Security Act 1991* and for the meaning of *principal carer*, see subsections 5(15) to (24) of that Act.

- (2) For the purposes of subsection 40X(4) of the *Social Security (Administration) Act 1999*, the following matters are to be taken into account in working out whether particular paid work is unsuitable to be done by the person:
- (a) whether the amount of time that would be needed for the person to travel from the person's home to the place of work, or vice versa, would normally exceed 60 minutes;
  - (b) whether the person would be financially worse off as a result of undertaking the work, by comparison with not undertaking the work, because of the financial cost of travel that would be incurred by the person in undertaking the work;
  - (c) if paragraph (1)(b) applies—whether the person would be financially worse off, or only marginally better off, as a result of undertaking the work, by comparison with not undertaking the work, because of the financial cost to the person in providing appropriate care and supervision for the person's children at the times when the person would be required to undertake the work.
- (3) For the purposes of paragraph (2)(a), regard must be had to all forms of transport (whether public or private) that are available to, and accessible by, the person.



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## Schedule 1—Amendments

### *Social Security (Administration) (Job Search Efforts) Determination 2018*

#### **1 Section 4 (note)**

Repeal the note.

#### **2 Section 4 (definition of *job search effort*)**

Repeal the definition, substitute:

*job search effort*: a person undertakes a *job search effort* if the person makes contact with another person or a body in relation to, and for the purpose of, obtaining paid work with that other person or the body:

- (a) whether or not the contact is in relation to particular paid work; and
- (b) whether or not the other person or the body has advertised any paid work.

#### **3 Section 4 (definition of *suitable work*)**

Repeal the definition, substitute:

*suitable*: particular paid work is *suitable* to be done by a person if the paid work is not unsuitable to be done by the person.

Note: Section 40X of the Act sets out when particular paid work is unsuitable to be done by a person.

#### **4 Paragraph 5(2)(c)**

Omit “potential employers”, substitute “another person or a body in relation to, and for the purpose of, obtaining paid work with that other person or the body”.

#### **5 Paragraph 5(4)(a)**

Omit “a potential employer”, substitute “another person or a body”.

#### **6 Paragraph 5(4)(a)**

Omit “the potential employer”, substitute “the other person or body”.

#### **7 Paragraph 5(4)(b)**

Omit “a potential employer”, substitute “another person or a body”.

#### **8 Paragraph 5(4)(b)**

Omit “the potential employer”, substitute “the other person or body”.

#### **9 Paragraph 5(4)(c)**

Omit “a potential employer”, substitute “another person or a body”.

#### **10 Paragraph 5(4)(c)**

Omit “the potential employer”, substitute “the other person or body”.