



# Social Security Act 1991

No. 46 of 1991

## READER'S GUIDE

This Guide is intended to help you work out where you need to look in the Act to find the information you need. The Guide explains how the Act is arranged and how things like the Table of Parts, the definitions and the notes can help you in reading the Act.

**1. Use the Tables of Parts and Provisions to find your area of interest.**

The Table of Parts (which is to be found straight after this Guide) is a general list of the contents of the Act. The Table of Provisions (which comes after the Table of Parts) is more detailed—it lists every section in the Act.

**2. The Act is divided into 8 Chapters.**

Chapter 1 is introductory and contains definitions.

Chapter 2 deals with each type of pension, benefit or allowance under the Act.

Chapter 3 deals with general rules explaining e.g. how to work out the rate of pension, benefit or allowance, how the assets test works etc.

Chapter 4 deals with portability of pensions, benefits or allowances and with international agreements.

Chapter 5 deals with overpayments and debt recovery.

Chapter 6 deals with review of decisions made under the Act.

Chapter 7 deals with administrative matters.

Chapter 8 deals with miscellaneous matters, including offences under the Act.

**3. There is a separate Part in Chapter 2 for each type of pension, benefit or allowance.**

Chapter 2 is divided into Parts. Each Part deals with one type of pension, benefit or allowance. To find out about a particular type of payment (e.g. sole parent pension), look at the Table of Parts at the beginning of the Act. It will direct you to Part 2.6 for the provisions dealing with sole parent pension.

Within each Part dealing with a type of pension, benefit or allowance, the topics are dealt with in this order:

- qualification and payability (who can get the type of payment?)
- claim (how do you go about claiming it?)
- determination of claim (when is it granted from?)
- rate (if it is granted, what will the rate be?)
- payment (how is it paid?)
- protection (how is your payment protected?)
- recipient obligations (if you get it, what are your obligations?)
- continuation, variation and determination (if you get it, when can the rate be increased or decreased and when can the payment be cancelled or suspended?)
- bereavement payments (what happens if you get it and someone who affects your rate dies?)
- fringe benefits (who can get fringe benefits?)

**4. The other Chapters deal with general topics.**

The other Chapters deal with topics that are relevant to several, or to all, types of pension, benefit or allowance. The main provisions of this kind are:

- rate calculation (Parts 3.1 to 3.8)
- fringe benefits means tests (Part 3.9)
- income and assets test (Parts 3.10, 3.11 and 3.12)
- effect of imprisonment (Part 3.13)
- effect of compensation (Part 3.14)
- indexation (Part 3.15)
- international agreements (Part 4.1)
- overseas portability (Part 4.2)

- overpayments and debt recovery (Chapter 5)
- review of decisions (Chapter 6)
- administration (Chapter 7)
- miscellaneous (Chapter 8)

**5. Definitions are generally in Chapter 1.**

The definitions of terms used in the Act are generally at the front of the Act, after the Table of Provisions and the formal citation and commencement provisions.

Related definitions have been grouped together to help give a complete picture of the terms relating to a particular topic or concept.

**6. The Index of definitions is at section 3.**

The Index of defined terms (section 3) has been provided to tell you exactly where a particular term is defined. If you are not sure whether a term is a defined term, or you are not sure where a term is defined, check the Index at section 3.

**7. Notes and examples throughout the Act help explain how certain provisions work.**

Notes are to be found throughout the text and these are designed to help you find your way through the document. Notes tell you where to find definitions and alert you to other provisions in this Act and in other legislation that are relevant to the text you are reading. Examples are also used to help explain how some provisions work—in particular those involving complex calculations.



# Social Security Act 1991

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**Relief from work test—persons attending training camps**

**520.** A person is not required to satisfy the work test in respect of a period when the person is attending a training camp as a member of:

- (a) the Australian Naval Reserve; or
- (b) the Naval Emergency Reserve Forces; or
- (c) the Australian Army Reserve; or
- (d) the Australian Airforce Reserve; or
- (e) the Airforce Emergency Force; or
- (f) the Regular Army Emergency Reserve.

Note: for “work test” see section 518.

**Relief from work test—certain persons in remote areas**

**521.** Where the Secretary considers that:

- (a) it would be reasonable to assume that:
  - (i) at the end of a period a person is present in a remote area; and
  - (ii) the person is throughout the period:
    - (A) unemployed; and
    - (B) capable of undertaking paid work that in the Secretary’s opinion is suitable to be undertaken by the person; and
    - (C) willing to undertake paid work that in the Secretary’s opinion is suitable to be undertaken by the person; and
  - (iii) during the period, the person takes reasonable steps to obtain paid work that in the Secretary’s opinion is suitable to be undertaken by the person; and
- (b) having regard to all the relevant factors, including:
  - (i) the location of offices of the Department; and
  - (ii) difficulties with transport and communication; and
  - (iii) the educational and cultural background of the person;it would be unreasonable to expect the person to comply with the work test in order to be qualified for unemployment benefit for that period;

the person is not required to satisfy the work test during that period.

Note 1: for “remote area” see section 14.

Note 2: for “work test” see section 518.

**Relief from work test—long-term beneficiaries under 55 in short-term vocational courses**

**522. (1)** Subject to subsection (2), a person is not required to satisfy the work test in respect of a period if:

- (a) on each day in the period:

**CHAPTER 7—ADMINISTRATION**

**PART 7.1—GENERAL ADMINISTRATION**

***Division 1—Principles of administration***

**Secretary to have general administration of Act**

**1295.** The Secretary is, subject to any direction of the Minister, to have the general administration of this Act.

**Principles of administration**

**1296.** In administering this Act, the Secretary is to have regard to:

- (a) the desirability of achieving the following results:
  - (i) the ready availability to members of the public of advice and information services relating to income support;
  - (ii) the ready availability of publications containing clear statements about income support entitlements and procedural requirements;
  - (iii) the delivery of services under the Act in a fair, courteous, prompt and cost-efficient manner;
  - (iv) a process of monitoring and evaluating delivery of programs with an emphasis on the impact of programs on social security recipients;
  - (v) the establishment of procedures to ensure that abuses of the social security system are minimised; and
- (b) the special needs of disadvantaged groups in the community; and
- (c) the need to be responsive to Aboriginality and to cultural and linguistic diversity; and
- (d) the importance of the systems of review of decisions under the Act; and
- (e) the need to apply government policy, in accordance with the law and with due regard to relevant decisions of the Administrative Appeals Tribunal and the Social Security Appeals Tribunal.

Note: in administering this Act, the Secretary is also bound by the *Privacy Act 1988* and by provisions of this Act concerning confidentiality—see Division 2 of Part 7.2.

**Government policy statements**

**1297. (1)** The Minister may prepare a written statement of the policy of the Commonwealth Government in relation to the administration of this Act and give a copy of the statement to:

- (a) the Secretary; and
- (b) the National Convener of the Social Security Appeals Tribunal.