



Social Services Legislation Amendment (Strengthening Income Support) Act 2021

No. 23, 2021

**An Act to amend the law relating to social security,
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Social Services Legislation Amendment (Strengthening Income Support) Act 2021

No. 23, 2021

**An Act to amend the law relating to social security,
and for related purposes**

[Assented to 22 March 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Social Services Legislation Amendment
(Strengthening Income Support) Act 2021*.

No. 23, 2021

*Social Services Legislation Amendment (Strengthening Income
Support) Act 2021*

1

2 Commencement

- (1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	22 March 2021
2. Schedule 1, Part 1	1 April 2021.	1 April 2021
3. Schedule 1, Parts 2 and 3	Immediately after the commencement of Division 2 of Part 1 of Schedule 1 to the <i>Social Services and Other Legislation Amendment (Extension of Coronavirus Support) Act 2020</i> .	1 April 2021
4. Schedule 1, Parts 4 and 5	1 April 2021.	1 April 2021

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Increasing working age payments

Social Security Act 1991

1 Point 1066A-B1 (table B)

Repeal the table (not including the notes), substitute:

Table B—Maximum basic rates			
Column 1 Item	Column 2 Person’s family situation	Column 3 Rate per year	Column 4 Rate per fortnight
1	Not a member of a couple and person: (a) is under 18 years of age; and (b) is not independent; and (c) is not living away from the person’s parental home because of a medical condition of the person	\$7,883.20	\$303.20
2	Not a member of a couple and person: (a) is under 18 years of age; and (b) either: (i) is independent; or (ii) is living away from the person’s parental home	\$13,325	\$512.50

Schedule 1 Amendments**Part 1** Increasing working age payments**Table B—Maximum basic rates**

Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year	Column 4 Rate per fortnight
	because of a medical condition of the person		
3	Not a member of a couple and person: (a) has reached 18 years of age; and (b) is living at home of parent or parents; and (c) is not independent	\$9,219.60	\$354.60
4	Not a member of a couple and person: (a) has reached 18 years of age; and (b) either: (i) is not living at a home of parent or parents; or (ii) is living at a home of parent or parents, but is independent	\$13,325	\$512.50
5	Partnered	\$13,325	\$512.50
6	Member of illness separated couple, member of respite care couple or partnered (partner in gaoil)	\$13,325	\$512.50

2 Point 1066B-B1 (table B)

Repeal the table (not including the notes), substitute:

Table B—Maximum basic rates			
Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year	Column 4 Rate per fortnight
1	Not a member of a couple and person: (a) is under 18 years of age; and (b) is not independent; and (c) is not living away from the person's parental home because of a medical condition of the person	\$7,883.20	\$303.20
2	Not a member of a couple and person: (a) is under 18 years of age; and (b) either: (i) is independent; or (ii) is living away from the person's parental home because of a medical condition of the person	\$13,325	\$512.50

Schedule 1 Amendments**Part 1** Increasing working age payments**Table B—Maximum basic rates**

Column 1 Item	Column 2 Person's family situation	Column 3 Rate per year	Column 4 Rate per fortnight
3	Not a member of a couple and person: (a) has reached 18 years of age; and (b) is living at home of parent or parents; and (c) is not independent	\$9,219.60	\$354.60
4	Not a member of a couple and person: (a) has reached 18 years of age; and (b) either: (i) is not living at a home of parent or parents; or (ii) is living at a home of parent or parents, but is independent	\$13,325	\$512.50
5	Partnered	\$13,325	\$512.50
6	Member of illness separated couple, member of respite care couple or partnered (partner in gaol)	\$13,325	\$512.50

3 Point 1067G-B2 (table BA)

Repeat the table (not including the note), substitute:

Table BA—Maximum basic rates (people who are not independent)

Column 1 Item	Column 2 Person's situation	Column 3 Rate
1	Lives at home and not yet 18 years old	\$303.20
2	Lives at home and at least 18 years old	\$354.60
3	Required to live away from home	\$512.50

4 Point 1067G-B3 (table BB)

Repeal the table (not including the note), substitute:

Table BB—Maximum basic rates (people who are independent)

Column 1 Item	Column 2 Person's situation	Column 3 Rate
1	Accommodated independent person and not yet 18 years old	\$303.20
2	Accommodated independent person and at least 18 years old	\$354.60
3	In supported State care and not yet 18 years old	\$303.20
4	In supported State care and at least 18 years old	\$354.60
5	In unsupported State care	\$512.50
6	Not a member of a couple and has a dependent child	\$656
7	Member of a couple and has a dependent child	\$557.90
8	Not an accommodated independent person, not in supported State care, not in unsupported State care and does not have a dependent child	\$512.50

5 Point 1067G-B4 (table BC)

Repeal the table (not including the note), substitute:

Schedule 1 Amendments

Part 1 Increasing working age payments

Table BC—Maximum basic rates (long term income support students)

Column 1 Item	Column 2 Person's situation	Column 3 Rate
1	Not independent, lives at home and not a member of a couple	\$423.70
2	Not independent, required to live away from home and not a member of a couple	\$611.90
3	Accommodated independent person and not a member of a couple	\$423.70
4	Independent, not an accommodated independent person and not a member of a couple	\$611.90
5	Member of a couple	\$557.90

6 Subpoint 1067L-B2(1) (table BA)

Repeal the table (not including the note), substitute:

Table BA—Maximum basic rates (persons who are not long term income support students)

Column 1 Item	Column 2 Person's situation	Column 3 Rate
1	Does not have a dependent child or a YA child	\$512.50
2	Is a member of a couple and has a dependent child	\$557.90
3	Is not a member of a couple and has a dependent child or YA child	\$656

7 Point 1067L-B3 (table BB)

Repeal the table, substitute:

Table BB—Maximum basic rates (persons who are long term income support students)		
Column 1	Column 2	Column 3
Item	Person’s situation	Rate
1	Is a member of a couple	\$557.90
2	Is not a member of a couple	\$611.90

8 Point 1068-B1 (table B)

Repeat the table (not including the notes), substitute:

Table B—Maximum basic rates			
Column 1	Column 2	Column 3	
Item	Person’s family situation	Column 3A	Column 3B
		Person with dependent child	Person without dependent child
4A	Not member of couple and person: (a) receives jobseeker payment or widow allowance; and (b) has not turned 60	\$667.50	\$620.80

Schedule 1 Amendments
Part 1 Increasing working age payments

Table B—Maximum basic rates			
Column 1	Column 2	Column 3	
Item	Person’s family situation	Rate	
		Column 3A	Column 3B
		Person with dependent child	Person without dependent child
4B	Not member of couple and person: (a) receives jobseeker payment or widow allowance; and (b) has turned 60; and (c) has not been receiving one, or a combination, of social security pension or social security benefit or service pension, income support supplement or veteran payment for a continuous period of at least 9 months	\$667.50	\$620.80
5	Not member of couple and person: (a) has turned 60; and (b) has been receiving one, or a combination, of social security pension or social security benefit or service pension or income support supplement for a continuous period of at least 9 months	\$667.50	\$667.50

Table B—Maximum basic rates			
Column 1	Column 2	Column 3	
Item	Person’s family situation	Rate	
		Column 3A	Column 3B
		Person with dependent child	Person without dependent child
7	Partnered	\$565.40	\$565.40
9	Member of illness separated couple	\$667.50	\$667.50
11	Partnered (partner in gaol)	\$667.50	\$667.50

9 Point 1068A-B1

Repeal the point, substitute:

Maximum basic rate

1068A-B1 A person’s maximum basic rate is \$21,470.80 per year (\$825.80 per fortnight).

Note: The maximum basic rate is indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

10 Point 1068B-C2 (table C)

Repeal the table (not including the notes), substitute:

Table C—Maximum basic rates		
Column 1	Column 2	Column 3
Item	Person’s family situation	Rate
1	Person not covered by item 2, 3 or 4	\$565.40
2	Member of illness separated couple	\$667.50
3	Member of respite care couple	\$667.50
4	Partnered (partner in gaol)	\$667.50

11 Application and transitional provisions

- (1) The amendments made by this Part apply in relation to working out the rate of a person's disability support pension, youth allowance, austudy payment, jobseeker payment, partner allowance, widow allowance or parenting payment in respect of days occurring on or after the commencement of this item.
- (2) For the purposes of indexing an amount:
 - (a) specified in this Part in a point or subpoint of the *Social Security Act 1991* amended or repealed by an item of this Part; and
 - (b) on the first indexation day for the amount that occurs after the commencement of this item;the current figure for the amount immediately before that day is taken to be that specified amount.

Part 2—Qualification for youth allowance or jobseeker payment—coronavirus

Social Security Act 1991

12 Subsection 7(7)

Omit “and 593(1)(g)(ii) and (1D)(b)(ii)”, substitute “, 540BA(f)(ii) and 593(1)(g)(ii), (1D)(b)(ii) and (5)(e)(ii)”.

13 After section 540B

Insert:

540BA Qualification for youth allowance—coronavirus

A person is qualified for a youth allowance in respect of a period that occurs between 1 April 2021 and 30 June 2021 if:

- (a) the Secretary is satisfied that the person is in quarantine or self-isolation as a result of advice from, or a requirement made by, the Commonwealth, a State or a Territory or a health professional regarding the coronavirus known as COVID-19, or is caring for an immediate family member or a member of the person’s household who is in such quarantine or self-isolation, throughout the period; and
- (b) the Secretary is satisfied that, as a result of the circumstance in paragraph (a), the person’s working hours were reduced (including to zero); and
- (c) throughout the period the person satisfies the activity test (see Subdivision B) or is not required to satisfy the activity test (see Subdivision C); and
- (d) the Secretary is satisfied that:
 - (i) the person is not entitled to receive a leave payment in respect of the period; or
 - (ii) the person has taken reasonable steps to access any leave payment to which the person may be entitled in respect of the period; or
 - (iii) the person is receiving a leave payment in respect of the period but, as a result of the adverse economic effects of

- the coronavirus known as COVID-19, the payment is less than it would otherwise have been; or
- (iv) the person is receiving a leave payment in respect of the period, but the total amount of the leave payment in the period is less than the amount of youth allowance that would be payable to the person in the period if the person's claim were granted; and
 - (e) throughout the period the person is of youth allowance age (see Subdivision D); and
 - (f) throughout the period the person:
 - (i) is an Australian resident; or
 - (ii) is exempt from the residence requirement within the meaning of subsection 7(7).

14 At the end of section 593

Add:

Coronavirus

- (5) A person is qualified for a jobseeker payment in respect of a period that occurs between 1 April 2021 and 30 June 2021 if:
 - (a) the Secretary is satisfied that the person is in quarantine or self-isolation as a result of advice from, or a requirement made by, the Commonwealth, a State or a Territory or a health professional regarding the coronavirus known as COVID-19, or is caring for an immediate family member or a member of the person's household who is in such quarantine or self-isolation, throughout the period; and
 - (b) the Secretary is satisfied that, as a result of the circumstance in paragraph (a), the person's working hours were reduced (including to zero); and
 - (c) throughout the period the person satisfies the activity test or is not required to satisfy the activity test; and
 - (d) the Secretary is satisfied that:
 - (i) the person is not entitled to receive a leave payment in respect of the period; or
 - (ii) the person has taken reasonable steps to access any leave payment to which the person may be entitled in respect of the period; or

- (iii) the person is receiving a leave payment in respect of the period but, as a result of the adverse economic effects of the coronavirus known as COVID-19, the payment is less than it would otherwise have been; or
- (iv) the person is receiving a leave payment in respect of the period, but the total amount of the leave payment in the period is less than the amount of jobseeker payment that would be payable to the person in the period if the person's claim were granted; and
- (e) throughout the period the person:
 - (i) is at least 22 years of age and has not reached the pension age; and
 - (ii) is an Australian resident or is exempt from the residence requirement within the meaning of subsection 7(7); and
- (f) the person was not in receipt of a youth allowance during the period.

Part 3—Ordinary waiting periods

Social Security Act 1991

15 Subsection 500WA(1)

Omit “subsection (2)”, substitute “subsections (2) and (4)”.

16 At the end of section 500WA

Add:

- (4) If a person makes a claim for parenting payment during the period beginning on 1 April 2021 and ending at the end of 30 June 2021, then, despite subsection (1), the person is not subject to the whole of the ordinary waiting period.

17 Subsection 549CA(2)

Omit “and (5)”, substitute “, (5) and (6)”.

18 At the end of section 549CA

Add:

- (6) If a person makes a claim for youth allowance during the period beginning on 1 April 2021 and ending at the end of 30 June 2021, then, despite subsection (2), the person is not subject to the whole of the ordinary waiting period.

19 Subsection 620(1)

Omit “and (4)”, substitute “, (4) and (5)”.

20 At the end of section 620

Add:

- (5) If a person makes a claim for jobseeker payment during the period beginning on 1 April 2021 and ending at the end of 30 June 2021, then, despite subsection (1), the person is not subject to the whole of the ordinary waiting period.

Part 4—Income free areas and taper rates

Social Security Act 1991

21 Paragraph 1067G-H29(b)

Omit “\$143”, substitute “\$150”.

22 Paragraphs 1067G-H32(c) and 1067G-H33(c)

Omit “\$107”, substitute “\$100”.

23 Point 1068-G12

Omit “\$100”, substitute “\$150”.

24 Point 1068-G12 (note 1)

Repeal the note.

25 Point 1068-G12 (note 2)

Omit “Note 2”, substitute “Note”.

26 Points 1068-G15 and 1068-G16

Omit “\$150”, substitute “\$106”.

27 Point 1068B-D27

Omit “\$100”, substitute “\$150”.

28 Point 1068B-D27 (note 1)

Repeal the note.

29 Point 1068B-D27 (note 2)

Omit “Note 2”, substitute “Note”.

30 Points 1068B-D30 and 1068B-D31

Omit “\$150”, substitute “\$106”.

31 Section 1190 (table item 20AAA)

Repeal the item.

32 Subsection 1191(1) (table item 14AAA)

Repeal the item.

33 Application provision

The amendments made by this Part apply in relation to working out the rate of a person's youth allowance, jobseeker payment, partner allowance, widow allowance or benefit PP (partnered) in respect of days occurring on or after the commencement of this item.

Part 5—Portability

Social Security Act 1991

34 Section 1216

Before “During”, insert “(1)”.

35 At the end of section 1216

Add:

(2) If:

- (a) the 26 weeks mentioned in paragraph (1)(a) ends on or after 11 March 2020; and
- (b) the Secretary is satisfied that the person’s absence from Australia is temporary; and
- (c) the Secretary is satisfied that the person is unable to return to Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;

the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(a) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 30 June 2021.

- (3) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (2) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

36 At the end of section 1220A

Add:

(6) If:

- (a) the 26 weeks mentioned in paragraph (1)(a) ends on or after 11 March 2020; and

- (b) the Secretary is satisfied that the person's absence from Australia is temporary; and
 - (c) the Secretary is satisfied that the person is unable to return to Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;
- the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(a) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 30 June 2021.
- (7) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (6) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

37 At the end of section 1220B

Add:

- (3) If:
- (a) the 26 weeks mentioned in paragraph (1)(a) ends on or after 11 March 2020; and
 - (b) the Secretary is satisfied that the person's absence from Australia is temporary; and
 - (c) the Secretary is satisfied that the person is unable to return to Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;
- the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(a) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 30 June 2021.
- (4) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (3) of this section may be

expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

38 At the end of Part 4.2

Add:

Division 4—Other portability rules

1221A Other portability rules

- (1) If:
- (a) the 26 weeks mentioned in paragraph 6(3)(d) or (4)(d) or 14(3)(d) or (4)(d) of Schedule 4 to the *Social Services and Other Legislation Amendment Act 2014* ends on or after 11 March 2020; and
 - (b) the Secretary is satisfied that the person's return to Australia is temporary; and
 - (c) the Secretary is satisfied that the person is unable to leave Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;
- the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph 6(3)(d) or (4)(d) or 14(3)(d) or (4)(d) of Schedule 4 to the *Social Services and Other Legislation Amendment Act 2014* is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 30 June 2021.
- (2) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (1) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

39 At the end of clause 128 of Schedule 1A

Add:

- (4) If:
-

- (a) the 26 weeks mentioned in paragraph (1)(b) ends on or after 11 March 2020; and
 - (b) the Secretary is satisfied that the person's return to Australia is temporary; and
 - (c) the Secretary is satisfied that the person is unable to leave Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;
- the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(b) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 30 June 2021.
- (5) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subclause (4) of this clause may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

*[Minister's second reading speech made in—
House of Representatives on 25 February 2021
Senate on 17 March 2021]*

(24/21)
