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The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

Coronavirus Economic Support and Recovery (No-one Left Behind) Bill 2020

No. , 2020

(Senator Waters)

**A Bill for an Act to provide for a coronavirus
economic support and recovery fund, amend the
law relating to social security and expand eligibility
for the jobkeeper scheme, and for related purposes**

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A Bill for an Act to provide for a coronavirus economic support and recovery fund, amend the law relating to social security and expand eligibility for the jobkeeper scheme, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Coronavirus Economic Support and Recovery (No-one Left Behind) Act 2020*.

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. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Coronavirus Economic Support and Recovery Fund

1 Coronavirus Economic Support and Recovery Fund

- (1) There is to be a Coronavirus Economic Support and Recovery Fund.
 - (2) The Finance Minister must, by legislative instrument, make rules to provide for and in relation to the establishment, governance and operation of the Fund and the matters in subitems (3) and (4).
 - (3) The Fund must provide for the following in relation to the 2020-21 financial year:
 - (a) a recovery package to support the arts and entertainment sector in Australia of \$2.3 billion;
 - (b) a manufacturing investment fund of \$12 billion to provide support for the manufacturing sector in Australia;
 - (c) additional funding for the renewable energy sector in Australia, in the form of the following:
 - (i) \$2 billion to the Australian Renewable Energy Agency;
 - (ii) an electricity transmission fund of \$6 billion to provide support for the construction of new electricity transmission infrastructure in Australia.
 - (4) However:
 - (a) amounts provided to the manufacturing investment fund referred to in paragraph (3)(b) must not be used to fund or subsidise:
 - (i) the extraction of, or exploration for, coal, oil or natural gas; or
 - (ii) manufacturing projects that rely solely or primarily on the direct use of coal, oil or natural gas; or
 - (iii) manufacturing projects that result in the manufacture of products that rely solely or primarily on the direct use of coal, oil or natural gas; and
 - (b) amounts provided to the electricity transmission fund referred to in subparagraph (3)(c)(ii) must not be used to fund or subsidise new or existing fossil fuel power generation projects.
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Schedule 1 Coronavirus Economic Support and Recovery Fund

- (5) Money for the Fund is to be from funds appropriated by the Parliament for the purposes of this Act.

Note: Section 10 of the *Supply Act (No. 1) 2020-2021* and section 12 of the *Supply Act (No. 2) 2020-2021* provide for advances to the Finance Minister to facilitate urgent and unforeseen expenditure in certain circumstances, to ensure sufficient appropriations are available to support the coronavirus economic response.

- (6) The Finance Minister must make the rules under subitem (2) before 30 June 2020.
- (7) For the purposes of this item, **Finance Minister** means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

Schedule 2—Expanding social security support

Part 1—Expanding eligibility for COVID-19 supplement

Social Security Act 1991

1 At the end of Division 5 of Part 2.3

Add:

121 COVID-19 supplement

- (1) If a person is receiving a disability support pension, the rate of the person's disability support pension is increased by the amount of the COVID-19 supplement. The increase begins on 27 April 2020.

Cessation of supplement

- (2) This section ceases to apply at the end of:
 - (a) the period (the *initial period*) of 6 months beginning on 25 March 2020, unless paragraph (b) applies; or
 - (b) if a period is extended under subsection (3)—the extended period.
- (3) The Minister may, by legislative instrument, extend the initial period (or that period as extended one or more times under this subsection) by a period not exceeding 3 months. The Minister must be satisfied that the extension is in response to circumstances relating to the coronavirus known as COVID-19.

Amount of supplement

- (4) For the period beginning on 27 April 2020 and ending at the end of the initial period, the amount of the COVID-19 supplement per fortnight is:
 - (a) \$550, unless paragraph (b) applies; or
 - (b) if an amount is determined under subsection (5)—that amount.

- (5) The Minister may, by legislative instrument, determine an amount for the purposes of paragraph (4)(b).
- (6) For any extension period, the amount of the COVID-19 supplement is to be worked out in accordance with a determination under subsection (7).
- (7) The Minister may, by legislative instrument, make a determination for the purposes of subsection (6).
- (8) Without limiting subsection (7), the determination may provide that the amount of COVID-19 supplement per fortnight is nil for specified persons.

2 At the end of Division 4 of Part 2.5

Add:

211 COVID-19 supplement

- (1) If a person is receiving carer payment, the rate of the person's carer payment is increased by the amount of the COVID-19 supplement. The increase begins on 27 April 2020.

Cessation of supplement

- (2) This section ceases to apply at the end of:
 - (a) the period (the *initial period*) of 6 months beginning on 25 March 2020, unless paragraph (b) applies; or
 - (b) if a period is extended under subsection (3)—the extended period.
- (3) The Minister may, by legislative instrument, extend the initial period (or that period as extended one or more times under this subsection) by a period not exceeding 3 months. The Minister must be satisfied that the extension is in response to circumstances relating to the coronavirus known as COVID-19.

Amount of supplement

- (4) For the period beginning on 27 April 2020 and ending at the end of the initial period, the amount of the COVID-19 supplement per fortnight is:

- (a) \$550, unless paragraph (b) applies; or
 - (b) if an amount is determined under subsection (5)—that amount.
- (5) The Minister may, by legislative instrument, determine an amount for the purposes of paragraph (4)(b).
 - (6) For any extension period, the amount of the COVID-19 supplement is to be worked out in accordance with a determination under subsection (7).
 - (7) The Minister may, by legislative instrument, make a determination for the purposes of subsection (6).
 - (8) Without limiting subsection (7), the determination may provide that the amount of COVID-19 supplement per fortnight is nil for specified persons.

3 Application provision—COVID-19 supplement payable for period before commencement

The amendments of the *Social Security Act 1991* made by this Part apply on and from 27 April 2020.

Note: The effect of this provision is that the COVID-19 supplement is to be applied in respect of disability support pension payments or carer payments already received in the period from 27 April 2020 to the day this item commences, as well as payments received after that period.

Part 2—Expanding jobseeker eligibility

Social Security Act 1991

4 Subparagraph 593(5)(b)(ii)

After “subsection 7(7)”, insert “, or is both residing in Australia and a holder of a temporary visa (within the meaning of the *Migration Act 1958*)”.

Social Security (Administration) Act 1999

5 After section 31A

Insert:

31B Exclusion of certain claims for jobseeker payments by temporary visa holders from section 29 residence requirement

Despite paragraph 29(1)(a), a person who is not an Australian resident may make a claim for a jobseeker payment if:

- (a) the person is residing in Australia and the holder of a temporary visa (within the meaning of the *Migration Act 1958*); and
- (b) in order to qualify for the jobseeker payment, the person is not required to be an Australian resident if the person is residing in Australia and the holder of such a temporary visa.

Note: For paragraph (b), see subparagraph 593(5)(b)(ii) of the 1991 Act.

6 After clause 28 of Schedule 2

Insert:

28A Jobseeker payment—claim by temporary visa holders in relation to COVID-19 circumstances

If:

- (a) a person makes a claim for a jobseeker payment; and

- (b) the person is qualified for a jobseeker payment under subsection 593(5) of the 1991 Act; and
- (c) the person qualifies under subparagraph 593(5)(b)(ii) of the 1991 Act on the basis of residing in Australia and holding a temporary visa (within the meaning of the *Migration Act 1958*);

the person's start day in relation to the jobseeker payment is the day on or after 27 April 2020 on which the person qualifies for the payment under subsection 593(5) of the 1991 Act.

Schedule 3—Expanding jobkeeper eligibility

Coronavirus Economic Response Package (Payments and Benefits) Act 2020

1 After section 7

Insert:

7A Requirements for rules that provide for jobkeeper payments scheme

- (1) If the rules provide for a kind of payment that is intended to assist businesses affected by the Coronavirus to cover the cost of wages of their employees (whether known as a jobkeeper payment or otherwise), the rules relating to that kind of payment (the ***jobkeeper scheme rules***) must comply with the requirements in this section.

Scheme to extend to all casual employees

- (2) The jobkeeper scheme rules must, in providing for the classes of employees in respect of which the payments are to be made, include a class of individuals who satisfy both of the following requirements:
 - (a) the individual was a casual employee of an entity on or before 1 March 2020 (regardless of the period of time that the individual has been employed by the entity);
 - (b) it is reasonable to assume that the individual would have been engaged after 1 March 2020 as an employee of the entity if the entity had not been directly or indirectly affected by the Coronavirus known as COVID-19.

Scheme to extend to employees who are temporary visa holders

- (3) The jobkeeper scheme rules must, in providing for the classes of employees in respect of which the payments are to be made, include a class of individuals who satisfy both of the following requirements on 1 March 2020:

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- (a) the individual was an employee of an entity (whether as a casual employee or otherwise, and regardless of the period of time that the individual has been employed by the entity);
 - (b) the individual was the holder of a temporary visa (within the meaning of the *Migration Act 1958*) and a resident of Australia for the purposes of the *Income Tax Assessment Act 1936*.

Scheme to extend to intermittent workers

- (4) The jobkeeper scheme rules must provide that the entities in respect of which the payments are to be made include individuals who satisfy all of the following requirements:
 - (a) the individual received a gross income from intermittent work of at least:
 - (i) \$29,000 in the last 12 months prior to 1 March 2020; or
 - (ii) \$7,250 in any 3 month period in the 12 months prior to 1 March 2020; or
 - (iii) \$1,115 per fortnight for any 10 fortnights in the 12 months prior to 1 March 2020;
 - (b) the individual is not in receipt of another payment under the jobkeeper scheme rules;
 - (c) the individual was either:
 - (i) not employed on 1 March 2020; or
 - (ii) employed on 1 March 2020 by an entity that is not claiming a payment under the jobkeeper scheme rules in respect of that individual.

Scheme to extend to employees of foreign government owned entities resident in Australia etc.

- (5) If the jobkeeper scheme rules, in providing for the classes of entities to which payments in respect of employees are to be made, provide for the exclusion of sovereign entities, then the rules must not also provide for the exclusion of entities solely or predominantly on the basis that:
 - (a) the entity is:
 - (i) an Australian resident; or

- (ii) a resident trust estate for the purposes of Division 6 of Part III of the *Income Tax Assessment Act 1936*; and
 - (b) a body politic of a foreign country (or a part of a foreign country), or a foreign government agency, holds a total participation interest of 100% in the entity.
- (6) The expressions ***Australian resident***, ***foreign government agency***, ***sovereign entity*** and ***total participation interest*** in subsection (5) have the same meaning as in the *Income Tax Assessment Act 1997*.

Scheme not to have effect of excluding higher education providers

- (7) The jobkeeper scheme rules, in providing for the classes of entities to which payments in respect of employees are to be made, must comply with the following requirements in respect of entities that are higher education providers:
- (a) the rules must not have eligibility requirements:
 - (i) that apply only to higher education providers; or
 - (ii) that apply thresholds to higher education providers that are different from the thresholds applied to other similar entities; or
 - (iii) that are substantially different in their application to higher education providers compared with other entities; with the effect of making it impractical or unlikely that higher education providers will be able to satisfy the eligibility requirements;
 - (b) the eligibility requirements must not have the effect, whether directly or indirectly, of excluding all or substantially all higher education providers from the jobkeeper scheme.

Scheme to provide for payments for past periods

- (8) The jobkeeper scheme rules must provide for the payments to be able to be made for:
- (a) periods that occurred between 30 March 2020 and immediately before the commencement of this section; and
 - (b) periods that begin on or after the commencement of this section;
- in relation to entities, and employees of entities, that become eligible for payments as a result of amendments made to the

jobkeeper scheme rules to comply with the requirements in this section.

Note: This section commences on the day the *Coronavirus Economic Support and Recovery (No-one Left Behind) Act 2020* commences.

Rules must not have effect of circumventing requirements in this section

- (9) Subsections (2), (3), (4) and (5) do not limit the jobkeeper scheme rules from providing for or in relation to other classes of employees or entities, or providing for further eligibility requirements in relation to the classes of employees or entities referred to in those subsections.
- (10) However, the jobkeeper scheme rules must not impose requirements in relation to those classes of employees or entities that:
 - (a) would have the effect of making it impractical or unlikely that a payment could be made in respect of an employee or entity in that class; or
 - (b) would be substantially different from the requirements imposed in relation to other classes of employees or entities.