



Social Security (Coronavirus Economic Response—2020 Measures No. 8) Determination 2020

I, Anne Ruston, Minister for Families and Social Services, make the following determination.

Dated 15 April 2020

Anne Ruston
Minister for Families and Social Services

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Modifications.....	1
Schedule 1—Modifications of the Social Security Act 1991		2

1 Name

This instrument is the *Social Security (Coronavirus Economic Response—2020 Measures No. 8) Determination 2020*.

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	The day after this instrument is registered.	16 April 2020

Note: This table relates only to the provisions of this instrument as originally made.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 item 40A of Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020*.

4 Modifications

Each modification of the operation of a provision of a social security law (within the meaning of the *Social Security Act 1991*) as set out in a Schedule to this instrument is determined for the purposes of item 40A of Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020*.

Schedule 1—Modifications of the Social Security Act 1991

1 Variation of Part 2.12

Part 2.12 of the *Social Security Act 1991* is varied by adding the following Division at the end of the Part:

Division 10—Member of couple definition for coronavirus period

660N Member of couple definition for coronavirus period

(1) If:

- (a) a person makes a claim for a jobseeker payment on or after the day on which this subsection commences and before the end of the period covered by subsection 646(2); or
- (b) a person made a claim for a jobseeker payment on or after 25 March 2020 and the Secretary had not determined the claim immediately before the commencement of this subsection;

then, in applying this Part in connection with that claim and for a day in the period covered by subsection 646(2), subsection 1068(2) does not apply and the person is a *member of a couple* if:

- (c) the person is legally married to another person and is not living separately and apart from the other person on a permanent or indefinite basis; or
- (d) both of the following conditions are met:
 - (i) a relationship between the person and another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 2E of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section;
 - (ii) the person is not living separately and apart from the other person on a permanent or indefinite basis; or
- (e) all of the following conditions are met:
 - (i) the person has a relationship with another person, whether of the same sex or a different sex (in this paragraph called the *partner*);
 - (ii) the person is not legally married to the partner;
 - (iii) the relationship between the person and the partner is a de facto relationship.

(2) Subsection (1) applies despite subsections 4(2), (3) and (3A) but is subject to subsections 4(6) and (6A) and section 24.

2 Variation of section 1068

Section 1068 of the *Social Security Act 1991* is varied by inserting the following subsections after subsection (2):

Jobseeker payment—member of couple definition for coronavirus period

(2A) If:

- (a) a person makes a claim for a jobseeker payment on or after the day on which this subsection commences and before the end of the period covered by subsection 646(2); or
- (b) a person made a claim for a jobseeker payment on or after 25 March 2020 and the Secretary had not determined the claim immediately before the commencement of this subsection;

then, in working out the person's rate of jobseeker payment under this Part in connection with that claim and for a day in the period covered by subsection 646(2), subsection (2) of this section does not apply and the person is a ***member of a couple*** if:

- (c) the person is legally married to another person and is not living separately and apart from the other person on a permanent or indefinite basis; or
- (d) both of the following conditions are met:
 - (i) a relationship between the person and another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 2E of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section;
 - (ii) the person is not living separately and apart from the other person on a permanent or indefinite basis; or
- (e) all of the following conditions are met:
 - (i) the person has a relationship with another person, whether of the same sex or a different sex (in this paragraph called the ***partner***);
 - (ii) the person is not legally married to the partner;
 - (iii) the relationship between the person and the partner is a de facto relationship.

(2B) Subsection (2A) applies despite subsections 4(2), (3) and (3A) but is subject to subsections 4(6) and (6A) and section 24.