

Social Security (Coronavirus Economic Response—2020 Measures No. 10) Determination 2020

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

Dated 10 June 2020

Anne Ruston

Minister for Families and Social Services

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1 Name

This instrument is the *Social Security (Coronavirus Economic Response—2020 Measures No. 10) 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. | 12 June 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Note: This table relates only to the provisions of this instrument as originally made.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 section 197K

(1) The heading to section 197K of the *Social Security Act 1991* is varied by omitting the words “**3 months**” and substituting the words “**6 months**”.

(2) Section 197K of the *Social Security Act 1991* is varied by adding the following subsection at the end of the section:

(3) However, if the 3‑month period referred to in subsection (2) ends:

(a) on or after the day on which this subsection commences; and

(b) on or before 24 September 2020;

then the reference in that subsection to 3 months is taken to be a reference to 6 months.

2 Variation of section 654

Section 654 of the *Social Security Act 1991* is varied by adding at the end of step 2 of the method statement in subsection (3) the words “, and then add the amount of the COVID‑19 supplement worked out in accordance with section 646”.

3 Variation of section 953A

(1) The heading to section 953A of the *Social Security Act 1991* is varied by omitting the words “**3 months**” and substituting the words “**6 months**”.

(2) Section 953A of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (1):

(1A) However, if the 3‑month period referred to in paragraph (1)(d) or (e) ends:

(a) on or after the day on which this subsection commences; and

(b) on or before 24 September 2020;

then the reference in that paragraph to 3 months is taken to be a reference to 6 months.

(3) Section 953A of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (2):

(2A) However, if the 3‑month period referred to in paragraph (2)(d) or (e) ends:

(a) on or after the day on which this subsection commences; and

(b) on or before 24 September 2020;

then the reference in that paragraph to 3 months is taken to be a reference to 6 months.

4 Variation of section 1046

(1) Section 1046 of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (3):

(3A) If:

(a) in relation to a person, the 12‑week period mentioned in subsection (3) ends:

(i) on or after the day on which this subsection commences; and

(ii) on or before 24 September 2020; and

(b) the Secretary is satisfied that this section applies to the person because of the impact of the coronavirus known as COVID‑19; and

(c) subsection (5) has not applied in relation to the person;

the Secretary may determine that, despite subsection (3), the person continues to be qualified for the mobility allowance until the end of the earlier of the following days:

(d) the last day of the 6‑week period beginning on the day after the end of the 12‑week period mentioned in subsection (3);

(e) 24 September 2020.

(2) Section 1046 of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (4):

(4A) If:

(a) in relation to a person, the 2‑week period mentioned in subsection (4) ends:

(i) on or after the day on which this subsection commences; and

(ii) on or before 24 September 2020; and

(b) the Secretary is satisfied that subsection (4) applies to the person because of the impact of the coronavirus known as COVID‑19;

the Secretary may determine that, despite subsection (4), the person continues to be qualified for the mobility allowance until the end of the earlier of the following days:

(c) the last day of the 16‑week period beginning on the day after the end of the 2‑week period mentioned in subsection (4);

(d) 24 September 2020.

(3) Paragraph 1046(5)(a) of the *Social Security Act 1991* is varied by inserting the words “or (3A)” after the words “subsection (3)”.

5 Variation of section 1216

(1) Section 1216 of the *Social Security Act 1991* is varied by inserting the words “(1)” before the words “During”.

(2) Section 1216 of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

(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 24 September 2020.

(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.

6 Variation of section 1220A

Section 1220A of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

(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 24 September 2020.

(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.

7 Variation of section 1220B

Section 1220B of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

(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 24 September 2020.

(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.

8 Variation of Part 4.2

Part 4.2 of the *Social Security Act 1991* is varied by adding the following Division at the end of the Part:

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 24 September 2020.

(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.

9 Variation of clause 128 of Schedule 1A

Clause 128 of Schedule 1A to the *Social Security Act 1991* is varied by adding the following subclauses at the end of the clause:

(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 24 September 2020.

(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.