



Legislative Instrument

Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Amendment Rules 2020

I, Christopher David Jordan, Commissioner of Taxation, make this determination under subsection 20(4) of the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* and subsection 8(6) of the *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020*.

Christopher David Jordan

Commissioner of Taxation

Dated: 9 October 2020

1. Name of instrument

This determination is the *Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Amendment Rules 2020*.

2. Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3. Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 - Amendments

Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Rules (No. 2) 2020

1. After section 13

Insert:

14. Business temporarily ceased trading during the relevant comparison period

(1) An entity may apply either of the alternative tests under this section if:

- (a) the entity's business had temporarily ceased trading due to an event or circumstance outside the ordinary course of the entity's business;
- (b) trading temporarily ceased for a week or more;
- (c) some or all of the relevant comparison period occurred during the time in which the entity's business had temporarily ceased trading; and
- (d) the entity's business resumed trading before 28 September 2020.

(2) The first alternative test is:

the entity uses the current GST turnover for the same period in the year immediately before the business temporarily ceased trading instead of the entity's current GST turnover for a relevant comparison period for the purposes of section 8, section 8A and section 8B of the Rules.

(3) The second alternative test is:

- (a) if the relevant comparison period is a quarter, then the entity uses the total of the entity's current GST turnover in the 3 months immediately before the month in which the business temporarily ceased trading instead of the entity's current GST turnover for a relevant comparison period, that is a quarter, for the purposes of section 8, section 8A and section 8B of the Rules, or
- (b) if the relevant comparison period is a calendar month, the entity uses the current GST turnover from the month immediately before the month in which the business temporarily ceased trading instead of the entity's current GST turnover for a relevant comparison period for the purposes of section 8 and section 8A of the Rules.

Note: Paragraph (b) is only applicable for the decline in turnover test under section 8 of the Rules including section 8A of the Rules (if applicable).

(4) For the purposes of subsections (2) and (3), if the entity:

- (a) qualified for the ATO's Bushfires 2019–20 lodgment and payment deferrals, then the entity may exclude the months covered by the Bushfires 2019–20 lodgment and payment deferrals and use the nearest month before or after the period, quarter or month as appropriate, unless the months covered by the concession are the only months available, or
- (b) received Drought Help concessions, then the entity may exclude the months covered by the Drought Help concessions and use the nearest month before or after the period, quarter or month as appropriate, unless the months covered by the concession are the only months available.

2. Application

The amendments made by Schedule 1 to this instrument apply in relation to jobkeeper fortnights beginning on, or after, 28 September 2020.