

2019-2020

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Social Services and Other Legislation
Amendment (Extension of Coronavirus
Support) Bill 2020**

No. , 2020

(Social Services)

**A Bill for an Act to amend the law relating to social
security, veterans' entitlements and farm household
support, and for related purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
Schedule 1—Amendments		3
Part 1—COVID-19 supplement		3
Division 1—Amendments commencing 1 January 2021		3
<i>Social Security Act 1991</i>		3
Division 2—Amendments commencing 1 April 2021		3
<i>Farm Household Support Act 2014</i>		3
<i>Social Security Act 1991</i>		4
Part 2—Qualification for youth allowance or jobseeker payment—coronavirus		6
Division 1—Amendments commencing 1 January 2021		6
<i>Social Security Act 1991</i>		6
Division 2—Amendments commencing 1 April 2021		6
<i>Social Security Act 1991</i>		6
Part 3—Liquid assets test waiting period and assets test exemptions		7
<i>Social Security Act 1991</i>		7
Part 4—Modifications of the social security law		8
<i>Social Security Act 1991</i>		8
Part 5—Extending the period that a residence is the person’s principal home		12
<i>Social Security Act 1991</i>		12
<i>Veterans’ Entitlements Act 1986</i>		13
Part 6—Continuation of Social Security (Coronavirus Economic Response—2020 Measures No. 5) Determination 2020		14

A Bill for an Act to amend the law relating to social security, veterans' entitlements and farm household support, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Social Services and Other Legislation Amendment (Extension of Coronavirus Support) 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1, Part 1, Division 1	1 January 2021.	1 January 2021
3. Schedule 1, Part 1, Division 2	1 April 2021.	1 April 2021
4. Schedule 1, Part 2, Division 1	1 January 2021.	1 January 2021
5. Schedule 1, Part 2, Division 2	1 April 2021.	1 April 2021
6. Schedule 1, Part 3	1 January 2021.	1 January 2021
7. Schedule 1, Parts 4 to 6	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—Amendments

Part 1—COVID-19 supplement

Division 1—Amendments commencing 1 January 2021

Social Security Act 1991

1 Subsection 557(1)

Omit “and the person is not undertaking full-time study and is not a new apprentice”.

2 Application provision

The amendment made by this Division applies in relation to working out if a person is qualified for youth allowance in respect of days occurring on or after the commencement of this item.

Division 2—Amendments commencing 1 April 2021

Farm Household Support Act 2014

3 Subsection 42(1)

Omit “subsections (2) and (3)”, substitute “subsection (2)”.

4 Subsection 42(2) (heading)

Repeal the heading, substitute:

Exception

5 Subsection 42(3)

Repeal the subsection.

6 Subsection 48(5)

Repeal the subsection.

7 Paragraph 94(b)

Omit “, except section 557”.

8 Paragraph 94(d)

Omit “, except section 646”.

Social Security Act 1991

9 Subsection 500WA(1)

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

10 Subsection 500WA(4)

Repeal the subsection.

11 Subsection 500X(6)

Repeal the subsection.

12 Subsection 500Z(4)

Repeal the subsection.

13 Section 504

Repeal the section.

14 Subsection 549CA(2)

Omit “subsections (3), (5) and (6)”, substitute “subsections (3) and (5)”.

15 Subsection 549CA(6)

Repeal the subsection.

16 Subsection 549D(6A)

Repeal the subsection.

17 Subsection 553C(7)

Repeal the subsection.

18 Section 557

Repeal the section.

19 Subsection 620(1)

Omit “subsections (2), (4) and (5)”, substitute “subsections (2) and (4)”.

20 Subsection 620(5)

Repeal the subsection.

21 Subsection 623A(10)

Repeal the subsection.

22 Subsection 633(7)

Repeal the subsection.

23 Section 646

Repeal the section.

24 Subsection 654(3) (step 1 of the method statement)

Omit “, 644AAA and 646”, substitute “and 644AAA”.

25 Paragraphs 654(5)(d) and (6)(b)

Omit “, 644AAA and 646”, substitute “and 644AAA”.

26 Subsection 739A(10)

Repeal the subsection.

27 Subsection 745M(4)

Repeal the subsection.

28 Section 1210B

Repeal the section.

29 Application provision

The amendments made by this Division apply in relation to working out if farm household allowance, parenting payment, youth allowance, jobseeker payment or special benefit is payable to a person, or working out the rate of a person’s parenting payment, youth allowance or jobseeker payment, in respect of days occurring on or after the commencement of this item.

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

Division 1—Amendments commencing 1 January 2021

Social Security Act 1991

30 Paragraph 540BA(1)(b)

Repeal the paragraph.

31 Application provision

The amendment made by this Division applies in relation to working out if a person is qualified for youth allowance in respect of days occurring on or after the commencement of this item.

Division 2—Amendments commencing 1 April 2021

Social Security Act 1991

32 Subsection 7(7)

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

33 Section 540BA

Repeal the section.

34 Subsections 593(5) to (8)

Repeal the subsections.

35 Application provision

The amendments made by this Division apply in relation to working out if a person is qualified for youth allowance or jobseeker payment in respect of days occurring on or after the commencement of this item.

Part 3—Liquid assets test waiting period and assets test exemptions

Social Security Act 1991

36 Subsection 500Q(6)

Repeal the subsection.

37 Subsection 547B(1)

Omit “(1)”.

38 Subsection 547B(2)

Repeal the subsection.

39 Subsection 549A(8)

Repeal the subsection.

40 Subsection 598(1)

Omit “, (8B) and (8C)”, substitute “and (8B)”.

41 Subsection 598(8C)

Repeal the subsection.

42 Subsection 611(3)

Repeal the subsection.

43 Application provision

The amendments made by this Part apply in relation to working out if parenting payment, youth allowance or jobseeker payment is payable to a person, or if a person is qualified for jobseeker payment, in respect of days occurring on or after the commencement of this item.

Part 4—Modifications of the social security law

Social Security Act 1991

44 After Chapter 5

Insert:

Chapter 6—Modification of social security law

1261 Simplified outline of this Chapter

The Minister may determine temporary modifications of the social security law in response to circumstances relating to the coronavirus known as COVID-19.

1262 Minister may determine modifications of social security law

- (1) For any provision of the social security law covered by subsection (2), the Minister may, by legislative instrument, determine:
 - (a) that the provision is varied as specified in the determination;
or
 - (b) that the provision does not apply; or
 - (c) that the provision does not apply and that another provision specified in the determination applies instead.

Note: Section 1263 deals with the period the determination is in force.

Provisions able to be modified

- (2) For the purposes of subsection (1), the provisions are the following:
 - (a) subsection 23(4A) or (4AA);
 - (b) paragraph 500(1)(d) and subsections 500(3) and (4);
 - (c) section 500WA;

- (d) section 500WB;
- (e) section 500X;
- (f) section 500Y;
- (g) section 500Z;
- (h) subsection 540BA(4);
- (i) section 549CA;
- (j) section 549CB;
- (k) section 549D;
- (l) section 549E;
- (m) section 553C;
- (n) section 575D;
- (o) section 575E;
- (p) section 575EA;
- (q) Part 2.12, in relation to working out whether a person is a member of a couple;
- (r) subsection 593(8);
- (s) section 620;
- (t) section 621;
- (u) section 623A;
- (v) section 623B;
- (w) section 633;
- (x) subsection 654(3);
- (y) section 739A;
- (z) section 745M;
- (za) section 1046;
- (zb) Module H of the Youth Allowance Rate Calculator in section 1067G, in relation to working out the rate of youth allowance where neither section 540AA (about new apprentices) nor paragraph 541(1)(a) (about full-time study) applies;
- (zc) Part 3.6, in relation to working out whether a person is a member of a couple for the purposes of working out the rate of jobseeker payment;
- (zd) Module G of Benefit Rate Calculator B in section 1068, in relation to working out the rate of jobseeker payment;
- (ze) section 1216;

- (zf) Division 3 of Part 4.2;
- (zg) clause 128 of Schedule 1A.

Determination to be in response to COVID-19

- (3) The Minister must be satisfied that a determination under subsection (1) is in response to circumstances relating to the coronavirus known as COVID-19.

Application of determination

- (4) A determination under subsection (1) must be expressed to:
 - (a) apply to all persons; or
 - (b) apply to a specified class or specified classes of persons.

Determination may provide for things to have been done before commencement

- (5) A determination under subsection (1) may provide that a person is taken to have done a specified thing on a day before the determination commences.

Determination has effect accordingly

- (6) A determination under subsection (1) has effect accordingly.

Definitions

- (7) In this section:

Minister means the Minister administering the *Social Security (International Agreements) Act 1999*.

1263 Period that determination is in force and variation and revocation

- (1) Subject to subsection (5), a determination under subsection 1262(1) is in force for the period specified in the determination. That period must not end after:
 - (a) 31 March 2021, unless paragraph (b) applies; or
 - (b) if the determination modifies a provision covered by paragraph 1262(2)(a)—16 April 2021.
-

- (2) The period specified in a determination under subsection 1262(1) may be a period that starts before the day the determination is made.

Variation of determination

- (3) The Minister may, by legislative instrument, vary a determination under subsection 1262(1).
- (4) A variation may be expressed to commence on a day before the day the variation is made.

Revocation of determination

- (5) The Minister may, by legislative instrument, revoke a determination under subsection 1262(1).
- (6) A revocation takes effect on the day specified in the instrument of revocation, which must not be earlier than the day that instrument is made.

Definitions

- (7) In this section:

Minister means the Minister administering the *Social Security (International Agreements) Act 1999*.

45 Transitional provision

If a determination is made under subsection 1262(1) of the *Social Security Act 1991*, as inserted by this Part, modifying the provision covered by paragraph 1262(2)(zd) of that Act, then, in working out if a person satisfies the health care card income test under section 1071A of that Act on a day, or at a time, when the determination is in force, disregard those modifications.

Part 5—Extending the period that a residence is the person's principal home

Social Security Act 1991

46 Paragraph 11A(9)(a)

After “subsection (9A)”, insert “or (9B)”.

47 After subsection 11A(9A)

Insert:

- (9B) For the purposes of paragraph (9)(a), the Secretary may, in relation to a person and a residence of the person, determine, in writing, a longer period if:
- (a) the Secretary is satisfied that the person is temporarily absent from that residence because the person is absent from Australia; 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 the following period because of circumstances beyond the person's control:
 - (i) the 12 months mentioned in paragraph (9)(a), unless subparagraph (ii) of this paragraph applies;
 - (ii) if the Secretary has determined a period under subsection (9A) in relation to the person and that residence—that period.

48 Application provision

The amendments of the *Social Security Act 1991* made by this Part apply in relation to the following:

- (a) a period of absence from Australia starting on or after the commencement of this item;
- (b) a period of absence from Australia starting before that commencement, where the period covered by paragraph 11A(9B)(c) of the *Social Security Act 1991*, as inserted by this Part, ends on or after 11 March 2020.

Veterans' Entitlements Act 1986

49 Paragraph 5LA(9)(a)

After "subsection (9A)", insert "or (9B)".

50 After subsection 5LA(9A)

Insert:

(9B) For the purposes of paragraph (9)(a), the Commission may, in relation to a person and a residence of the person, determine, in writing, a longer period if:

- (a) the Commission is satisfied that the person is temporarily absent from that residence because the person is absent from Australia; and
- (b) the Commission is satisfied that the person's absence from Australia is temporary; and
- (c) the Commission is satisfied that the person is unable to return to Australia before the end of the following period because of circumstances beyond the person's control:
 - (i) the 12 months mentioned in paragraph (9)(a), unless subparagraph (ii) of this paragraph applies;
 - (ii) if the Commission has determined a period under subsection (9A) in relation to the person and that residence—that period.

51 Application provision

The amendments of the *Veterans' Entitlements Act 1986* made by this Part apply in relation to the following:

- (a) a period of absence from Australia starting on or after the commencement of this item;
- (b) a period of absence from Australia starting before that commencement, where the period covered by paragraph 5LA(9B)(c) of the *Veterans' Entitlements Act 1986*, as inserted by this Part, ends on or after 11 March 2020.

Part 6—Continuation of Social Security (Coronavirus Economic Response—2020 Measures No. 5) Determination 2020

52 Continuation of Social Security (Coronavirus Economic Response—2020 Measures No. 5) Determination 2020

- (1) Despite subitems 28(4) and (5) of Schedule 2 to the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020*, item 1A of Schedule 1 to the No. 5 determination, as in force immediately before the end of 28 March 2021, continues in force on and after 29 March 2021.
- (2) Information provided to the Secretary by the Commissioner of Taxation before 29 March 2021 under subsection 204A(1A) of the Administration Act, as modified by subitem 1(1) of Schedule 1 to the No. 5 determination, may continue to be used on or after 29 March 2021 in a way permitted before that day by section 204A of that Act, as modified by that determination.
- (3) If, before, on or after 29 March 2021, information in an aggregated form is produced as mentioned in subitem 1(4) of Schedule 1 to the No. 5 determination, as in force before that day, the information in that aggregated form may be used, disclosed or made publicly available on or after 29 March 2021 in a way permitted before that day by section 204A of the Administration Act, as modified by that determination.
- (4) In this item:
Administration Act means the *Social Security (Administration) Act 1999*.
No. 5 determination means the *Social Security (Coronavirus Economic Response—2020 Measures No. 5) Determination 2020*.
Secretary means the Secretary of the Department administered by the Minister administering the *Social Security (International Agreements) Act 1999*.