



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

**No. 140, 2020**

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

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**An Act to amend the law relating to social security,  
veterans' entitlements and farm household support,  
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*[Assented to 17 December 2020]*

The Parliament of Australia enacts:

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*No. 140, 2020*

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

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## 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	17 December 2020
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.	18 December 2020

Note: This table relates only to the provisions of this Act as originally enacted.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.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

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**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)”.

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**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**

<p>The Minister may determine temporary modifications of the social security law in response to circumstances relating to the coronavirus known as COVID-19.</p>
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#### **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;

**Schedule 1** Amendments

**Part 4** Modifications of the social security law

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- (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*.

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*[Minister's second reading speech made in—  
House of Representatives on 12 November 2020  
Senate on 3 December 2020]*

*(151/20)*

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*16 Social Services and Other Legislation Amendment (Extension of No. 140, 2020  
Coronavirus Support) Act 2020*