

Social Security (Coronavirus Economic Response—2020 Measures No. 2) Determination 2020

made under subsections 540BA(2), 593(6), 1061JIA(2), and 1210B(2) of the

Social Security Act 1991

**Compilation No. 3**

**Compilation date:** 23 December 2020

**Includes amendments up to:** *Social Security (Coronavirus Economic Response—2020 Measures No. 16) Determination 2020* [F2020L01671]

**Registered:** 12 January 2021

**About this compilation**

**This compilation**

This is a compilation of the *Social Security (Coronavirus Economic Response—2020 Measures No. 2) Determination 2020* that shows the text of the law as amended and in force on 23 December 2020 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

 This instrument is the *Social Security (Coronavirus Economic Response—2020 Measures No. 2) Determination 2020*.

3 Authority

 This instrument is made under the following provisions of the *Social Security Act 1991*:

 (a) subsection 540BA(2);

 (b) subsection 593(6);

 (c) subsection 1061JIA(2);

 (d) subsection 1210B(2).

Part 2—Qualification

4 Qualification for youth allowance

 (1) For the purposes of paragraph 540BA(1)(a) of the *Social Security Act 1991*, the requirements are:

 (a) the Secretary is satisfied that:

 (i) the person became unemployed as a result of the adverse economic effects of the coronavirus known as COVID‑19; and

 (ii) the person is covered by subsection (2); or

 (b) if the person is self‑employed or is a sole trader—the Secretary is satisfied that:

 (i) the person’s business was suspended, or suffered a reduction in turnover, as a result of the adverse economic effects of the coronavirus known as COVID‑19; and

 (ii) the person is covered by subsection (2); or

 (c) the Secretary is satisfied that:

 (i) the person’s working hours were reduced (including to zero) as a result of the adverse economic effects of the coronavirus known as COVID‑19; and

 (ii) the person is covered by subsections (2) and (3); or

 (d) the Secretary is satisfied that:

 (i) the person is in quarantine or self‑isolation as a result of advice from, or a requirement made by, the Commonwealth, a State or a Territory or a health professional regarding the coronavirus known as COVID‑19, or is caring for an immediate family member or a member of the person’s household who is in such quarantine or self‑isolation, throughout the relevant period; and

 (ii) as a result of the circumstance in subparagraph (i), the person’s working hours were reduced (including to zero); and

 (iii) the person is covered by subsections (2) and (3).

 (2) A person is covered by this subsection if, throughout the relevant period, the person satisfies the activity test or is not required to satisfy the activity test.

 (3) A person is covered by this subsection if the Secretary is satisfied that:

 (a) the person is not entitled to receive a leave payment in respect of the relevant period; or

 (b) the person has taken reasonable steps to access any leave payment to which the person may be entitled in respect of the relevant period; or

 (c) the person is receiving a leave payment in respect of the relevant period but, as a result of the adverse economic effects of the coronavirus known as COVID‑19, the payment is less than it would otherwise have been; or

 (d) the person is receiving a leave payment in respect of the relevant period, but the total amount of the leave payment in the period is less than the amount of youth allowance that would be payable to the person in the period if the person’s claim were granted.

5 Qualification for jobseeker payment

 (1) For the purposes of paragraph 593(5)(a) of the *Social Security Act 1991*, the requirements are:

 (a) the Secretary is satisfied that:

 (i) the person became unemployed as a result of the adverse economic effects of the coronavirus known as COVID‑19; and

 (ii) the person is covered by subsection (2); or

 (b) if the person is self‑employed or is a sole trader—the Secretary is satisfied that:

 (i) the person’s business was suspended, or suffered a reduction in turnover, as a result of the adverse economic effects of the coronavirus known as COVID‑19; and

 (ii) the person is covered by subsection (2); or

 (c) the Secretary is satisfied that:

 (i) the person’s working hours were reduced (including to zero) as a result of the adverse economic effects of the coronavirus known as COVID‑19; and

 (ii) the person is covered by subsections (2) and (3); or

 (d) the Secretary is satisfied that:

 (i) the person is in quarantine or self‑isolation as a result of advice from, or a requirement made by, the Commonwealth, a State or a Territory or a health professional regarding the coronavirus known as COVID‑19, or is caring for an immediate family member or a member of the person’s household who is in such quarantine or self‑isolation, throughout the relevant period; and

 (ii) as a result of the circumstance in subparagraph (i), the person’s working hours were reduced (including to zero); and

 (iii) the person is covered by subsections (2) and (3).

 (2) A person is covered by this subsection if, throughout the relevant period, the person satisfies the activity test or is not required to satisfy the activity test.

 (3) A person is covered by this subsection if the Secretary is satisfied that:

 (a) the person is not entitled to receive a leave payment in respect of the relevant period; or

 (b) the person has taken reasonable steps to access any leave payment to which the person may be entitled in respect of the relevant period; or

 (c) the person is receiving a leave payment in respect of the relevant period but, as a result of the adverse economic effects of the coronavirus known as COVID‑19, the payment is less than it would otherwise have been; or

 (d) the person is receiving a leave payment in respect of the relevant period, but the total amount of the leave payment in the period is less than the amount of jobseeker payment that would be payable to the person in the period if the person’s claim were granted.

6 Qualification for crisis payment—national health emergency

 For the purposes of paragraph 1061JIA(1)(b) of the *Social Security Act 1991*, the following requirements are determined:

 (a) the Secretary is satisfied that the person is in financial hardship;

 (b) the Secretary is satisfied that the person:

 (i) is in quarantine or self‑isolation as a result of advice from, or a requirement made by, the Commonwealth, a State or a Territory or a health professional regarding the coronavirus known as COVID‑19; or

 (ii) is caring for an immediate family member, or a member of the person’s household, who is covered by subparagraph (i).

Part 3—COVID‑19 supplement

7 COVID‑19 supplement—austudy payment

 (1) For the purposes of paragraph 1210B(1)(b) of the *Social Security Act 1991*, austudy payment is determined.

 (2) For the purposes of paragraph 1210B(1)(c) of the Social Security Act 1991, the period is the period:

 (a) beginning on 25 September 2020; and

 (b) ending at the end of 31 December 2020.

 (3) For the purposes of paragraph 1210B(1)(d) of the *Social Security Act 1991*, the fortnightly amount of a person’s COVID‑19 supplement for the period is $250 for an instalment period in relation to the person that begins on or after 25 September 2020 and before the end of 31 December 2020.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| *Social Security (Coronavirus Economic Response—2020 Measures No. 2) Determination 2020*  | 25 March 2020 (F2020L00311) | 25 March 2020 (s 2(1) item 1) | — |
| *Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020*  | 30 August 2020 (F2020L01093) | Sch 2 (items 5, 6): 25 September 2020 (s 2(1) item 4) | — |
| *Social Security (Coronavirus Economic Response—2020 Measures No. 15) Determination 2020* | 16 November 2020 (F2020L01436) | Sch 1 (items 1, 2): 17 November 2020 (s 2(1) item 1) | — |
| *Social Security (Coronavirus Economic Response—2020 Measures No. 16) Determination 2020* | 22 December 2020 (F2020L01671) | Sch 2 (items 1, 2): 23 December 2020 (s 2(1) item 4) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| s 2  | rep LA s 48D |
| **Part 3** |  |
| s 7  | am F2020L01093; F2020L01436; F2020L01671 |