



Social Security (Coronavirus Economic Response—2020 Measures No. 7) Determination 2020

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

Dated 1 May 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. 7) 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	Immediately after Schedule 11 to the <i>Coronavirus Economic Response Package Omnibus Act 2020</i> commences.	25 March 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Note: This table relates only to the provisions of this instrument as originally made.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 Schedule 1—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 Schedule 1 to this instrument is determined for the purposes of item 40A of Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020*.

5 Schedule 2—Amendments

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

Schedule 1—Modifications of the Social Security Act 1991

1 Variation of section 500WA

Section 500WA of the *Social Security Act 1991* is varied by:

- (a) omitting the words “(2) and (4)” from subsection (1) and substituting the words “(2), (4) and (5); and
- (b) omitting subsection (4) and substituting the following subsections:
 - (4) If a person was subject to an ordinary waiting period under subsection (1) on 24 March 2020, then the ordinary waiting period for the person is taken, for the purposes of clause 5 of Schedule 2 to the Administration Act, to have ended on that day.
 - (5) If a person makes a claim for parenting payment during the period covered by subsection 504(2) then, despite subsection (1), the person is not subject to the whole of the ordinary waiting period.

2 Variation of section 500X

Section 500X of the *Social Security Act 1991* is varied by adding at the end of subsection (6) the words “(even if subsection (1) applied to the person before that period started)”.

3 Variation of section 500Y

Section 500Y of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

- (3) Subsection (4) applies if a person would have, apart from the operation of subsection 500X(6), been subject to a newly arrived resident’s waiting period during the period (the **relevant period**) covered by subsection 504(2).
- (4) The person is taken, for the purposes of this section, to have been subject to the newly arrived resident’s waiting period (and time continues to run in relation to that period) during the relevant period.

4 Variation of section 500Z

Section 500Z of the *Social Security Act 1991* is varied by omitting subsection (4) and substituting the following subsections:

- (4) Subsection (2) does not apply to a person and is taken to have never applied to a person if, on 25 March 2020, parenting payment was not payable to the person because of the operation of that subsection.
- (5) If:
 - (a) a person makes a claim for parenting payment during the period covered by subsection 504(2); and
 - (b) apart from this subsection, the person would be subject to a seasonal work preclusion period (whether in relation to the claim referred to in paragraph (a) or any other claim under this Act);then, despite subsection (2) of this section, the person is not subject to the whole of the preclusion period.

5 Variation of section 549A

Section 549A of the *Social Security Act 1991* is varied by omitting subsection (8) and substituting the following subsection:

Exception—coronavirus

- (8) Despite subsection (1), a person is not subject to a liquid assets test waiting period if any part of that period occurs during the period covered by subsection 557(2).

6 Variation of section 549CA

Section 549CA of the *Social Security Act 1991* is varied by:

- (a) omitting the words “(5) and (6)” from subsection (2) and substituting the words “(5), (6) and (7); and
- (b) omitting subsection (6) and substituting the following subsections:
- (6) If a person was subject to an ordinary waiting period under subsection (2) on 24 March 2020, then the ordinary waiting period for the person is taken, for the purposes of clause 5 of Schedule 2 to the Administration Act, to have ended on that day.
- (7) If a person makes a claim for youth allowance during the period covered by subsection 557(2) then, despite subsection (2) of this section, the person is not subject to the whole of the ordinary waiting period.

7 Variation of section 549D

Section 549D of the *Social Security Act 1991* is varied by omitting subsection (6A) and substituting the following subsection:

Exception—coronavirus

- (6A) Subsection (1) does not apply to a person during the period covered by subsection 557(2) (even if subsection (1) applied to the person before that period started).

8 Variation of section 549E

Section 549E of the *Social Security Act 1991* is varied by:

- (a) inserting the word “(1)” before the word “If”; and
- (b) adding the following subsections at the end of the section (after the note):
- (2) Subsection (3) applies if a person would have, apart from the operation of subsection 549D(6A), been subject to a newly arrived resident’s waiting period during the period (the **relevant period**) covered by subsection 557(2).
- (3) The person is taken, for the purposes of this section, to have been subject to the newly arrived resident’s waiting period (and time continues to run in relation to that period) during the relevant period.

9 Variation of section 553C

Section 553C of the *Social Security Act 1991* is varied by omitting subsection (7) and substituting the following subsections:

Exemption for coronavirus

- (7) Subsection (2) does not apply to a person and is taken to have never applied to a person if, on 25 March 2020, youth allowance was not payable to the person because of the operation of that subsection.
- (8) If:
- (a) a person makes a claim for youth allowance during the period covered by subsection 557(2); and
 - (b) apart from this subsection, the person would be subject to a seasonal work preclusion period (whether in relation to the claim referred to in paragraph (a) or any other claim under this Act);
- then, despite subsection (2) of this section, the person is not subject to the whole of the preclusion period.

10 Variation of section 575A

Section 575A of the *Social Security Act 1991* is varied by adding the following subsection at the end of the section:

Exception—coronavirus

- (5) Despite subsection (1), a person is not subject to a liquid assets test waiting period if any part of that period occurs during the period covered by subsection 557(2).

11 Variation of section 575D

Section 575D of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (2):

Exception—coronavirus

- (2A) Subsection (1) does not apply to a person during the period covered by subsection 557(2) (even if subsection (1) applied to the person before that period started).

12 Variation of section 575E

Section 575E of the *Social Security Act 1991* is varied by:

- (a) inserting the word “(1)” before the word “If”; and
 - (b) adding the following subsections at the end of the section (after the note):
- (2) Subsection (3) applies if a person would have, apart from the operation of subsection 575D(2A), been subject to a newly arrived resident’s waiting period during the period (the **relevant period**) covered by subsection 557(2).
- (3) The person is taken, for the purposes of this section, to have been subject to the newly arrived resident’s waiting period (and time continues to run in relation to that period) during the relevant period.

13 Variation of section 575EA

Section 575EA of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section (after the notes):

Exemption for coronavirus

- (4) Subsection (2) does not apply to a person and is taken to have never applied to a person if, on 25 March 2020, an austudy payment was not payable to the person because of the operation of that subsection.
- (5) If:
- (a) a person makes a claim for austudy payment during the period covered by subsection 557(2); and
 - (b) apart from this subsection, the person would be subject to a seasonal work preclusion period (whether in relation to the claim referred to in paragraph (a) or any other claim under this Act);
- then, despite subsection (2) of this section, the person is not subject to the whole of the preclusion period.

14 Variation of section 598

Section 598 of the *Social Security Act 1991* is varied by omitting subsection (8C) and substituting the following subsection:

- (8C) Despite subsection (1), a person is not subject to a liquid assets test waiting period if any part of that period occurs during the period covered by subsection 646(2).

15 Variation of section 620

Section 620 of the *Social Security Act 1991* is varied by:

- (a) omitting the words “(4) and (5)” from subsection (1) and substituting the words “(4), (5) and (6); and
 - (b) omitting subsection (5) and substituting the following subsections:
- (5) If a person was subject to an ordinary waiting period under subsection (1) on 24 March 2020, then the ordinary waiting period for the person is taken, for the purposes of clause 5 of Schedule 2 to the Administration Act, to have ended on that day.
- (6) If a person makes a claim for jobseeker payment during the period covered by subsection 646(2) then, despite subsection (1), the person is not subject to the whole of the ordinary waiting period.

16 Variation of section 623A

Section 623A of the *Social Security Act 1991* is varied by adding at the end of subsection (10) the words “(even if subsection (1) applied to the person before that period started)”.

17 Variation of section 623B

Section 623B of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

- (4) Subsection (5) applies if a person would have, apart from the operation of subsection 623A(10), been subject to a newly arrived resident’s waiting period during the period (the *relevant period*) covered by subsection 646(2).

- (5) The person is taken, for the purposes of this section, to have been subject to the newly arrived resident's waiting period (and time continues to run in relation to that period) during the relevant period.

18 Variation of section 633

Section 633 of the *Social Security Act 1991* is varied by omitting subsection (7) and substituting the following subsections:

- (7) Subsection (2) does not apply to a person and is taken to have never applied to a person if, on 25 March 2020, jobseeker payment was not payable to the person because of the operation of that subsection.
- (8) If:
- (a) a person makes a claim for jobseeker payment during the period covered by subsection 646(2); and
 - (b) apart from this subsection, the person would be subject to a seasonal work preclusion period (whether in relation to the claim referred to in paragraph (a) or any other claim under this Act);
- then, despite subsection (2) of this section, the person is not subject to the whole of the preclusion period.

19 Variation of section 739A

Section 739A of the *Social Security Act 1991* is varied by:

- (a) adding at the end of subsection (10) the words “(even if subsection (1) or (2) of this section applied to the person before that period started)”; and
 - (b) adding the following subsections at the end of the section:
- (11) Subsection (12) applies if a person would have, apart from the operation of subsection (10), been subject to a newly arrived resident's waiting period during the period (the *relevant period*) covered by subsection 646(2).
- (12) The person is taken, for the purposes of this section, to have been subject to the newly arrived resident's waiting period (and time continues to run in relation to that period) during the relevant period.

20 Variation of section 745M

Section 745M of the *Social Security Act 1991* is varied by omitting subsection (4) and substituting the following subsections:

- (4) Subsection (2) does not apply to a person and is taken to have never applied to a person if, on 25 March 2020, special benefit was not payable to the person because of the operation of that subsection.
- (5) If:
- (a) a person makes a claim for special benefit payment during the period covered by subsection 646(2); and
 - (b) apart from this subsection, the person would be subject to a seasonal work preclusion period (whether in relation to the claim referred to in paragraph (a) or any other claim under this Act);
- then, despite subsection (2) of this section, the person is not subject to the whole of the preclusion period.

Schedule 2—Amendments

Social Security (Coronavirus Economic Response—2020 Measures No. 1) Determination 2020

1 Items 4 to 6 of Schedule 1

Repeal the items.

2 Items 9 to 11 of Schedule 1

Repeal the items.