



## **Social Security (Coronavirus Economic Response—2020 Measures No. 16) Determination 2020**

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

Dated 18 December 2020

Anne Ruston  
Minister for Families and Social Services

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## Part 1—Preliminary

### 1 Name

This instrument is the *Social Security (Coronavirus Economic Response—2020 Measures No. 16) 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. Part 1 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	23 December 2020
2. Part 2	1 January 2021.	1 January 2021
3. Schedule 1	1 January 2021.	1 January 2021
4. Schedule 2	The day after this instrument is registered.	23 December 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Note: This table relates only to the provisions of this instrument as originally made.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 the following:

- (a) section 504 of the *Social Security Act 1991*;
- (b) section 557 of the *Social Security Act 1991*;
- (c) section 646 of the *Social Security Act 1991*;
- (d) section 1210B of the *Social Security Act 1991*;
- (e) section 1262 of the *Social Security Act 1991*.

### 4 Schedule 1—modifications

- (1) 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 section 1262 of the *Social Security Act 1991*.

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- (2) For the purposes of subsection 1262(4) of the *Social Security Act 1991*, this instrument, to the extent it is made under section 1262 of that Act, applies to all persons.
- (3) For the purposes of subsection 1263(1) of the *Social Security Act 1991*, this instrument, to the extent it is made under section 1262 of that Act, is in force for the period:
  - (a) beginning on 1 January 2021; and
  - (b) ending at the end of:
    - (i) 31 March 2021, unless subparagraph (ii) applies; or
    - (ii) in relation to the modifications covered by Part 2 of Schedule 1 to this instrument—16 April 2021.

### 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.

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## **Part 2—COVID-19 supplement**

### **6 COVID-19 supplement—parenting payment**

- (1) For the purposes of subsection 504(3) of the *Social Security Act 1991*, the initial period, as previously extended, is extended by the period:
  - (a) beginning on 1 January 2021; and
  - (b) ending at the end of 31 March 2021.
- (2) For the purposes of subsection 504(7) of the *Social Security Act 1991*, the amount of a person's COVID-19 supplement per fortnight for the extension period is \$150 for an instalment period in relation to the person that begins on or after 1 January 2021 and before the end of 31 March 2021.

### **7 COVID-19 supplement—youth allowance**

- (1) For the purposes of subsection 557(3) of the *Social Security Act 1991*, the initial period, as previously extended, is extended by the period:
  - (a) beginning on 1 January 2021; and
  - (b) ending at the end of 31 March 2021.
- (2) For the purposes of subsection 557(7) of the *Social Security Act 1991*, the amount of a person's COVID-19 supplement per fortnight for the extension period is \$150 for an instalment period in relation to the person that begins on or after 1 January 2021 and before the end of 31 March 2021.

### **8 COVID-19 supplement—jobseeker payment**

- (1) For the purposes of subsection 646(3) of the *Social Security Act 1991*, the initial period, as previously extended, is extended by the period:
  - (a) beginning on 1 January 2021; and
  - (b) ending at the end of 31 March 2021.
- (2) For the purposes of subsection 646(7) of the *Social Security Act 1991*, the amount of a person's COVID-19 supplement per fortnight for the extension period is \$150 for an instalment period in relation to the person that begins on or after 1 January 2021 and before the end of 31 March 2021.

### **9 COVID-19 supplement—austudy payment, widow allowance, partner allowance and special benefit**

- (1) For the purposes of paragraph 1210B(1)(b) of the *Social Security Act 1991*, austudy payment, widow allowance, partner allowance and special benefit are determined.
- (2) For the purposes of paragraph 1210B(1)(c) of the *Social Security Act 1991*, the period is the period:
  - (a) beginning on 1 January 2021; and

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- (b) ending at the end of 31 March 2021.
- (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 \$150 for an instalment period in relation to the person that begins on or after 1 January 2021 and before the end of 31 March 2021.



## **Schedule 1—Modifications of the Social Security Act 1991**

### **Part 1—Modifications ending at the end of 31 March 2021**

#### **1 Disapplication of paragraph 500(1)(d) and subsections 500(3) and (4)**

Paragraph 500(1)(d) and subsections 500(3) and (4) of the *Social Security Act 1991* do not apply.

#### **2 Variation of section 500WA**

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

- (4) If a person makes a claim for parenting payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021, then, despite subsection (1), the person is not subject to the whole of the ordinary waiting period.

#### **3 Variation of section 500X**

Section 500X of the *Social Security Act 1991* is varied by omitting subsection (6) and substituting the following subsection:

- (6) Subsection (1) does not apply to a person during the period beginning on 1 January 2021 and ending at the end of 31 March 2021 (even if subsection (1) applied to the person before that period started).

#### **4 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*) beginning on 1 January 2021 and ending at the end of 31 March 2021.
- (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.

#### **5 Variation of section 500Z**

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

- (4) If:
- (a) a person makes a claim for parenting payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021; 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), the person is not subject to the whole of the preclusion period.

## 6 Variation of section 549CA

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

- (6) If a person makes a claim for youth allowance during the period beginning on 1 January 2021 and ending at the end of 31 March 2021, then, despite subsection (2), 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 beginning on 1 January 2021 and ending at the end of 31 March 2021 (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**) beginning on 1 January 2021 and ending at the end of 31 March 2021.
  - (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 subsection:

*Exemption for coronavirus*

- (7) If:
  - (a) a person makes a claim for youth allowance during the period beginning on 1 January 2021 and ending at the end of 31 March 2021; 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), the person is not subject to the whole of the preclusion period.

## 10 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 beginning on 1 January 2021 and ending at the end of 31 March 2021 (even if subsection (1) applied to the person before that period started).

## **11 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**) beginning on 1 January 2021 and ending at the end of 31 March 2021.
- (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.

## **12 Variation of section 575EA**

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

*Exemption for coronavirus*

- (4) If:
- (a) a person makes a claim for austudy payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021; 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), the person is not subject to the whole of the preclusion period.

## **13 Variation of section 620**

Section 620 of the *Social Security Act 1991* is varied by omitting subsection (5) and substituting the following subsection:

- (5) If a person makes a claim for jobseeker payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021, then, despite subsection (1), the person is not subject to the whole of the ordinary waiting period.

## **14 Variation of section 623A**

Section 623A of the *Social Security Act 1991* is varied by omitting subsection (10) and substituting the following subsection:

- (10) Subsection (1) does not apply to a person during the period beginning on 1 January 2021 and ending at the end of 31 March 2021 (even if subsection (1) applied to the person before that period started).

## 15 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**) beginning on 1 January 2021 and ending at the end of 31 March 2021.
- (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.

## 16 Variation of section 633

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

- (7) If:
  - (a) a person makes a claim for jobseeker payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021; 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), the person is not subject to the whole of the preclusion period.

## 17 Variation of subsection 654(3)

Subsection 654(3) of the *Social Security Act 1991* is varied by omitting “day” in step 2 of the method statement and substituting “day, and then add the amount of the COVID-19 supplement worked out in accordance with section 646”.

## 18 Variation of Part 2.12

Part 2.12 of the *Social Security Act 1991* is varied by adding the following Division at the end of the Part:

### Division 10—Member of couple definition for coronavirus period

#### 660N Member of couple definition for coronavirus period

- (1) If a person makes a claim for a jobseeker payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021, then, in applying this Part in connection with that claim and for a day in that period, subsection 1068(2) does not apply and the person is a **member of a couple** if:
  - (a) the person is legally married to another person and is not living separately and apart from the other person on a permanent or indefinite basis; or
  - (b) both of the following conditions are met:
    - (i) a relationship between the person and another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 2E of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section;

- (ii) the person is not living separately and apart from the other person on a permanent or indefinite basis; or
- (c) all of the following conditions are met:
  - (i) the person has a relationship with another person, whether of the same sex or a different sex (in this paragraph called the *partner*);
  - (ii) the person is not legally married to the partner;
  - (iii) the relationship between the person and the partner is a de facto relationship.

(2) Subsection (1) applies despite subsections 4(2), (3) and (3A) but is subject to subsections 4(6) and (6A) and section 24.

## 19 Variation of section 739A

Section 739A of the *Social Security Act 1991* is varied by omitting subsection (10) and substituting the following subsections:

- (10) Neither subsection (1) nor (2) applies to a person during the period beginning on 1 January 2021 and ending at the end of 31 March 2021 (even if subsection (1) or (2) applied to the person before that period started).
- (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*) beginning on 1 January 2021 and ending at the end of 31 March 2021.
- (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 subsection:

- (4) If:
  - (a) a person makes a claim for special benefit during the period beginning on 1 January 2021 and ending at the end of 31 March 2021; 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), the person is not subject to the whole of the preclusion period.

## 21 Variation of section 1046

(1) Section 1046 of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (3):

- (3A) If:
  - (a) in relation to a person, the 12-week period mentioned in subsection (3) ends:
    - (i) on or after 12 June 2020; and
    - (ii) on or before 31 March 2021; and

- (b) the Secretary is satisfied that this section applies to the person because of the impact of the coronavirus known as COVID-19; and
  - (c) subsection (5) has not applied in relation to the person;the Secretary may determine that, despite subsection (3), the person continues to be qualified for the mobility allowance until the end of the earlier of the following days:
  - (d) the last day of the 6-week period beginning on the day after the end of the 12-week period mentioned in subsection (3);
  - (e) 31 March 2021.
- (2) Section 1046 of the *Social Security Act 1991* is varied by inserting the following subsection after subsection (4):
  - (4A) If:
    - (a) in relation to a person, the 2-week period mentioned in subsection (4) ends:
      - (i) on or after 12 June 2020; and
      - (ii) on or before 31 March 2021; and
    - (b) the Secretary is satisfied that subsection (4) applies to the person because of the impact of the coronavirus known as COVID-19;the Secretary may determine that, despite subsection (4), the person continues to be qualified for the mobility allowance until the end of the earlier of the following days:
    - (c) the last day of the 16-week period beginning on the day after the end of the 2-week period mentioned in subsection (4);
    - (d) 31 March 2021.
- (3) Paragraph 1046(5)(a) of the *Social Security Act 1991* is varied by inserting the words “or (3A)” after the words “subsection (3)”.

## 22 Variation of point 1067G-H1

Point 1067G-H1 of the *Social Security Act 1991* is varied by omitting “and 1067G-H33” in step 6 of the method statement and substituting “, 1067G-H33 and 1067G-H34”.

## 23 Variation of point 1067G-H29

Point 1067G-H29 of the *Social Security Act 1991* is varied by omitting “A” and substituting “Subject to point 1067G-H29A, a”.

## 24 Variation of Module H of the Youth Allowance Rate Calculator in section 1067G

Module H of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991* is varied by inserting the following point after point 1067G-H29:

1067G-H29A For the period beginning on 1 January 2021 and ending at the end of 31 March 2021, the amount applicable under paragraph 1067G-H29(b) is taken to be \$300.

## 25 Variation of point 1067G-H31

Point 1067G-H31 of the *Social Security Act 1991* is varied by omitting “If” and substituting “Subject to point 1067G-H34, if”.

## **26 Variation of Module H of the Youth Allowance Rate Calculator in section 1067G**

Module H of the Youth Allowance Rate Calculator in section 1067G of the *Social Security Act 1991* is varied by adding the following point at the end of the Module:

*Ordinary income reduction if paragraph 1067G-H29(b) applies*

1067G-H34 If paragraph 1067G-H29(b) applies to a person in a case where point 1067G-H29A also applies, then, in relation to the period beginning on 1 January 2021 and ending at the end of 31 March 2021, the person's ordinary income reduction is an amount equal to 60% of the person's ordinary income excess.

## **27 Variation of section 1068**

Section 1068 of the *Social Security Act 1991* is varied by inserting the following subsections after subsection (2):

*Jobseeker payment—member of couple definition for coronavirus period*

- (2A) If a person makes a claim for a jobseeker payment during the period beginning on 1 January 2021 and ending at the end of 31 March 2021, then, in working out the person's rate of jobseeker payment under this Part in connection with that claim and for a day in that period, subsection (2) of this section does not apply and the person is a **member of a couple** if:
- (a) the person is legally married to another person and is not living separately and apart from the other person on a permanent or indefinite basis; or
  - (b) both of the following conditions are met:
    - (i) a relationship between the person and another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 2E of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section;
    - (ii) the person is not living separately and apart from the other person on a permanent or indefinite basis; or
  - (c) all of the following conditions are met:
    - (i) the person has a relationship with another person, whether of the same sex or a different sex (in this paragraph called the **partner**);
    - (ii) the person is not legally married to the partner;
    - (iii) the relationship between the person and the partner is a de facto relationship.
- (2B) Subsection (2A) applies despite subsections 4(2), (3) and (3A) but is subject to subsections 4(6) and (6A) and section 24.

## **28 Variation of point 1068-G1**

- (1) Point 1068-G1 of the *Social Security Act 1991* is varied by adding at the end of step 6 of the method statement the words "or 1068-G11A".
- (2) Point 1068-G1 of the *Social Security Act 1991* is varied by adding at the end of step 7 of the method statement the words "or 1068-G12A".

- (3) Point 1068-G1 of the *Social Security Act 1991* is varied by omitting “and 1068-G17” in step 10 of the method statement and substituting “, 1068-G17 and 1068-G18”.

### **29 Variation of point 1068-G11**

Point 1068-G11 of the *Social Security Act 1991* is varied by omitting “If” and substituting “Subject to point 1068-G11A, if”.

### **30 Variation of Module G of Benefit Rate Calculator B in section 1068**

Module G of Benefit Rate Calculator B in section 1068 of the *Social Security Act 1991* is varied by inserting the following point after point 1068-G11:

1068-G11A In relation to jobseeker payment and the period beginning on 1 January 2021 and ending at the end of 31 March 2021, if a person has a partner income excess, the person’s partner income reduction is an amount equal to 27% of the person’s partner income excess.

### **31 Variation of point 1068-G12**

Point 1068-G12 of the *Social Security Act 1991* is varied by omitting “A” and substituting “Subject to point 1068-G12A, a”.

### **32 Variation of Module G of Benefit Rate Calculator B in section 1068**

Module G of Benefit Rate Calculator B in section 1068 of the *Social Security Act 1991* is varied by inserting the following point after point 1068-G12:

1068-G12A In relation to jobseeker payment and the period beginning on 1 January 2021 and ending at the end of 31 March 2021, a person’s ordinary income free area is:

- (a) \$300, unless paragraph (b) applies; or
- (b) if the person is not a member of a couple and is the principal carer of a child—\$106.

### **33 Variation of point 1068-G14**

Point 1068-G14 of the *Social Security Act 1991* is varied by omitting “point 1068-G17” and substituting “points 1068-G17 and 1068-G18”.

### **34 Variation of Module G of Benefit Rate Calculator B in section 1068**

Module G of Benefit Rate Calculator B in section 1068 of the *Social Security Act 1991* is varied by adding the following point at the end of the Module:

1068-G18 If paragraph 1068-G12A(a) applies to a person, then, in relation to the period beginning on 1 January 2021 and ending at the end of 31 March 2021, the person’s ordinary income reduction is an amount equal to 60% of the person’s ordinary income excess.

### **35 Variation of section 1216**

- (1) Section 1216 of the *Social Security Act 1991* is varied by inserting the word “(1)” before the word “During”.
- (2) Section 1216 of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:
- (2) If:



- (a) the 26 weeks mentioned in paragraph (1)(a) ends on or after 11 March 2020; 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 that 26-week period because of the impact of the coronavirus known as COVID-19;

the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(a) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 31 March 2021.

- (3) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (2) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

### **36 Variation of section 1220A**

Section 1220A of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

- (6) If:
  - (a) the 26 weeks mentioned in paragraph (1)(a) ends on or after 11 March 2020; 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 that 26-week period because of the impact of the coronavirus known as COVID-19;

the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(a) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 31 March 2021.

- (7) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (6) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

### **37 Variation of section 1220B**

Section 1220B of the *Social Security Act 1991* is varied by adding the following subsections at the end of the section:

- (3) If:
  - (a) the 26 weeks mentioned in paragraph (1)(a) ends on or after 11 March 2020; 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 that 26-week period because of the impact of the coronavirus known as COVID-19;

the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(a) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 31 March 2021.

- (4) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (3) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

### **38 Variation of Division 3 of Part 4.2**

Division 3 of Part 4.2 of the *Social Security Act 1991* is varied by adding the following section at the end of the Division:

#### **1221A Other portability rules**

- (1) If:

- (a) the 26 weeks mentioned in paragraph 6(3)(d) or (4)(d) or 14(3)(d) or (4)(d) of Schedule 4 to the *Social Services and Other Legislation Amendment Act 2014* ends on or after 11 March 2020; and
- (b) the Secretary is satisfied that the person's return to Australia is temporary; and
- (c) the Secretary is satisfied that the person is unable to leave Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;

the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph 6(3)(d) or (4)(d) or 14(3)(d) or (4)(d) of Schedule 4 to the *Social Services and Other Legislation Amendment Act 2014* is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 31 March 2021.

- (2) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subsection (1) of this section may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

### **39 Variation of clause 128 of Schedule 1A**

Clause 128 of Schedule 1A to the *Social Security Act 1991* is varied by adding the following subclauses at the end of the clause:

- (4) If:

- (a) the 26 weeks mentioned in paragraph (1)(b) ends on or after 11 March 2020; and
- (b) the Secretary is satisfied that the person's return to Australia is temporary; and

(c) the Secretary is satisfied that the person is unable to leave Australia before the end of that 26-week period because of the impact of the coronavirus known as COVID-19;

the Secretary may, in relation to the person, determine that a reference to 26 weeks in paragraph (1)(b) is taken to be a reference to another number of weeks. However, the Secretary must ensure that the determination does not result in a period referred to in that paragraph that ends after 31 March 2021.

- (5) Despite Subdivision B of Division 9 of Part 3 of the Administration Act, a favourable determination (within the meaning of section 108 of that Act) that is made as a result of a determination referred to in subclause (4) of this clause may be expressed to take effect on a day earlier than otherwise permitted by that Subdivision.

## Part 2—Modifications ending at the end of 16 April 2021

### 40 Variation of section 23

- (1) Subsection 23(4A) of the *Social Security Act 1991* is varied by:
  - (a) inserting the words “, or a social security pension or social security benefit is payable to a person” after the word “benefit” in paragraph (a); and
  - (b) inserting the words “, or the pension or benefit is taken to be payable to the person,” before the word “until”.
- (2) Subsection 23(4A) of the *Social Security Act 1991* is varied by omitting paragraph (h) and substituting the following paragraph:
  - (h) either:
    - (i) 12 weeks after the end of the instalment period in which the cessation day occurs, unless subparagraph (ii) applies; or
    - (ii) if that 12-week period ends on or after 22 June 2020 but before 16 April 2021—16 April 2021; or
- (3) Subsection 23(4AA) of the *Social Security Act 1991* is varied by inserting the following paragraph after paragraph (d):
  - (da) subsection 1061ZA(1);

## **Schedule 2—Amendments**

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

#### **1 Paragraph 7(2)(a)**

Omit “19 December 2020”, substitute “25 September 2020”.

#### **2 Subsection 7(3)**

Omit “19 December 2020”, substitute “25 September 2020”.

### ***Social Security (Coronavirus Economic Response—2020 Measures No. 6) Determination 2020***

#### **3 Paragraph 4(2)(a)**

Omit “19 December 2020”, substitute “25 September 2020”.

#### **4 Subsection 4(3)**

Omit “19 December 2020”, substitute “25 September 2020”.