



Social Security (Pension Bonus Scheme— Non-accruing Members) Amendment Declaration 2020

I, Andrea Wallace-Green, Acting Branch Manager, Older Australians Branch, Department of Social Services, as delegate of the Secretary of the Department of Social Services, make the following declaration.

Dated 21 December 2020

Andrea Wallace-Green
Acting Branch Manager, Older Australians Branch
Department of Social Services

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Social Security (Pension Bonus Scheme — Non-accruing Members) Declaration 2018</i>	<i>2</i>

1 Name

This instrument is the *Social Security (Pension Bonus Scheme—Non-accruing Members) Amendment Declaration 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	The day after this instrument is registered.	25 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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 92Q(1) of the *Social Security Act 1991*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Social Security (Pension Bonus Scheme — Non-accruing Members) Declaration 2018

1 Section 4

Repeal the section, substitute:

4 Definitions

Note: A number of expressions used in this Declaration are defined in the Act, including the following:

- (a) in gaol;
- (b) major disaster;
- (c) partner;
- (d) psychiatric confinement.

In this Declaration:

Act means the *Social Security Act 1991*.

gainful work has the same meaning as in Part 2.2A of the Act (see section 92B of the Act).

passing the work test has the same meaning as in Part 2.2A of the Act (see section 92B of the Act).

2 Section 6

Omit “A member of the pension bonus scheme who is a member of any of the following kinds is a non-accruing member:”, substitute “For the purposes of subsection 92Q(1) of the Act, each of the following kinds of member of the pension bonus scheme is declared to be a *non-accruing* member throughout the period ascertained in accordance with section 7 of this Declaration.”.

3 Paragraph 6(b)

Omit “, within the meaning of subsection 23(5) of the Act”.

4 Paragraph 6(c)

Omit “, within the meaning of subsections 23(8) and (9) of the Act,”.

5 Paragraphs 6(e) and (f)

Omit “would not”, substitute “is unable to”.

6 Paragraph 6(i)

Repeal the paragraph, substitute:

- (i) a member whose partner is a member of either the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans’ Entitlements Act, and:
 - (i) if the partner is a member of the pension bonus scheme—the partner is unable to pass the work test for a bonus period because the amount

of gainful work available to the partner in the bonus period is reduced by a major disaster; or

- (ii) if the partner is a member of the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act—the partner is unable to pass the work test (within the meaning of that Part) for a bonus period (within the meaning of that Part) because the amount of gainful work available to the partner in the bonus period is reduced by a major disaster.

7 After subsection 7(2)

Insert:

- (2A) If the member is of a kind mentioned in paragraph 6(h) or (i), the period during which the amount of gainful work is reduced by a major disaster may include a period during which preparations are made to manage an impending disaster.

Example: The period during which an evacuation of an area occurs shortly before a cyclone is predicted to reach the area.

Note: Paragraphs 6(h) and (i) deal with when a member or their partner is unable to pass the work test because of a reduction in the amount of gainful work that is available due to a major disaster.

8 Paragraph 8(1)(b)

Repeal the paragraph, substitute:

- (b) whose partner was a member of either the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act, and:
 - (i) if the partner was a member of the pension bonus scheme—the partner was unable to pass the work test for a bonus period because the amount of gainful work available to the partner in the bonus period had been reduced by the effects of Cyclone Larry; or
 - (ii) if the partner was a member of the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act—the partner was unable to pass the work test (within the meaning of that Part) for a bonus period (within the meaning of that Part) because the amount of gainful work available to the partner had been reduced by the effects of Cyclone Larry.

9 Subsection 8(2)

Omit “The member is a non-accruing member throughout the period during which the member was a member of the kind mentioned in subsection (1)”, substitute, “For the purposes of subsection 92Q(1) of the Act, the member is declared to be a ***non-accruing*** member throughout the period during which the member was a member of the kind mentioned in subsection (1) of this section”.

10 At the end of the instrument

Add:

9 Special provisions in relation to the impact of coronavirus known as COVID-19

- (1) For the purposes of subsection 92Q(1) of the Act, a member of the pension bonus scheme covered by subsection (2) is declared to be a ***non-accruing*** member throughout the period ascertained in accordance with subsection (3).
- (2) A member of the pension bonus scheme is covered by this subsection if:
 - (a) the member is unable to pass the work test for a bonus period due to the impact of the coronavirus known as COVID-19; or
 - (b) the member's partner is a member of the pension bonus scheme or the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act; and
 - (i) if the partner is a member of the pension bonus scheme—the partner is unable to pass the work test for a bonus period due to the impact of the coronavirus known as COVID-19; or
 - (ii) if the partner is a member of the corresponding scheme under Part IIIAB of the Veterans' Entitlements Act—the partner is unable to pass the work test (within the meaning of that Part) for a bonus period (within the meaning of that Part) due to the impact of the coronavirus known as COVID-19.
- (3) For the purposes of subsection (1), the period is so much of the period beginning on 30 March 2020 and ending on 31 March 2021 during which the member is covered by subsection (2).