



Australian Government

Department of Social Services

Ms Apolline Kohen
Acting Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Kohen

SUBMISSION TO SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE

Thank you for the opportunity to make a submission to the Senate Community Affairs Legislation Committee about the Social Services and Other Legislation Amendment (Extension of Coronavirus Support) Bill 2020, referred for inquiry on 12 November 2020.

Overview of Bill

The Government is extending support for people impacted by the Coronavirus pandemic as the economy recovers, building on an overall response package of \$507 billion since the crisis began. The measures enabled by the the Bill will support people as they re-engage with the workforce as labour market conditions improve and confidence increases.

The Bill provides a new, targeted legislative instrument-making power, replacing the existing broad power which ceases on 31 December 2020¹, to allow the Minister for Families and Social Services to extend temporary eligibility and access measures.

The new power will provide the Government with flexibility to respond quickly to changes in economic conditions and health measures that may be needed should further outbreaks occur in the first quarter of 2021 and when Parliament may not be sitting.

The instrument-making power will complement existing Ministerial powers to extend the Coronavirus Supplement by legislative instrument for a period of up to three months at a time. This will allow Government to address any uncertainty and/or implementation issues that may arise.

¹ Item 40A of Schedule 11 of the *Coronavirus Economic Response Package Omnibus Act 2020* is repealed on 31 December 2020 (Item 40A(6)) and instruments made under the Item have no operation after 31 December 2020 (Item 40A(5)).

In addition to providing the power to enact temporary measures, the Bill will permanently repeal provisions in the *Social Security Act 1991* that temporarily disapplied the liquid assets test waiting period and assets test for various social security payments. These exemptions were put in place as part of the initial package of Coronavirus Economic Response measures in March 2020, when the extent of the impact of the pandemic was unknown. The liquid assets test waiting period and the assets test were reintroduced on 25 September 2020 and ensure income support is appropriately targeted as the economy recovers. They reflect the long-standing principle in the social security system that people should rely on their own resources before calling on the community for assistance.

This Bill will also introduce a permanent discretionary power to extend the principal home temporary absence provisions where income support recipients and Veterans' Entitlements recipients are overseas and unable to return to Australia within the allowable absence period, due to circumstances beyond their control. This will prevent the inclusion of the principal home in the assets test and a person's pension reducing or cancelling while the person is unable to return to Australia due to circumstances beyond their control, including travel restrictions because of the Coronavirus pandemic.

Currently, temporary arrangements in place until 28 March 2021 (under the Social Security (Coronavirus Economic Response – 2020 Measures No. 5) Determination 2020, as amended) allow the Australian Taxation Office (ATO) to provide JobKeeper information to Services Australia for planning, policy development and compliance purposes.

While the ATO will not provide any new JobKeeper information to Services Australia after 28 March 2021, the Bill clarifies that Services Australia and the Department of Social Services will continue to use this information beyond 28 March 2021.

The data will continue to be used for the following purposes:

- to produce information in an aggregated form that does not disclose, either directly or indirectly, information about a particular person
- in connection with a disclosure to the ATO for the purposes of the administration of the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* or rules made under that Act
- compliance purposes include determining compliance by employers receiving JobKeeper Payment on behalf of their employees
- research into matters of relevance to a Department administering any part of the social security law
- policy development
- to evaluate and plan for the delivery of services under the social security law, family assistance law, ABSTUDY Scheme and *Paid Parental Leave Act 2010*.

Framework

The legislative framework outlined in the Bill will allow the Government to extend temporary measures in the income support system to provide additional support to Australians impacted by the Coronavirus pandemic. The instrument-making powers to be inserted into social security law by this Bill complement the instrument-making powers to extend the Coronavirus Supplement and expand the qualification for some payments that were inserted into social security law by Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020*. Together, these powers (the instrument powers) enable the Government to implement announced support in the period up to 31 March 2021 and to address any uncertainty and/or implementation issues that arise in the first quarter of 2021 and when Parliament may not be sitting.

The new instrument powers will be used to enact the following policy settings until 31 March 2021, with the exception of the nil rate of payment measure, which will be extended until 16 April 2021, around three weeks after the JobKeeper Payment is currently scheduled to end:

- Extending the Coronavirus Supplement for an additional three months, to be paid to those in receipt of qualifying payments at a rate of \$150 per fortnight.
- Extending changes to the personal income test for recipients of JobSeeker Payment (excluding Single Principal Carer recipients) and Youth Allowance (other) to provide a \$300 income-free area and a 60c taper rate.
- Extending changes to the partner income test for JobSeeker Payment recipients to taper at 27c in the dollar.
- Extending expanded eligibility criteria for JobSeeker Payment and Youth Allowance (other) is required to allow sole-traders, the self employed and permanent employees who have been stood down by their employers, people self-isolating because they or someone they are caring for has been affected by the Coronavirus pandemic, to continue to be eligible for payment.
- Extending the waiver of the Ordinary Waiting Period (OWP), Seasonal Work Preclusion Period (SWPP) and Newly Arrived Resident's Waiting Period (NARWP).
- Extending the period in which income support recipients can maintain eligibility for payment and retain their concession card while receiving a nil rate of payment due to employment income (note the Bill allows that a determination on this specific measure may be valid until 16 April 2021).
 - This allows people to remain in the income support system while transitioning back to employment, recognising that employment may be sporadic in the short-term if there are health measures put in place to deal with localised outbreaks of the Coronavirus.
- Extending other policy changes currently enacted under 40A of Schedule 11 to the *Coronavirus Economic Response Package Omnibus Act 2020*, including pension portability arrangements, 18-week Mobility Allowance grace periods, and self-declaration arrangements for member of a couple assessments.
- The power to extend the Coronavirus Supplement and associated eligibility and access measures will automatically be repealed on 31 March 2021.

A draft instrument substantially in the form to be made by the Minister under the instrument-making powers is attached to this submission for the Committee's assistance.

The Department of Social Services welcomes the opportunity to provide additional assistance or information that is required by the Committee to support its deliberations.

Yours sincerely

Matt Flavel
A/g Deputy Secretary

19 November 2020

Encl:



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

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

Dated 2020

Anne Ruston [**DRAFT ONLY—NOT FOR SIGNATURE**]
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. The whole of this instrument	1 January 2021.	1 January 2021

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 Modifications and period of operation of 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 a Schedule to this instrument is determined for the purposes of section 1262 of the *Social Security Act 1991*.
- (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.

Part 1 Preliminary

Section 4

- (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.

Part 2—COVID-19 supplement

5 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.

6 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.

7 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.

8 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
 - (b) ending at the end of 31 March 2021.

Part 2 COVID-19 supplement

Section 8

- (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);

Schedule 1 Modifications of the Social Security Act 1991**Part 1** Modifications ending at the end of 31 March 2021

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 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:

Schedule 1 Modifications of the Social Security Act 1991**Part 1** Modifications ending at the end of 31 March 2021

- (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):

Schedule 1 Modifications of the Social Security Act 1991**Part 1** Modifications ending at the end of 31 March 2021

(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.

Schedule 1 Modifications of the Social Security Act 1991**Part 1** Modifications ending at the end of 31 March 2021**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 words “(1)” before the words “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.

Schedule 1 Modifications of the Social Security Act 1991**Part 1** Modifications ending at the end of 31 March 2021**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.

Schedule 1 Modifications of the Social Security Act 1991**Part 2** Modifications ending at the end of 16 April 2021

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);