





# **Social Services and Other Legislation Amendment (Coronavirus and Other Measures) Act 2020**

**No. 97, 2020**

**An Act to amend the law relating to social security,  
family assistance, paid parental leave, child support  
and veterans' entitlements, and for related  
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**An Act to amend the law relating to social security,  
family assistance, paid parental leave, child support  
and veterans' entitlements, and for related  
purposes**

*[Assented to 13 November 2020]*

The Parliament of Australia enacts:

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## 1 Short title

This Act is the *Social Services and Other Legislation Amendment (Coronavirus and Other Measures) Act 2020*.

## 2 Commencement

- (1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	13 November 2020
2. Schedule 1	The day after this Act receives the Royal Assent.	14 November 2020
3. Schedule 2	The later of: (a) 1 January 2021; and (b) the day after this Act receives the Royal Assent.	1 January 2021 (paragraph (a) applies)
4. Schedules 3 and 4	The day after this Act receives the Royal Assent.	14 November 2020
5. Schedule 5	The later of: (a) 1 January 2021; and (b) the day after this Act receives the Royal Assent.	1 January 2021 (paragraph (a) applies)
6. Schedule 6	The day after this Act receives the Royal Assent.	14 November 2020

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Additional economic support payments**

### **Part 1—Family assistance amendments**

#### ***A New Tax System (Family Assistance) Act 1999***

##### **1 Subsection 3(1)**

Insert:

*additional economic support payment 2020* means a payment to which an individual is entitled under Division 1 of Part 10.

*additional economic support payment 2021* means a payment to which an individual is entitled under Division 2 of Part 10.

##### **2 After Part 9**

Insert:

### **Part 10—Additional economic support payments**

#### **Division 1—Additional economic support payment 2020**

##### **117 When is an individual entitled to an additional economic support payment 2020?**

An individual is entitled to an additional economic support payment 2020 if:

- (a) subsection 123(2), (3) or (4) applies to the individual on 27 November 2020; and
- (b) the individual does not receive an income support payment (within the meaning of the *Social Security Act 1991*) in respect of 27 November 2020; and
- (c) the individual does not receive a payment under a prescribed educational scheme in respect of 27 November 2020; and
- (d) the individual is residing in Australia on 27 November 2020.



### **118 What is the amount of the payment?**

The amount of an individual's additional economic support payment 2020 under this Division is \$250.

### **119 More than one entitlement**

- (1) If, at the time the Secretary determines whether an individual is entitled to an additional economic support payment 2020 under this Division, 2 or more of subsections 123(2), (3) and (4) would otherwise apply to the individual on 27 November 2020, then:
- (a) the first of those subsections applies to the individual on 27 November 2020; and
  - (b) none of the others apply to the individual on 27 November 2020.

Note: For the purposes of sections 65JC (payment) and 72A (debts) of the Family Assistance Administration Act, it is necessary to know which subsection of section 123 of this Act applies.

- (2) If:
- (a) an additional economic support payment 2020 under Division 1 of Part 2.6C of the *Social Security Act 1991*; or
  - (b) an additional economic support payment 2020 under Division 1 of Part IIIJ of the *Veterans' Entitlements Act 1986*;
- is paid to an individual, no payment under this Division can be paid to the individual.

## **Division 2—Additional economic support payment 2021**

### **120 When is an individual entitled to an additional economic support payment 2021?**

An individual is entitled to an additional economic support payment 2021 if:

- (a) subsection 123(2), (3) or (4) applies to the individual on 26 February 2021; and
- (b) the individual does not receive an income support payment (within the meaning of the *Social Security Act 1991*) in respect of 26 February 2021; and

- (c) the individual does not receive a payment under a prescribed educational scheme in respect of 26 February 2021; and
- (d) the individual is residing in Australia on 26 February 2021.

### **121 What is the amount of the payment?**

The amount of an individual's additional economic support payment 2021 under this Division is \$250.

### **122 More than one entitlement**

- (1) If, at the time the Secretary determines whether an individual is entitled to an additional economic support payment 2021 under this Division, 2 or more of subsections 123(2), (3) and (4) would otherwise apply to the individual on 26 February 2021, then:
  - (a) the first of those subsections applies to the individual on 26 February 2021; and
  - (b) none of the others apply to the individual on 26 February 2021.

Note: For the purposes of sections 65JD (payment) and 72A (debts) of the Family Assistance Administration Act, it is necessary to know which subsection of section 123 of this Act applies.

- (2) If:
  - (a) an additional economic support payment 2021 under Division 2 of Part 2.6C of the *Social Security Act 1991*; or
  - (b) an additional economic support payment 2021 under Division 2 of Part IIIJ of the *Veterans' Entitlements Act 1986*;is paid to an individual, no payment under this Division can be paid to the individual.

## **Division 3—Eligibility**

### **123 Eligibility**

- (1) This section applies for the purposes of paragraphs 117(a) and 120(a).
- (2) This subsection applies to an individual on a day if:

- (a) in relation to that day, a determination under section 16 of the Family Assistance Administration Act is in force in respect of the individual as a claimant; and
  - (b) the rate of family tax benefit payable under the determination in relation to that day consists of or includes a Part A or Part B rate greater than nil.
- (3) This subsection applies to an individual on a day if:
  - (a) in relation to that day, a determination under section 17 of the Family Assistance Administration Act is in force in respect of the individual as a claimant; and
  - (b) the rate of family tax benefit payable under the determination in relation to that day consists of or includes a Part A or Part B rate greater than nil; and
  - (c) the determination is made as a result of a claim made in:
    - (i) the income year in which that day occurs; or
    - (ii) either of the next 2 income years.
- (4) This subsection applies to an individual on a day if:
  - (a) in relation to that day, a determination under section 18 of the Family Assistance Administration Act is in force in respect of the individual as a claimant; and
  - (b) the rate of family tax benefit payable under the determination in relation to that day consists of or includes a Part A or Part B rate greater than nil; and
  - (c) the determination is made as a result of a claim made in:
    - (i) the income year in which that day occurs; or
    - (ii) a later income year.

***A New Tax System (Family Assistance) (Administration) Act  
1999***

**3 After Division 4DA of Part 3**

Insert:

## **Division 4DB—Additional economic support payments**

### **65JC Payment of additional economic support payment 2020**

- (1) If an individual is entitled to an additional economic support payment 2020, the Secretary must, subject to subsection (2), pay the payment to the individual in a single lump sum:
  - (a) on the date, occurring on or after 27 November 2020, that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be paid; and
  - (b) in such manner as the Secretary considers appropriate.

Note: The individual does not have to make a claim for the payment.

- (2) The Secretary must not pay the payment on or after 1 July 2023 if the individual is entitled to the payment because subsection 123(2) or (4) of the Family Assistance Act applies to the individual on 27 November 2020.

### **65JD Payment of additional economic support payment 2021**

- (1) If an individual is entitled to an additional economic support payment 2021, the Secretary must, subject to subsection (2), pay the payment to the individual in a single lump sum:
  - (a) on the date, occurring on or after 26 February 2021, that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be paid; and
  - (b) in such manner as the Secretary considers appropriate.

Note: The individual does not have to make a claim for the payment.

- (2) The Secretary must not pay the payment on or after 1 July 2023 if the individual is entitled to the payment because subsection 123(2) or (4) of the Family Assistance Act applies to the individual on 26 February 2021.

## **4 At the end of subsection 66(1)**

Add:

- ; (m) additional economic support payment 2020;
- (n) additional economic support payment 2021.

## **5 Section 70**

Omit “or 2020 economic support payment”, substitute “, 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021”.

## **6 After section 72**

Insert:

### **72A Debts arising in respect of additional economic support payment**

- (1) This section applies in relation to an individual who has been paid an additional economic support payment 2020 or additional economic support payment 2021 because subsection 123(2), (3) or (4) of the Family Assistance Act applied to the individual on a day.
- (2) If:
  - (a) after the payment was paid to the individual, the determination mentioned in that subsection of the Family Assistance Act, at least so far as the determination relates to that day, is or was (however described) changed, revoked, set aside or superseded by another determination; and
  - (b) the decision to change, revoke, set aside or supersede the determination is or was made for the reason, or for reasons including the reason, that the individual knowingly made a false or misleading statement, or knowingly provided false information; and
  - (c) had the change, revocation, setting aside or superseding occurred on or before that day, the payment would not have been paid;

the amount of the payment is a debt due to the Commonwealth by the individual.

## **7 Paragraph 74(a)**

Omit “or 2020 economic support payment”, substitute “, 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021”.

**8 Subsection 93A(6) (at the end of the definition of *family assistance payment*)**

Add:

- ; or (i) a payment of additional economic support payment 2020; or
- (j) a payment of additional economic support payment 2021.

**9 Subsections 106(3) and 109D(4)**

Omit “or 2020 economic support payment”, substitute “, 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021”.

**10 Paragraph 109D(5)(a)**

Omit “or 2020 economic support payment”, substitute “, 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021”.

**11 Section 219TA (at the end of the definition of *relevant benefit*)**

Add:

- ; or (o) additional economic support payment 2020; or
- (p) additional economic support payment 2021.

## Part 2—Social security amendments

### *Social Security Act 1991*

#### **12 Paragraph 8(8)(jaa)**

Omit “or second 2020 economic support payment”, substitute “, second 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021”.

#### **13 After paragraph 8(8)(yn)**

Insert:

- (yo) an additional economic support payment 2020 under Division 1 of Part IIIJ of the Veterans’ Entitlements Act;
- (yp) an additional economic support payment 2021 under Division 2 of Part IIIJ of the Veterans’ Entitlements Act;

#### **14 After paragraph 23(4AA)(ac)**

Insert:

- (ad) paragraph 313(2)(a);

#### **15 After Part 2.6B**

Insert:

## **Part 2.6C—Additional economic support payments**

### **Division 1—Additional economic support payment 2020**

#### **309 Additional economic support payment 2020**

##### *Qualification for payment*

- (1) A person is qualified for an additional economic support payment 2020 if:
  - (a) subsection 313(2), (3) or (4) applies to the person on 27 November 2020; and
  - (b) the person is residing in Australia on 27 November 2020.

*More than one entitlement*

- (2) A person may receive one payment only under this Division, regardless of how many times the person qualifies under this section.
- (3) If:
  - (a) an additional economic support payment 2020 under Division 1 of Part 10 of the Family Assistance Act; or
  - (b) an additional economic support payment 2020 under Division 1 of Part IIIJ of the Veterans' Entitlements Act;is paid to a person, no payment under this Division can be paid to the person.

**310 Amount of additional economic support payment 2020**

The amount of a person's additional economic support payment 2020 under this Division is \$250.

**Division 2—Additional economic support payment 2021**

**311 Additional economic support payment 2021**

*Qualification for payment*

- (1) A person is qualified for an additional economic support payment 2021 if:
  - (a) subsection 313(2), (3) or (4) applies to the person on 26 February 2021; and
  - (b) the person is residing in Australia on 26 February 2021.

*More than one entitlement*

- (2) A person may receive one payment only under this Division, regardless of how many times the person qualifies under this section.
- (3) If:
  - (a) an additional economic support payment 2021 under Division 2 of Part 10 of the Family Assistance Act; or



(b) an additional economic support payment 2021 under Division 2 of Part IIIJ of the Veterans' Entitlements Act; is paid to a person, no payment under this Division can be paid to the person.

### **312 Amount of additional economic support payment 2021**

The amount of a person's additional economic support payment 2021 under this Division is \$250.

## **Division 3—Eligibility**

### **313 Eligibility**

- (1) This section applies for the purposes of paragraphs 309(1)(a) and 311(1)(a).

#### *Social security payments*

- (2) This subsection applies to a person on a day if:
- (a) the following apply:
    - (i) the person receives age pension, disability support pension or carer payment in respect of that day;
    - (ii) the person does not receive a payment under a prescribed educational scheme in respect of that day; or
  - (b) the following apply:
    - (i) the person receives carer allowance in respect of that day;
    - (ii) the person does not receive an income support payment in respect of that day;
    - (iii) the person does not receive a payment under a prescribed educational scheme in respect of that day; or
  - (c) the following apply:
    - (i) person receives double orphan pension in respect of that day;
    - (ii) the person does not receive an income support payment in respect of that day;
    - (iii) the person does not receive a payment under a prescribed educational scheme in respect of that day.
-

*Seniors health card*

- (3) This subsection applies to a person on a day if:
- (a) the following apply:
    - (i) the person is the holder of a seniors health card on that day;
    - (ii) the person does not receive a payment under a prescribed educational scheme in respect of that day; or
  - (b) the following apply:
    - (i) the person makes a claim for a seniors health card under Division 1 of Part 3 of the Administration Act on or before that day;
    - (ii) the claim is pending on that day;
    - (iii) the person is qualified for the card on that day;
    - (iv) the person does not receive a payment under a prescribed educational scheme in respect of that day.

*Pensioner concession card*

- (4) This subsection applies to a person on a day if:
- (a) the person is qualified for a pensioner concession card on that day; and
  - (b) the person does not receive an income support payment in respect of that day; and
  - (c) the person does not receive a payment under a prescribed educational scheme in respect of that day.

**16 Subsection 1222(2) (after table item 4J)**

Insert:

4K	1223ABK (debts in respect of additional economic support payment 2020)	deductions	1231, 1234A
		legal proceedings	1232
		garnishee notice	1233
		repayment by instalments	1234
4L	1223ABL (debts in respect of additional economic support payment 2021)	deductions	1231, 1234A
		legal proceedings	1232
		garnishee notice	1233
		repayment by instalments	1234

## 17 After section 1223ABJ

Insert:

### 1223ABK Debts in respect of additional economic support payment 2020

- (1) If:
- (a) an additional economic support payment 2020 under Division 1 of Part 2.6C is paid to a person; and
  - (b) after the payment is paid to the person, an underlying determination in relation to the person, at least so far as it relates to:
    - (i) 27 November 2020; or
    - (ii) a period that includes 27 November 2020;is or was (however described) changed, revoked, set aside or superseded by another determination; and
  - (c) the decision to change, revoke, set aside or supersede the underlying determination is or was made for the reason, or for reasons including the reason, that the person knowingly made a false or misleading statement, or knowingly provided false information; and
  - (d) had the change, revocation, setting aside or superseding occurred on or before 27 November 2020, the additional economic support payment 2020 would not have been paid;
- the amount of the additional economic support payment 2020 is a debt due to the Commonwealth by the person.
- (2) For the purposes of this section, an ***underlying determination*** in relation to a person is a determination made under Part 3 of the Administration Act because of which a payment mentioned in subsection 313(2) of this Act was payable to the person.
- (3) If:
- (a) an additional economic support payment 2020 under Division 1 of Part 2.6C is paid to a person; and
  - (b) the person qualified for the payment because of subsection 313(3) applying to the person in relation to having made a claim for a seniors health card; and

- (c) the person knowingly made a false or misleading statement, or knowingly provided false information, in relation to the claim; and
  - (d) the additional economic support payment 2020 would not have been paid to the person but for that statement or information;
- the amount of the additional economic support payment 2020 is a debt due to the Commonwealth by the person.
- (4) Apart from section 1224AA, the other provisions of this Part under which debts arise do not apply in relation to an additional economic support payment 2020 under Division 1 of Part 2.6C.

### **1223ABL Debts in respect of additional economic support payment 2021**

- (1) If:
- (a) an additional economic support payment 2021 under Division 2 of Part 2.6C is paid to a person; and
  - (b) after the payment is paid to the person, an underlying determination in relation to the person, at least so far as it relates to:
    - (i) 26 February 2021; or
    - (ii) a period that includes 26 February 2021;is or was (however described) changed, revoked, set aside or superseded by another determination; and
  - (c) the decision to change, revoke, set aside or supersede the underlying determination is or was made for the reason, or for reasons including the reason, that the person knowingly made a false or misleading statement, or knowingly provided false information; and
  - (d) had the change, revocation, setting aside or superseding occurred on or before 26 February 2021, the additional economic support payment 2021 would not have been paid;
- the amount of the additional economic support payment 2021 is a debt due to the Commonwealth by the person.
- (2) For the purposes of this section, an ***underlying determination*** in relation to a person is a determination made under Part 3 of the

Administration Act because of which a payment mentioned in subsection 313(2) of this Act was payable to the person.

(3) If:

- (a) an additional economic support payment 2021 under Division 2 of Part 2.6C is paid to a person; and
- (b) the person qualified for the payment because of subsection 313(3) applying to the person in relation to having made a claim for a seniors health card; and
- (c) the person knowingly made a false or misleading statement, or knowingly provided false information, in relation to the claim; and
- (d) the additional economic support payment 2021 would not have been paid to the person but for that statement or information;

the amount of the additional economic support payment 2021 is a debt due to the Commonwealth by the person.

- (4) Apart from section 1224AA, the other provisions of this Part under which debts arise do not apply in relation to an additional economic support payment 2021 under Division 2 of Part 2.6C.

## ***Social Security (Administration) Act 1999***

### **18 After section 12AE**

Insert:

#### **12AF Additional economic support payments**

A claim is not required for:

- (a) an additional economic support payment 2020 under Division 1 of Part 2.6C of the 1991 Act; or
- (b) an additional economic support payment 2021 under Division 2 of Part 2.6C of the 1991 Act.

### **19 Subsection 47(1) (after paragraph (gh) of the definition of *lump sum benefit*)**

Insert:

- (gi) additional economic support payment 2020 under Division 1 of Part 2.6C of the 1991 Act; or
- (gj) additional economic support payment 2021 under Division 2 of Part 2.6C of the 1991 Act; or

## **20 After section 47AF**

Insert:

### **47AG Payment of additional economic support payment 2020**

- (1) If a person is qualified for an additional economic support payment 2020 under Division 1 of Part 2.6C of the 1991 Act, the Secretary must, subject to subsection (2), pay the payment to the person in a single lump sum:
  - (a) on the date, occurring on or after 27 November 2020, that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be paid; and
  - (b) in such manner as the Secretary considers appropriate.
- (2) The Secretary must not pay the payment on or after 1 July 2023.

### **47AH Payment of additional economic support payment 2021**

- (1) If a person is qualified for an additional economic support payment 2021 under Division 2 of Part 2.6C of the 1991 Act, the Secretary must, subject to subsection (2), pay the payment to the person in a single lump sum:
  - (a) on the date, occurring on or after 26 February 2021, that the Secretary considers to be the earliest date on which it is reasonably practicable for the payment to be paid; and
  - (b) in such manner as the Secretary considers appropriate.
- (2) The Secretary must not pay the payment on or after 1 July 2023.

## **21 Section 123TC**

Insert:

***additional economic support payment*** means:

- (a) an additional economic support payment 2020 under Division 1 of Part 2.6C of the 1991 Act; or

- (b) an additional economic support payment 2021 under Division 2 of Part 2.6C of the 1991 Act; or
- (c) an additional economic support payment 2020 under Division 1 of Part 10 of the Family Assistance Act; or
- (d) an additional economic support payment 2021 under Division 2 of Part 10 of the Family Assistance Act.

## 22 Subdivision DB of Division 5 of Part 3B (heading)

Repeal the heading, substitute:

### **Subdivision DB—Economic support payments, economic security strategy payments and household stimulus payments**

## 23 After section 123XPBA

Insert:

### **123XPBB Deductions from additional economic support payments**

#### *Scope*

- (1) This section applies if:
  - (a) a person is subject to the income management regime; and
  - (b) an additional economic support payment is payable to the person.

#### *Deductions from additional economic support payments*

- (2) The following provisions have effect:
  - (a) the Secretary must deduct from the additional economic support payment the deductible portion of the payment;
  - (b) an amount equal to the deductible portion of the payment is credited to the Income Management Record;
  - (c) an amount equal to the deductible portion of the payment is credited to the person's income management account.
- (3) For the purposes of subsection (2), the ***deductible portion*** of an additional economic support payment is 100% of the amount of the payment.

**24 Subsection 124PD(1) (after subparagraph (a)(viif) of the definition of *restrictable payment*)**

Insert:

- (viig) an additional economic support payment 2020 under Division 1 of Part 2.6C of the 1991 Act; or
- (viih) an additional economic support payment 2021 under Division 2 of Part 2.6C of the 1991 Act; or
- (viij) an additional economic support payment 2020 under Division 1 of Part 10 of the Family Assistance Act; or
- (viik) an additional economic support payment 2021 under Division 2 of Part 10 of the Family Assistance Act; or



## Part 3—Veterans' amendments

### *Veterans' Entitlements Act 1986*

#### 25 Paragraph 5H(8)(paa)

Omit "or second 2020 economic support payment", substitute " , second 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021".

#### 26 After paragraph 5H(8)(zzam)

Insert:

- (zzan) an additional economic support payment 2020 under Division 1 of Part IIIJ;
- (zzao) an additional economic support payment 2021 under Division 2 of Part IIIJ;

#### 27 After Part IIIH

Insert:

## Part IIIJ—Additional economic support payments

### Division 1—Additional economic support payment 2020

#### 67ZC Additional economic support payment 2020

##### *Eligibility*

- (1) A person is eligible for an additional economic support payment 2020 if:
  - (a) Division 3 applies to the person on 27 November 2020; and
  - (b) the person does not receive a social security benefit in respect of 27 November 2020; and
  - (c) the person does not receive a social security pension in respect of 27 November 2020; and

- (d) the person does not receive a payment under a prescribed educational scheme (within the meaning of the *Social Security Act 1991*) in respect of 27 November 2020; and
- (e) the person is residing in Australia on 27 November 2020.

*Amount of payment*

- (2) The amount of a person's additional economic support payment 2020 under this Division is \$250.

**67ZD More than one entitlement**

- (1) A person may receive one payment only under this Division, regardless of how many times the person becomes eligible under section 67ZC.
- (2) If:
  - (a) an additional economic support payment 2020 under Division 1 of Part 10 of the Family Assistance Act; or
  - (b) an additional economic support payment 2020 under Division 1 of Part 2.6C of the Social Security Act;is paid to a person, no payment under this Division can be paid to the person.

**67ZE Claim not required for additional economic support payment 2020**

A claim is not required for an additional economic support payment 2020 under this Division.

**67ZF Payment of additional economic support payment 2020**

- (1) If a person is eligible for an additional economic support payment 2020 under this Division, the Commission must, subject to subsection (2), pay the payment to the person in a single lump sum:
  - (a) on the date, occurring on or after 27 November 2020, that the Commission considers to be the earliest date on which it is reasonably practicable for the payment to be paid; and
  - (b) in such manner as the Commission considers appropriate.
- (2) The Commission must not pay the payment on or after 1 July 2023.

## **Division 2—Additional economic support payment 2021**

### **67ZG Additional economic support payment 2021**

#### *Eligibility*

- (1) A person is eligible for an additional economic support payment 2021 if:
  - (a) Division 3 applies to the person on 26 February 2021; and
  - (b) the person does not receive a social security benefit in respect of 26 February 2021; and
  - (c) the person does not receive a social security pension in respect of 26 February 2021; and
  - (d) the person does not receive a payment under a prescribed educational scheme (within the meaning of the *Social Security Act 1991*) in respect of 26 February 2021; and
  - (e) the person is residing in Australia on 26 February 2021.

#### *Amount of payment*

- (2) The amount of a person's additional economic support payment 2021 under this Division is \$250.

### **67ZH More than one entitlement**

- (1) A person may receive one payment only under this Division, regardless of how many times the person becomes eligible under section 67ZG.
- (2) If:
  - (a) an additional economic support payment 2021 under Division 2 of Part 10 of the Family Assistance Act; or
  - (b) an additional economic support payment 2021 under Division 2 of Part 2.6C of the Social Security Act;is paid to a person, no payment under this Division can be paid to the person.

**67ZI Claim not required for additional economic support payment 2021**

A claim is not required for an additional economic support payment 2021 under this Division.

**67ZJ Payment of additional economic support payment 2021**

- (1) If a person is eligible for an additional economic support payment 2021 under this Division, the Commission must, subject to subsection (2), pay the payment to the person in a single lump sum:
  - (a) on the date, occurring on or after 26 February 2021, that the Commission considers to be the earliest date on which it is reasonably practicable for the payment to be paid; and
  - (b) in such manner as the Commission considers appropriate.
- (2) The Commission must not pay the payment on or after 1 July 2023.

**Division 3—Eligibility**

**67ZK Purpose of this Division**

This Division applies for the purposes of paragraphs 67ZC(1)(a) and 67ZG(1)(a).

**67ZL Payments under this Act**

*Service pension or income support supplement*

- (1) This Division applies to a person on a day if service pension or income support supplement is payable to the person on that day.
- (2) For the purposes of subsection (1), and without limiting that subsection, service pension or income support supplement is taken to be payable to a person on a day (the **test day**) if:
  - (a) service pension or income support supplement ceases to be payable to the person on a day (the **cessation day**) occurring on or before the test day; and
  - (b) that cessation occurs because of employment income the person or the person's partner earns, derives or receives (either alone or in combination with any other ordinary

- income earned, derived or received by the person or the person's partner); and
- (c) were it not for the employment income, or the combined income, referred to in paragraph (b), the pension or supplement would be payable to the person throughout the period:
    - (i) starting on the cessation day; and
    - (ii) ending on the test day; and
  - (d) the cessation day occurs no earlier than 12 weeks before the test day.

*Disability pension or war widow's/widower's pension under Part II or IV*

- (3) This Division applies to a person on a day if:
  - (a) the person receives for that day a pension under Part II or IV at a rate determined under or by reference to section 22, 23, 24, 25 or 27; and
  - (b) the person's rate of the pension is greater than nil for that day.
- (4) This Division applies to a person on a day if:
  - (a) the person receives for that day a pension under Part II or IV at a rate determined under or by reference to subsection 30(1); and
  - (b) the person's rate of the pension is greater than nil for that day.
- (5) For the purposes of subsections (3) and (4), a person is taken to receive a pension under Part II or IV at a rate greater than nil even if the person's rate would be nil, or pension would not be payable, merely because the rate is reduced, or pension is not payable, under Division 4, 5 or 5A of Part II or section 74.

*Veteran payment*

- (6) This Division applies to a person on a day if:
  - (a) veteran payment is payable to the person on that day; and
  - (b) veteran payment is so payable because of a claim made on or before that day.

**67ZM Seniors health card, gold card etc.**

*Seniors health card*

- (1) This Division applies to a person on a day if:
  - (a) the person makes a claim for a seniors health card under Division 2 of Part VIIC on or before that day; and
  - (b) the person does not withdraw that claim on or before that day; and
  - (c) the person is eligible for the card on that day.
- (2) This Division applies to a person on a day if:
  - (a) the person is the holder of a seniors health card on that day because of subsection 118XA(3); and
  - (b) the person is eligible for the card on that day.

*Gold card*

- (3) This Division applies to a person on a day if:
  - (a) the person is, on that day, the holder of a card, known as the Repatriation Health Card—For All Conditions, that evidences the person's eligibility under this Act or the MRCA to be provided with treatment for all injuries or diseases; and
  - (b) the person is eligible for the card on that day.
- (4) This Division applies to a person on a day if:
  - (a) the person makes a claim, on or before that day, under:
    - (i) section 8 of the *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*; or
    - (ii) section 9 of the *Treatment Benefits (Special Access) Act 2019*;for a determination that the person is an eligible person; and
  - (b) the person does not withdraw that claim on or before that day; and
  - (c) the person is an eligible person (within the meaning of that Act) on that day.

*Fringe benefits*

- (5) This Division applies to a person on a day if the person is eligible for fringe benefits under subsection 53A(1A) of this Act on that day.

**67ZN MRCA**

*Compensation for permanent impairment*

- (1) This Division applies to a person on a day if either or both of the following apply:
- (a) weekly compensation under Part 2 of Chapter 4 of the MRCA:
    - (i) is payable to the person for that day; or
    - (ii) would be payable to the person for that day apart from paragraph 398(3)(b) of the MRCA and offsetting described in subsection 13(4) of the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*;
  - (b) the person receives lump sum compensation under Part 2 of Chapter 4 of the MRCA on or before that day.

*Special Rate Disability Pension*

- (2) This Division applies to a person on a day if Special Rate Disability Pension under the MRCA:
- (a) is payable to the person for that day; or
  - (b) would be payable to the person for that day apart from section 204, and paragraph 398(3)(b), of the MRCA.

*Compensation for wholly dependent partners*

- (3) This Division applies to a person on a day if either or both of the following apply:
- (a) weekly compensation under Division 2 of Part 2 of Chapter 5 of the MRCA either:
    - (i) is payable to the person for that day; or
    - (ii) would be payable to the person for that day apart from paragraph 398(3)(b) of the MRCA;

(b) both:

- (i) the person receives lump sum compensation under Division 2 of Part 2 of Chapter 5 of the MRCA on or before that day; and
- (ii) subsection 388(6) of the MRCA does not apply to the person before that day.

**67ZO *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988***

This Division applies to a person on a day if:

- (a) at any time, the person receives a payment of compensation under section 24 of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*; and
- (b) the payment is paid because of a claim the person makes on or before that day.



## Part 4—Taxation amendments

### *Income Tax Assessment Act 1997*

#### **28 Section 11-15 (table item headed “family assistance”)**

After:

additional child care subsidy ..... 52-150

insert:

additional economic support payment 2020 or  
additional economic support payment 2021 ..... 52-150

#### **29 Section 11-15 (table item headed “social security or like payments”)**

After:

ABSTUDY scheme, payment under ..... Subdivision 52-E

insert:

additional economic support payment 2020 or  
additional economic support payment 2021 under  
the *Social Security Act 1991* ..... 52-10

additional economic support payment 2020 or  
additional economic support payment 2021 under  
the *Veterans’ Entitlements Act 1986* ..... 52-65

#### **30 After paragraph 52-10(1)(ae)**

Insert:

(af) additional economic support payment 2020 under the *Social Security Act 1991*; or

(ag) additional economic support payment 2021 under the *Social Security Act 1991*; or

#### **31 After subsection 52-10(1B)**

Insert:

(1C) The following payments are exempt from income tax:

(a) additional economic support payment 2020 under Division 1  
of Part 2.6C of the *Social Security Act 1991*;

- (b) additional economic support payment 2021 under Division 2 of Part 2.6C of the *Social Security Act 1991*.

**32 Section 52-40 (after table item 1A)**

Insert:

1B	Additional economic support payment 2020 or additional economic support payment 2021	Part 2.6C	Not applicable	Not applicable
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**33 After paragraph 52-65(1)(da)**

Insert:

- (db) payments of additional economic support payment 2020 under the *Veterans' Entitlements Act 1986*; or  
(dc) payments of additional economic support payment 2021 under the *Veterans' Entitlements Act 1986*; or

**34 After subsection 52-65(1J)**

Insert:

- (1K) The following payments are exempt from income tax:  
(a) additional economic support payment 2020 under Division 1 of Part IIIJ of the *Veterans' Entitlements Act 1986*;  
(b) additional economic support payment 2021 under Division 2 of Part IIIJ of the *Veterans' Entitlements Act 1986*.

**35 Section 52-75 (after table item 1A)**

Insert:

1B	Additional economic support payment 2020 or additional economic support payment 2021	Part IIIJ	Not applicable
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**36 Section 52-150**

Omit “or second 2020 economic support payment”, substitute “, second 2020 economic support payment, additional economic support payment 2020 or additional economic support payment 2021”.

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## **Schedule 2—Youth allowance independence and paid work concession**

### ***Social Security Act 1991***

#### **1 After subsection 1067A(10L)**

Insert:

- (10M) For the purposes of the application of paragraph (10)(a), (b) or (d) in relation to a person:
- (a) if, for a week that falls wholly in the 2-year period referred to in paragraph (10)(a) and wholly in the COVID-19 concession period, the person was not in paid work consisting of full-time employment of at least 30 hours—the person is taken, for that week, to have been in paid work consisting of full-time employment of 30 hours; and
  - (b) if, for a week that falls wholly in the 2-year period referred to in paragraph (10)(b) and wholly in the COVID-19 concession period, the person was not in paid work consisting of part-time employment of at least 15 hours—the person is taken, for that week, to have been in paid work consisting of part-time employment of 15 hours; and
  - (c) if, for a week that falls wholly in the 14-month period referred to in paragraph (10)(d) and wholly in the COVID-19 concession period, the person was not in paid work consisting of employment that earned the person at least the equivalent of 75% of the maximum rate applicable under that paragraph on 25 March 2020—the person is taken, for that week, to have been in paid work consisting of employment that earned the person 75% of that maximum rate.
- (10N) For the purposes of subsection (10M), the ***COVID-19 concession period*** is the period:
- (a) beginning on 25 March 2020; and
  - (b) ending at the end of 24 September 2020.

## 2 Application and transitional provisions

- (1) Subject to subitem (2), the amendment made by this Schedule applies in relation to the following:
  - (a) persons in receipt of youth allowance immediately before the commencement of this item;
  - (b) the following claims:
    - (i) claims for youth allowance made on or after the commencement of this item and before the end of 24 September 2022;
    - (ii) claims for youth allowance made before the commencement of this item that, immediately before that commencement, the Secretary had not determined.
- (2) If, before the end of 24 September 2022, a person did not become independent under subsection 1067A(10) of the *Social Security Act 1991* in reliance on subsection 1067A(10M) of that Act, as inserted by this Schedule, then subsection 1067A(10M) of that Act does not apply to the person after 24 September 2022.

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## **Schedule 3—Youth allowance independence and agricultural work**

### ***Social Security Act 1991***

#### **1 Paragraph 1061ZAAA(5)(b)**

Omit “subsection 1067A(4) or (10)”, substitute “subsection 1067A(4), (10) or (14)”.

#### **2 Subsection 1067A(10K)**

After “paragraphs (10E)(d) and (e)”, insert “and (14)(d)”.

#### **3 At the end of section 1067A**

Add:

##### *Agricultural work*

- (14) A person is independent if:
- (a) paragraph 541(1)(a) (about full time study) applies in relation to the person; and
  - (b) the person undertook qualifying agricultural work between 30 November 2020 and 31 December 2021; and
  - (c) the gross earnings of the person for that work are at least \$15,000; and
  - (d) the person’s combined parental income (as defined in point 1067G-F10) for the 2019-2020 tax year or 2018-2019 tax year is less than the threshold amount (see subsection (10K)) for the person for that tax year.
- (15) For the purposes of this section, ***qualifying agricultural work*** is work of a kind determined in an instrument under subsection (16).
- (16) The Secretary of the Department administered by the Minister administering the *Social Security (International Agreements) Act 1999* may, by legislative instrument, determine kinds of work for the purposes of subsection (15).

#### 4 Application and transitional provisions

- (1) Subject to subitem (2), subsection 1067A(14) of the *Social Security Act 1991*, as added by this Schedule, applies on and after 1 March 2021 in relation to the following:
  - (a) persons in receipt of youth allowance immediately before 1 March 2021;
  - (b) claims for youth allowance made on or after 1 March 2021 and before the end of 1 March 2023.
- (2) If, before the end of 1 March 2023, a person did not become independent under subsection 1067A(14) of the *Social Security Act 1991*, as added by this Schedule, then that subsection does not apply to the person after 1 March 2023.

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## **Schedule 4—Paid parental leave work test period**

### ***Paid Parental Leave Act 2010***

#### **1 Section 6**

Insert:

***COVID-19 affected claimant:*** a person is a ***COVID-19 affected claimant*** in relation to a claim for parental leave pay, or dad and partner pay, for a child if:

- (a) either:
  - (i) the child is or was born between 22 March 2020 and 31 March 2021; or
  - (ii) if the claim is made before the child's birth—the child's expected date of birth is during that period; and
- (b) the person must satisfy the work test to be eligible for parental leave pay or dad and partner pay (as the case may be); and
- (c) the Secretary is satisfied that any of the following circumstances apply in relation to the person:
  - (i) the person became unemployed as a result of the adverse effects of the coronavirus known as COVID-19;
  - (ii) the person's working hours were reduced (including to zero) as a result of the adverse effects of the coronavirus known as COVID-19;
  - (iii) a business that the person, or an entity that is controlled by the person, carries on for profit and for which the person performs work was suspended, or suffered a reduction in turnover, as a result of the adverse effects of the coronavirus known as COVID-19; and
- (d) as a result of that circumstance applying in relation to the person, the person would not satisfy the work test if the person's work test period were the period under:
  - (i) if the claim is for parental leave pay—section 33; or
  - (ii) if the claim is for dad and partner pay—paragraph 115CD(b).



**2 Section 6 (paragraph (a) of the definition of *work test period*)**

Omit “section 33”, substitute “sections 33 and 33A”.

**3 Paragraph 11(4)(c)**

After “relevant day” insert “and the primary claimant is not a COVID-19 affected claimant in relation to that claim”.

**4 At the end of subsection 11(4)**

Add:

; and (d) if the primary claimant makes an effective claim for parental leave pay in relation to the maximum PPL period for the child after the relevant day and the primary claimant is a COVID-19 affected claimant in relation to that claim—the later of the following days:

- (i) the day the child was born;
- (ii) the primary claimant’s nominated start day.

**5 After section 19A**

Insert:

**19B Parental leave pay not payable to COVID-19 affected claimant if child born after 31 March 2021**

If a person is a COVID-19 affected claimant in relation to a claim for parental leave pay for a child of the person, the Secretary must not make a payability determination that parental leave pay is payable to the person for the child if the child is born after 31 March 2021.

**6 Section 32 (method statement, step 1, note)**

Omit “section 33”, substitute “sections 33 and 33A”.

**7 Section 33 (at the end of the heading)**

Add “—claimants other than COVID-19 affected claimants”.

**8 Section 33 (after the heading)**

Insert:

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*Application of section*

- (1A) This section applies in relation to the following:
- (a) a primary claimant who is not a COVID-19 affected claimant in relation to a claim for parental leave pay for a child;
  - (b) a secondary claimant who is not a COVID-19 affected claimant in relation to a claim for parental leave pay for a child.

Note: For the **work test period** for a COVID-19 affected claimant in relation to such a claim: see section 33A.

**9 After section 33**

Insert:

**33A The work test period—COVID-19 affected claimants**

- (1) The **work test period** for a primary claimant who is a COVID-19 affected claimant in relation to a claim for parental leave pay for a child is the work test period that would apply to the claimant under section 33 if:
  - (a) subsection 33(1A) were disregarded; and
  - (b) the reference in subsections 33(1) and (2) to 392 days were a reference to 600 days.
- (2) The **work test period** for a secondary claimant who is a COVID-19 affected claimant in relation to a claim for parental leave pay for a child is the work test period that would apply to the claimant under section 33 if:
  - (a) subsection 33(1A) were disregarded; and
  - (b) the reference in subsection 33(3) to 392 days were a reference to 600 days.

**10 After subsection 57A(2)**

Insert:

- (2A) Subsection (2) does not apply to the claim if the claimant is a COVID-19 affected claimant in relation to that claim.

## **11 After section 115BD**

### **115BDA Dad and partner pay not payable to COVID-19 affected claimant if child born after 31 March 2021**

If a person is a COVID-19 affected claimant in relation to a claim for dad and partner pay for a child of the person, the Secretary must not make a payability determination that dad and partner pay is payable to the person for the child if the child is born after 31 March 2021.

## **12 Section 115CD**

Repeal the section, substitute:

### **115CD The *work test period***

For the purposes of satisfying the work test in accordance with section 32, the ***work test period*** for a DAPP claimant is:

- (a) if the DAPP claimant is a COVID-19 affected claimant in relation to a claim for dad and partner pay for a child—the 600 days immediately before the DAPP claimant’s nominated start date; or
- (b) otherwise—the 392 days immediately before the DAPP claimant’s nominated start date.

## **13 Application of amendments**

The amendments made by this Schedule apply in relation to a claim made by a person for parental leave pay, or dad and partner pay, for a child if:

- (a) the claim is made on or after the commencement of this item; or
- (b) all of the following apply:
  - (i) the claim is made before that commencement;
  - (ii) the claim is an effective claim;
  - (iii) immediately before that commencement, the Secretary has not determined the claim.

## **Schedule 5—Stillborn baby payment and infant death payment**

### ***A New Tax System (Family Assistance) Act 1999***

#### **1 Subsection 65(1) (step 3 of the method statement)**

Repeal the step, substitute:

Step 3. The single amount is:

- (a) the step 1 amount less the step 2 amount (if any);  
plus
- (b) the additional amount (if any) under subsection (4).

#### **2 At the end of section 65**

Add:

*Additional amount*

(4) If:

- (a) the child who died was an FTB child; and
- (b) that child died before turning 1; and
- (c) an amount of newborn supplement, in relation to that child, worked out under paragraph 35B(1)(d) of Schedule 1 forms part of the individual's Part A rate for one or more days;

then the additional amount under this subsection is worked out as follows:

*Method statement*

Step 1. In relation to the days that newborn supplement, in relation to that child, worked out under paragraph 35B(1)(d) of Schedule 1 forms part of the individual's Part A rate, work out the total amount of that newborn supplement for those days.

Step 2. In relation to those days, work out what would have been the total amount of newborn supplement for that child for those days if that newborn supplement had been worked out under paragraph 35B(1)(a) of Schedule 1.

Step 3. The additional amount is the step 2 amount less the step 1 amount.

### 3 Section 66

Repeal the section, substitute:

#### 66 Amount of stillborn baby payment

The amount of a stillborn baby payment for an individual in respect of a child is the amount worked out using the formula:

$$\text{Higher newborn supplement amount} + \text{Newborn upfront amount} + \left( \frac{\text{Additional amount}}{365} \times 98 \right)$$

where:

**additional amount** means the dollar amount mentioned in item 1 of the table in subclause 7(1) of Schedule 1 applicable on the day of the child's delivery (including that amount as indexed).

**higher newborn supplement amount** means the dollar amount mentioned in the formula under paragraph 35B(1)(a) of Schedule 1 applicable on the day of the child's delivery (including that amount as indexed).

**newborn upfront amount** means the dollar amount mentioned in subsection 58AA(1) applicable on the day of the child's delivery (including that amount as indexed).

#### 4 Application provisions

- (1) The amendments of section 65 of the *A New Tax System (Family Assistance) Act 1999* made by this Schedule apply in relation to deaths occurring on or after the commencement of this item.

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- (2) The repeal and substitution of section 66 of the *A New Tax System (Family Assistance) Act 1999* made by this Schedule applies in relation to working out the amount of stillborn baby payment on or after the commencement of this item for the delivery of a child that occurs on or after that commencement.

## Schedule 6—Child support

### *Child Support (Assessment) Act 1989*

#### **1 Paragraph 5A(5)(b)**

After “Statistician”, insert “or that was applicable because of subsection (7)”.

#### **2 At the end of section 5A**

Add:

##### *Determination of amount by Minister*

- (6) If the Australian Statistician has not published the amount referred to in subsection (1) for a relevant June quarter before the end of the first 30 September after the end of that quarter, the Minister may, by legislative instrument, determine an amount for that quarter.
- (7) If the Minister does so, the amount referred to in subsection (1) for that quarter is taken to be the amount determined in the instrument under subsection (6) for that quarter.

Note: The annualised MTAW figure for that quarter will be 52 times the amount that is taken to be the amount referred to in subsection (1) for that quarter.

#### **3 Paragraph 58AA(3)(b)**

After “Statistician”, insert “or that was applicable because of subsection (5)”.

#### **4 At the end of section 58AA**

Add:

##### *Determination of amount by Minister*

- (4) If the Australian Statistician has not published an AWE amount for a December quarter of a year of income before the end of the first 31 March after the end of that quarter, the Minister may, by legislative instrument, determine an amount for that quarter.

- 
- (5) If the Minister does so, the AWE amount for that quarter is taken to be the amount determined in the instrument under subsection (4) for that quarter.

## **5 Subsection 155(2A)**

Omit “within the meaning of subsection 58AA(1)”, substitute “see section 58AA”.

## **6 Application provisions**

- (1) The amendments of section 5A of the *Child Support (Assessment) Act 1989* made by this Schedule apply in relation to the following:
- (a) the relevant June quarter ending on 30 June 2020;
  - (b) relevant June quarters ending after the commencement of this item.
- (2) The amendments of section 58AA of the *Child Support (Assessment) Act 1989* made by this Schedule apply in relation to December quarters ending after the commencement of this item.
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[Minister’s second reading speech made in—  
House of Representatives on 22 October 2020  
Senate on 9 November 2020]

(132/20)

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