





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

**No. 107, 2020**

**An Act to amend the law relating to social services,  
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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# **Social Services and Other Legislation Amendment (Omnibus) Act 2020**

**No. 107, 2020**

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## **An Act to amend the law relating to social services, and for related purposes**

*[Assented to 26 November 2020]*

The Parliament of Australia enacts:

### **1 Short title**

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

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## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	26 November 2020
2. Schedules 1 and 2	The day after this Act receives the Royal Assent.	27 November 2020
3. Schedule 3, Part 1	The day after this Act receives the Royal Assent.	27 November 2020
4. Schedule 3, Part 2	Immediately after the commencement of Schedule 7 to the <i>Social Services Legislation Amendment (Welfare Reform) Act 2018</i> .	1 January 2022
5. Schedule 3, Part 3	The later of: (a) immediately after the commencement of Part 2 of Schedule 5 to the <i>Social Services Legislation Amendment (Welfare Reform) Act 2018</i> ; and (b) immediately after the commencement of the provisions covered by table item 3.	27 November 2020 (paragraph (b) applies)

Note: This table relates only to the provisions of this Act as originally enacted.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.

- (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.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

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

#### **1 After subparagraph 213(1)(d)(i)**

Insert:

- (ia) deceives, or might deceive, the Human Services Department; or

#### **2 Paragraphs 214(1)(a) and (2)(a)**

After “officer”, insert “or the Human Services Department”.

## **Schedule 2—Disclosure for the purposes of Royal Commissions**

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

#### **1 Section 167**

After “except for the purposes of the family assistance law”, insert “or the *Royal Commissions Act 1902*”.

#### **2 At the end of section 168**

Add:

(5) If:

- (a) the Secretary or an officer is served with a summons or notice, or is otherwise subject to a requirement, under the *Royal Commissions Act 1902*; and
- (b) in order to comply with the summons, notice or requirement, the Secretary or officer would be required to disclose information that is protected information;

then, despite sections 164 and 167 of this Act, the Secretary or officer must, subject to the *Royal Commissions Act 1902*, disclose that information. The information is taken to have been disclosed for the purposes of the *Royal Commissions Act 1902* and of the Royal Commission concerned.

### ***Business Services Wage Assessment Tool Payment Scheme Act 2015***

#### **3 Section 80**

After “except for the purposes of this Act”, insert “or the *Royal Commissions Act 1902*”.

#### **4 At the end of section 81**

Add:

(4) If:

- (a) the Secretary or an officer is served with a summons or notice, or is otherwise subject to a requirement, under the *Royal Commissions Act 1902*; and
- (b) in order to comply with the summons, notice or requirement, the Secretary or officer would be required to disclose information that is protected information;

then, despite sections 77 and 80 of this Act, the Secretary or officer must, subject to the *Royal Commissions Act 1902*, disclose that information. The information is taken to have been disclosed for the purposes of the *Royal Commissions Act 1902* and of the Royal Commission concerned.

### ***Disability Services Act 1986***

#### **5 Subsection 28(4)**

After “of this Part”, insert “, the *Royal Commissions Act 1902*”.

#### **6 After subsection 28(7)**

Insert:

(7A) If:

- (a) the Secretary or an officer is served with a summons or notice, or is otherwise subject to a requirement, under the *Royal Commissions Act 1902*; and
- (b) in order to comply with the summons, notice or requirement, the Secretary or officer would be required to disclose information that is information mentioned in subsection (2);

then, despite subsection (2) of this provision, the Secretary or officer must, subject to the *Royal Commissions Act 1902*, disclose that information. The information is taken to have been disclosed for the purposes of the *Royal Commissions Act 1902* and of the Royal Commission concerned.

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

#### **7 Section 207**

After “except for the purposes of the social security law”, insert “or the *Royal Commissions Act 1902*”.

## **8 At the end of section 208**

Add:

(5) If:

- (a) the Secretary or an officer is served with a summons or notice, or is otherwise subject to a requirement, under the *Royal Commissions Act 1902*; and
- (b) in order to comply with the summons, notice or requirement, the Secretary or officer would be required to disclose information that is protected information;

then, despite sections 204 and 207 of this Act, the Secretary or officer must, subject to the *Royal Commissions Act 1902*, disclose that information. The information is taken to have been disclosed for the purposes of the *Royal Commissions Act 1902* and of the Royal Commission concerned.

## **9 Application provision**

The amendments made by this Schedule apply in relation to a summons or notice served, or a requirement made, on or after the commencement of this item (whether the information came into existence before, on or after that commencement).

## Schedule 3—Technical amendments

### Part 1—Main technical amendments

#### *Income Tax Assessment Act 1936*

**1 Subsection 160AAA(1) (paragraph (a) of the definition of *rebatable benefit*)**

Omit “2.12B,”.

#### *Income Tax Assessment Act 1997*

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

Omit:

older Australians, 2006 one-off payment to, under the <i>Social Security Act 1991</i> .....	52-10
older Australians, 2007 one-off payment to, under the <i>Social Security Act 1991</i> .....	52-10
older Australians, 2008 one-off payment to, under the <i>Social Security Act 1991</i> .....	52-10

**3 Paragraphs 52-10(1)(ba), (baa) and (bab)**

Repeal the paragraphs.

**4 Subsection 52-10(1CA)**

Repeal the subsection.

**5 Section 52-10 (table items 15.1, 16.1 and 17.1)**

Repeal the items.

**6 Subsection 52-20(3) (table items 7 and 8)**

Repeal the items.

**7 Subsection 52-25(1) (table)**

Omit:

Mature age allowance (paid under Part 2.12A)

Mature age partner allowance

**8 Subsection 52-30(1) (table)**

Omit:

Mature age allowance (paid under Part 2.12B)

**9 Section 52-40 (table items 15 to 17)**

Repeal the items.

***National Disability Insurance Scheme Act 2013***

**10 Paragraph 201A(1)(p)**

Omit “Register).”, substitute “Register);”.

***Social Security Act 1991***

**11 Subsection 4(6A) (table item 7)**

Repeal the item.

**12 Subsection 12C(5) (paragraph (ca) of the definition of *couple’s assets deeming provisions*)**

Repeal the paragraph.

**13 Subsection 14A(1) (paragraph (dab) of the definition of *liquid assets*)**

Repeal the paragraph.

**14 Paragraphs 16A(3)(b) and (4)(b)**

Omit “mature age allowance under Part 2.12B,”.

**15 Subsection 17(1) (paragraphs (i) and (j) of the definition of *compensation affected payment*)**

Repeal the paragraphs.

**16 Section 19B (paragraph (fb) of the definition of *liquid assets*)**

Repeal the paragraph.

**17 Paragraphs 19C(2)(c) and (3)(c)**

Repeal the paragraphs.

**18 Subsection 19D(5) (paragraphs (g) and (j) of the definition of *maximum payment rate*)**

Repeal the paragraphs.

**19 Subsection 21(1) (definition of *partner bereavement payment*)**

Omit “, 660YKD”.

**20 Subsection 23(1) (definition of *mature age allowance*)**

Repeal the definition.

**21 Subsection 23(1) (paragraph (d) of the definition of *newly arrived resident’s waiting period*)**

Repeal the paragraph.

**22 Subsection 23(1) (paragraph (ea) of the definition of *social security benefit*)**

Repeal the paragraph.

**23 Subsection 23(1) (paragraph (j) of the definition of *social security entitlement*)**

Omit “payment; or”, substitute “payment.”.

**24 Subsection 23(1) (paragraphs (k) and (l) of the definition of *social security entitlement*)**

Repeal the paragraphs.

**25 Subsection 23(1) (paragraph (i) of the definition of *social security pension*)**

Repeal the paragraph.

**26 Subsection 23(1) (paragraphs (d) and (e) of the definition of *special employment advance qualifying entitlement*)**

Repeal the paragraphs.

**27 Subsection 23(1) (paragraph (ff) of the definition of *waiting period*)**

Repeal the paragraph.

**28 Part 2.2B**

Repeal the Part.

**29 Parts 2.12A and 2.12B**

Repeal the Parts.

**30 Divisions 7 and 9 of Part 2.13A**

Repeal the Divisions.

**31 Subparagraph 771HA(1)(c)(i)**

Omit “, mature age allowance”.

**32 Paragraph 771NU(1)(e)**

Omit “, mature age allowance”.

**33 Paragraph 771NU(3)(e)**

Omit “, disability support pension or mature age allowance”, substitute “or disability support pension”.

**34 Subsection 771NX(1) (note at the end of step 4 of the method statement)**

Omit “, disability support pension or mature age allowance”, substitute “or disability support pension”.

**35 Subsection 771NX(6)**

Omit “, disability support pension or mature age allowance”, substitute “or disability support pension”.

**36 Section 1047 (paragraph (b) of the definition of *designated social security payment*)**

Repeal the paragraph.

**37 Subsection 1061EE(1)**

Omit “, mature age allowance under Part 2.12B”.

**38 Subsection 1061JU(4) (paragraphs (g) and (j) of the definition of *maximum basic rate*)**

Repeal the paragraphs.

**39 Subsection 1061Q(3B)**

Repeal the subsection.

**40 Paragraph 1061Q(3C)(a)**

Repeal the paragraph, substitute:

(a) a person has been receiving a social security pension; and

**41 Paragraphs 1061Q(3C)(b) and (e)**

Omit “or allowance”.

**42 Subsection 1061Q(3C) (note 2)**

Omit “or allowance”.

**43 Subparagraph 1061T(1)(a)(ii)**

Omit “a mature age allowance”.

**44 Subsection 1061ZA(1)**

Repeal the subsection, substitute:

(1) Subject to subsection (3), a person is qualified for a pensioner concession card on a day if a social security pension is payable to the person for that day.

**45 Section 1061ZB**

Repeal the section.

**46 Subsections 1061ZC(3), 1061ZD(5) and 1061ZEA(4)**

Omit “or a mature age allowance under Part 2.12B”.

**47 Subsection 1061ZG(1) (note)**

Omit “6 weeks”, substitute “19 weeks”.

**48 Subparagraph 1061ZUC(1)(a)(i)**

Omit “1061ZB”.

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**49 Paragraph 1064(1)(d)**

Omit “and”.

**50 Paragraphs 1064(1)(f) and (g)**

Repeal the paragraphs.

**51 Subparagraphs 1064(5)(b)(v) and (7)(b)(v)**

Repeal the subparagraphs.

**52 Paragraph 1064-E3(a)**

Omit “, carer pension, mature age allowance under Part 2.12A or mature age partner allowance”, substitute “or carer pension”.

**53 Point 1064-F2**

Omit “1064-F3”, substitute “1064-F4”.

**54 Point 1064-F3**

Repeal the point.

**55 Point 1064-F12**

Omit “1064-F3”, substitute “1064-F4”.

**56 Point 1064-F14 (definition of *redundancy payment*)**

Omit “, but does not include a directed termination payment within the meaning of section 82-10F of the *Income Tax (Transitional Provisions) Act 1997*”.

**57 Point 1066A-A2**

Omit “, 1066A-G3”.

**58 Point 1066A-G2**

Omit “1066A-G3”, substitute “1066A-G4”.

**59 Point 1066A-G3**

Repeal the point.

**60 Point 1066A-G12**

Omit “1066A-G3”, substitute “1066A-G4”.

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**61 Point 1066A-G14 (definition of *redundancy payment*)**

Omit “, but does not include a directed termination payment within the meaning of section 82-10F of the *Income Tax (Transitional Provisions) Act 1997*”.

**62 Point 1067G-H4**

Omit “1067G-H10”, substitute “1067G-H11”.

**63 Point 1067G-H10**

Repeal the point.

**64 Point 1067G-H19 (definition of *redundancy payment*)**

Omit “, but does not include a directed termination payment within the meaning of section 82-10F of the *Income Tax (Transitional Provisions) Act 1997*”.

**65 Point 1067G-H24**

Omit “1067G-H10”, substitute “1067G-H11”.

**66 Section 1067G (table items 8 and 9 in Module L of the Youth Allowance Rate Calculator)**

Repeal the items.

**67 Point 1067L-D3**

Omit “1067L-D4”, substitute “1067L-D5”.

**68 Point 1067L-D4**

Repeal the point.

**69 Point 1067L-D13**

Omit “1067L-D4”, substitute “1067L-D5”.

**70 Point 1067L-D15 (definition of *redundancy payment*)**

Omit “, but does not include a directed termination payment within the meaning of section 82-10F of the *Income Tax (Transitional Provisions) Act 1997*”.

**71 Point 1067L-D16**

Omit “1067L-D4”, substitute “1067L-D5”.

**72 Point 1067L-D23**

Omit “1067L-D4”, substitute “1067L-D5”.

**73 Point 1068-B1 (table item 5A)**

Repeal the item.

**74 Subsection 1073(1)**

Omit “1067L-D4”, substitute “1067L-D5”.

**75 Paragraph 1073(2)(f)**

Repeal the paragraph.

**76 Subsection 1161(4)**

Repeal the subsection.

**77 Subparagraph 1187(1)(a)(vi)**

Omit “or”.

**78 Subparagraphs 1187(1)(a)(vii) and (viii)**

Repeal the subparagraphs.

**79 Subparagraph 1187(2)(a)(i)**

Omit “or”.

**80 Subparagraph 1187(2)(a)(iii)**

Repeal the subparagraph.

**81 Paragraph 1187(2)(c)**

Repeal the paragraph, substitute:

- (c) an instalment of carer payment in respect of the person is payable to the person’s partner during an instalment period;

**82 Subparagraphs 1188C(1)(a)(x) and (xi)**

Repeal the subparagraphs.

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**83 Subparagraph 1188C(3)(a)(vi)**

Repeal the subparagraph.

**84 Subsection 1188C(5) (table items 13, 14, 15, 29 and 30)**

Repeal the items.

**85 Subparagraphs 1188D(2)(a)(ix) and (x)**

Repeal the subparagraphs.

**86 Subparagraphs 1188F(2)(b)(ix) and (x)**

Repeal the subparagraphs.

**87 Section 1190 (table item 2, column 4)**

Omit “5A,”.

**88 Section 1190 (table item 28, column 4)**

Omit:

[subsection 660YCJ(2)—Table—column 3A—item 1]

**89 Section 1190 (table item 29, column 4)**

Omit:

[subsection 660YCJ(2)—Table—column 3B—item 1]

**90 Section 1190 (table item 30, column 4)**

Omit:

[subsection 660YCJ(2)—Table—column 3A—item 2]

**91 Section 1190 (table item 31, column 4)**

Omit:

[subsection 660YCJ(2)—Table—column 3B—item 2]

**92 Section 1190 (table item 32, column 4)**

Omit:

[subsection 660YCJ(2)—Table—column 3A—item 3]

**93 Section 1190 (table item 33, column 4)**

Omit:

[subsection 660YCJ(2)—Table—column 3B—item 3]

**94 Section 1217 (table items 16 and 17)**

Repeal the items.

**95 Subsection 1218A(1)**

Omit “, jobseeker payment, mature age allowance or mature age partner allowance”, substitute “or jobseeker payment”.

**96 Subsection 1223(1AA) (the subsection (1AA) inserted by item 190 of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*)**

Re-number as subsection (1AF).

**97 Subsection 1223(1AA) (the subsection (1AA) inserted by item 190 of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*)**

Omit “(1AB)”, substitute “(1AG)”.

**98 Subsection 1223(1AB) (the subsection (1AB) inserted by item 190 of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*)**

Re-number as subsection (1AG).

**99 Subsection 1223AA(2) (paragraph (a) of the definition of *prepayment*)**

Omit “660YGG,”.

**100 Subsection 1237(1)**

Omit “or 1237AAD”, substitute “, 1237AAD or 1237AB”.

**101 Clause 22 of Schedule 1A**

Repeal the clause.

**102 Clause 80 of Schedule 1A**

Repeal the clause.

**103 Clause 98 of Schedule 1A**

Repeal the clause.

**104 Clause 102 of Schedule 1A**

Repeal the clause.

**105 Clause 106 of Schedule 1A**

Repeal the clause.

**106 Clause 107 of Schedule 1A**

Repeal the clause.

**107 Clause 110 of Schedule 1A**

Repeal the clause.

**108 Clause 111 of Schedule 1A**

Repeal the clause.

**109 Clause 111A of Schedule 1A**

Repeal the clause.

**110 Clause 118 of Schedule 1A**

Repeal the clause.

**111 Clause 119 of Schedule 1A**

Repeal the clause.

**112 Clause 122 of Schedule 1A**

Repeal the clause.

**113 Clause 123 of Schedule 1A**

Repeal the clause.

**114 Clause 124 of Schedule 1A**

Repeal the clause.

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**115 Clause 125 of Schedule 1A**

Repeal the clause.

**116 Clause 129 of Schedule 1A**

Repeal the clause.

**117 Paragraph 130(a) of Schedule 1A**

Omit “clauses 128 and 129”, substitute “clause 128”.

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

**118 Section 12AAA**

Repeal the section.

**119 Paragraphs 37(4)(a) and (b)**

Repeal the paragraphs.

**120 Subsection 47(1) (paragraphs (ga), (gb) and (gc) of the definition of *lump sum benefit*)**

Repeal the paragraphs.

**121 Section 47AA**

Repeal the section.

**122 Paragraphs 52(1)(e) and (f)**

Repeal the paragraphs.

**123 Subsection 124PD(1) (subparagraph (a)(xv) of the definition of *restrictable payment*)**

Omit “, a mature age allowance under Part 2.12B of the 1991 Act”.

**124 Subsection 124PD(1) (paragraph (a) of the definition of *trigger payment*)**

Omit “(other than a mature age allowance under Part 2.12B of the 1991 Act)”.

*Veterans' Entitlements Act 1986*

**125 Subsection 118ND(4) (paragraph (k) of the definition of  
*bereavement payment provisions*)**

Repeal the paragraph.

## **Part 2—Amendments commencing 1 January 2022**

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

#### **126 Paragraph 19C(8)(d)**

Repeal the paragraph.

#### **127 Subsection 19D(5) (paragraph (f) of the definition of *maximum payment rate*)**

Repeal the paragraph, substitute:

(f) for jobseeker payment—the Rate Calculator at the end of section 1068; or

#### **128 Paragraph 1061EE(2)(b)**

Omit “subsection (3) or (4), as the case requires”, substitute “subsection (4)”.

#### **129 Subsection 1061EE(3)**

Repeal the subsection.

#### **130 Subsection 1061EE(5)**

Omit “(3) or”.

#### **131 Subsection 1061EE(6)**

Omit “formulae in subsections (3) and (4)”, substitute “formula in subsection (4)”.

#### **132 Subsection 1061EE(6) (paragraph (b) of the definition of *fortnightly payment rate*)**

Omit “mature age allowance under Part 2.12B or”.

#### **133 Subsections 1061EN(2) and 1061EX(7)**

Omit “, 614A and 660YCH”, substitute “and 614A”.

#### **134 Subsection 1061JU(4) (paragraph (f) of the definition of *maximum basic rate*)**

Repeal the paragraph, substitute:

- (f) for jobseeker payment—the Rate Calculator at the end of section 1068; or

**135 Section 1068 (heading)**

Repeal the heading, substitute:

**1068 Rate of jobseeker payment**

**136 Subsection 1068(1)**

Repeal the subsection, substitute:

- (1) The rate of jobseeker payment is to be calculated in accordance with the Rate Calculator at the end of this section.

Note: Module A of the Rate Calculator establishes the overall rate calculation process and the remaining Modules provide for the calculation of the component amounts used in the overall rate calculation.

**137 Subsection 1068(3) (note 1)**

Omit “sections 614 and 660YCF”, substitute “section 614”.

**138 Point 1068-B1**

Omit “sections 614A and 660YCH”, substitute “section 614A”.

**139 Point 1068-D1**

Repeal the point, substitute:

*Qualification for pharmaceutical allowance*

1068-D1 Subject to points 1068-D3A, 1068-D4, 1068-D5, 1068-D6 and 1068-D8, an additional amount by way of pharmaceutical allowance is to be added to a person’s maximum basic rate if the person is receiving jobseeker payment and point 1068-D2, 1068-D2B or 1068-D3 applies to the person.

**140 Paragraph 1070(e)**

Repeal the paragraph, substitute:

- (e) Benefit Rate Calculator B (jobseeker payment);

**141 Section 1070H (heading)**

Repeal the heading, substitute:

**1070H Specific requirement (austudy payment and jobseeker payment)**

**142 Section 1070Q (heading)**

Repeal the heading, substitute:

**1070Q Rate for youth allowance, austudy payment and jobseeker payment**

**143 Section 1185**

Repeal the section.

**144 Subparagraph 1187(1A)(a)(iv)**

Omit “or”.

**145 Subparagraph 1187(1A)(a)(va)**

Repeal the subparagraph.

**146 At the end of subparagraph 1188F(2)(a)(v)**

Add “or”.

**147 Subparagraph 1188F(2)(a)(vii)**

Repeal the subparagraph.

## **Part 3—Amendments relating to sickness allowance**

### *Social Security Act 1991*

#### **148 Point 1068-B1B**

Omit “or mature age allowance under Part 2.12B”.

#### **149 Paragraph 1068-G8A(a)**

Omit “or mature age allowance under Part 2.12B”.

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*[Minister’s second reading speech made in—  
House of Representatives on 13 May 2020  
Senate on 10 November 2020]*

(28/20)

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