



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

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*.

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Note: This table relates only to the provisions of this Act as originally enacted.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

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

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”.

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.

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*)

Renumber 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*)

Renumber 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.

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”.

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

(28/20)
