



Treasury Laws Amendment (COVID-19 Economic Response No. 2) Act 2021

No. 79, 2021

**An Act to provide an economic response, and deal
with other matters, relating to the coronavirus, 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 provide an economic response, and deal
with other matters, relating to the coronavirus, and
for related purposes**

[Assented to 10 August 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Treasury Laws Amendment (COVID-19 Economic Response No. 2) Act 2021*.

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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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	11 August 2021

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 Coronavirus economic response payments

Coronavirus Economic Response Package (Payments and Benefits) Act 2020

1 After subsection 7(1A)

Insert:

- (1B) The rules may also make provision for and in relation to:
- (a) one or more kinds of payments by the Commonwealth to an entity in respect of a time that occurs during the period beginning on 1 July 2021 and ending on 31 December 2022, being payments that are for the purpose of providing financial support to entities that are adversely affected by restrictions imposed under a public health order of a State or Territory to prevent or control the transmission of the coronavirus known as COVID-19; and
 - (b) the establishment of a scheme providing for matters relating to one or more of those payments, and matters relating to such a scheme.

Paragraphs (a) and (b) do not limit each other.

2 Subsection 7(2)

Omit “and (1A)”, substitute “, (1A) and (1B)”.

Schedule 2—Disclosure of tax information to Australian government agencies to facilitate COVID-19 business support programs

Taxation Administration Act 1953

1 Subsection 355-65(8) in Schedule 1 (at the end of the table)

Add:

- | | | |
|----|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 12 | an *Australian government agency | is for the purpose of administering a program declared under subsection (10) to be a relevant COVID-19 business support program. |
|----|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------|

2 At the end of section 355-65 in Schedule 1

Add:

- (10) For the purposes of item 12 of Table 7 in subsection (8), the Minister may, by legislative instrument, declare a program administered by an *Australian government agency to be a relevant COVID-19 business support program if the Minister is satisfied that the program is, in effect:
- (a) responding to economic impacts of the coronavirus known as COVID-19; and
 - (b) directed at supporting *businesses the operations of which have been significantly disrupted as a result of a public health directive.

3 Application of amendments

The amendment made by item 1 of this Schedule applies in relation to records and disclosures of information made after the commencement of that item, whether the information was obtained before, on or after that commencement.

Schedule 3—Tax-free treatment of payments from COVID-19 business support programs

Income Tax Assessment Act 1997

1 Section 11-55 (table item headed “Coronavirus economic response”)

After:

State and Territory grants to small business relating to
the recovery from the coronavirus..... 59-97

insert:

Commonwealth small business support payments
relating to the coronavirus..... 59-98

2 After section 59-97

Insert:

59-98 Commonwealth small business support payments relating to the coronavirus known as COVID-19

- (1) A payment an entity receives is not assessable income and is not
*exempt income if:
- (a) the entity receives the payment under a program administered
by the Commonwealth or an authority of the Commonwealth;
and
 - (b) the program is declared under subsection (2) to be an eligible
program (whether this declaration is made before, on or after
the day the entity receives the payment); and
 - (c) the entity receives the payment in the 2021-22 *financial
year; and
 - (d) the entity is a *small business entity, or an entity covered by
subsection 59-97(2), for the income year in which the entity
receives the payment.

Schedule 3 Tax-free treatment of payments from COVID-19 business support programs

- (2) For the purposes of paragraph (1)(b), the Minister may, by legislative instrument, declare a program to be an eligible program if the Minister is satisfied that the program is, in effect:
- (a) responding to economic impacts of the coronavirus known as COVID-19; and
 - (b) directed at supporting *businesses the operations of which have been significantly disrupted as a result of a public health directive.

3 Application of amendments

The amendments made by this Schedule apply to assessments for income years ending on or after 1 July 2021.

Schedule 4—Modification power

Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020

1 Schedule 5

Repeal the Schedule, substitute:

Schedule 5—Modification of information and other requirements

1 Modification of information and other requirements

- (1) This item applies in relation to a provision (an *affected provision*) of an Act or a legislative instrument that requires or permits any of the following matters (a *relevant matter*):
- (a) the giving of information in writing;
 - (b) the signature of a person;
 - (c) the production of a document by a person;
 - (d) the recording of information;
 - (e) the retention of documents or information;
 - (f) the witnessing of signatures;
 - (g) the certification of matters by witnesses;
 - (h) the verification of the identity of witnesses;
 - (i) the attestation of documents.
- (2) A responsible Minister for an affected provision may, by legislative instrument, determine that, to the extent that the affected provision relates to a relevant matter:
- (a) the affected provision is varied as specified in the determination in relation to a period specified in the determination; or
 - (b) the affected provision does not apply in relation to a period specified in the determination; or
 - (c) the affected provision does not apply, and that another provision specified in the determination applies instead, in relation to a period specified in the determination.

- (3) The period specified in a determination made under subitem (2) may be a period that starts before this item commences.
- (4) A responsible Minister for an affected provision must not make a determination under subitem (2) in relation to the affected provision unless the responsible Minister is satisfied that the determination is in response to circumstances relating to the coronavirus known as COVID-19.
- (5) For the purposes of this item, a **responsible Minister** for an affected provision is:
 - (a) if the affected provision is a provision of an Act—any Minister who administers that Act; or
 - (b) if the affected provision is a provision of a legislative instrument—any Minister who administers the enabling legislation (within the meaning of the *Legislation Act 2003*) under which that legislative instrument is made.
- (6) A determination made under subitem (2) has effect accordingly.
- (7) A determination made under subitem (2) has no operation after 31 December 2022.
- (8) This item is repealed at the end of 31 December 2022.

Schedule 5—Tax-free treatment of COVID-19 disaster payments

Income Tax Assessment Act 1997

1 Section 11-55 (before table item headed “demutualisation of friendly society health or life insurers”)

Insert:

COVID-19 disaster payment 59-96

2 After section 59-95

Insert:

59-96 COVID-19 disaster payment

A payment an individual receives is not assessable income and is not *exempt income if it is a COVID-19 disaster payment (within the meaning of the *COVID-19 Disaster Payment (Funding Arrangements) Act 2021*).

3 Application of amendments

The amendments made by this Schedule apply to assessments for the 2020-21 income year and later income years.

[Minister’s second reading speech made in—
House of Representatives on 3 August 2021
Senate on 4 August 2021]

(93/21)

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2021