

# SOCIAL SERVICES CONSOLIDATION.

No. 38 of 1948.

An Act to amend the *Social Services Consolidation Act 1947*, and for other purposes.

[Assented to 19th October, 1948.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title  
and citation.

**1.**—(1.) This Act may be cited as the *Social Services Consolidation Act 1948*.

(2.) The *Social Services Consolidation Act 1947*\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Social Services Consolidation Act 1947–1948*.

Commencement

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

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\* Act No. 26, 1947.

3. Section six of the Principal Act is amended by adding at the end thereof the following definition :—

“ ‘ war pension ’ means—

- (a) a pension payable under the *Australian Soldiers' Repatriation Act 1920-1947* (including a service pension but not including an attendant's allowance payable under the Second Schedule or the Fifth Schedule to that Act);
- (b) a pension payable under the *Seamen's War Pensions and Allowances Act 1940-1946* (but not including an attendant's allowance payable under section twenty-one of that Act); or
- (c) a pension, or compensation of a periodical nature, payable under section thirteen of the *Defence (Transitional Provisions) Act 1946-1947* (but not including an attendant's allowance payable under that section),

and includes a pension which is payable under the law of some country other than Australia and, in the opinion of the Director-General, is similar in character to a war pension ; ”.

4. Section eighteen of the Principal Act is amended—

Definitions.

(a) by inserting after the definition of “ claimant ” the following definition :—

“ ‘ dependent female ’ means, in relation to the operation of any provision of this Act, a woman who has lived with a man (in this Part referred to as her husband) as his wife on a permanent and *bona fide* domestic basis, although not legally married to him, for not less than three years immediately preceding the operation of that provision in relation to that woman or man ; ”;

(b) by inserting after the definition of “ income ” the following definition :—

“ ‘ married person ’ means a person in relation to whose income sub-section (2.) of section twenty-nine of this Act applies ; ” ; and

(c) by adding at the end thereof the following definitions :—

“ ‘ service pensioner ’ means a person in receipt of a service pension under the *Australian Soldiers' Repatriation Act 1920-1947* ;

“ ‘ unmarried person ’ means a person who is not a married person and includes a widower or widow and a person whose marriage has been dissolved but who has not remarried ;

“ ‘ wife ’ includes a dependent female. ”.

5. Section twenty-two of the Principal Act is amended by omitting from paragraph (g) the words “ Six hundred and fifty pounds ” and inserting in their stead the words “ Seven hundred and fifty pounds ”.

Conditions of grant of war pensions.

Conditions of  
grant of  
invalid  
pension.

6. Section twenty-five of the Principal Act is amended by omitting from paragraph (f) of sub-section (1.) the words "Six hundred and fifty pounds" and inserting in their stead the words "Seven hundred and fifty pounds".

Rate of  
pension.

7. Section twenty-eight of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words "Ninety-seven pounds ten shillings" and inserting in their stead the words "One hundred and ten pounds ten shillings";

(b) by omitting from paragraph (a) of sub-section (2.) the words "Fifty-two pounds" and inserting in their stead the words "Seventy-eight pounds";

(c) by omitting from paragraph (b) of sub-section (2.) the words "exceeds Fifty pounds but does not exceed Four hundred pounds" and inserting in their stead the words "exceeds One hundred pounds but does not exceed Four hundred and fifty pounds"; and

(d) by adding at the end thereof the following sub-sections:—

"(3.) Where, but for this sub-section—

(a) the rate of the age or invalid pension payable to a pensioner who is an unmarried person would be such that the aggregate of the rate of that age or invalid pension and of the rate of any war pension payable to that person would exceed One hundred and sixty-two pounds ten shillings per annum, the rate of that age or invalid pension shall be reduced by the amount of the excess;

(b) the rate of the age or invalid pension payable to a pensioner who is a married person and whose husband or wife is also a pensioner or a service pensioner would be such that the aggregate of the rates of the age or invalid pensions of that married person and of the husband or wife and of the rates of any war pensions payable to them would exceed Three hundred and seventeen pounds four shillings per annum, the rates of those age or invalid pensions shall be reduced by amounts equal in the aggregate to the amount of the excess; and

(c) the rate of the age or invalid pension payable to a pensioner who is a married person and whose husband or wife is not a pensioner or a service pensioner would be such that the aggregate of the rate of that age or invalid pension and of the rates of any war pensions payable to them would exceed Two hundred and sixty pounds per annum, the rate of that age or invalid pension shall be reduced by the amount of the excess.

“(4.) In the last preceding sub-section, ‘pensioner’ does not include a person who is in receipt only of a child’s allowance under section thirty-four of this Act.”

8. Section thirty-one of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section :—

“(1.) In this Division, ‘invalid pensioner’ includes an age pensioner who is permanently incapacitated for work or is permanently blind.”

9. Section thirty-three of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (2.) the words “Fifty-two pounds” and inserting in their stead the words “Seventy-eight pounds”;

(b) by omitting from paragraph (b) of sub-section (2.) the words “exceeds Fifty pounds but does not exceed Four hundred pounds” and inserting in their stead the words “exceeds One hundred pounds but does not exceed Four hundred and fifty pounds”; and

(c) by inserting after sub-section (2.) the following sub-section :—

“(2A.) Where, but for this sub-section, the rate of a wife’s allowance would be such that the aggregate of that rate, of the rate of her husband’s age or invalid pension and of the rates of any war pensions payable to them would exceed Three hundred and seventeen pounds four shillings per annum, the rate of that wife’s allowance and the rate of that age or invalid pension shall be reduced by amounts equal in the aggregate to the amount of the excess.”

10. Section thirty-six of the Principal Act is amended by omitting from sub-sections (1.) and (2.) the words “Two hundred and seventy-nine pounds ten shillings” (wherever occurring) and inserting in their stead the words “Three hundred and five pounds ten shillings”.

11. Section forty-five of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words “One pound” and inserting in their stead the words “One pound ten shillings”; and

(b) by omitting from sub-section (2.) the words “Two pounds” and inserting in their stead the words “Three pounds”.

12. Section fifty of the Principal Act is amended by omitting the words “Thirty-three pounds sixteen shillings” and inserting in their stead the words “Thirty-nine pounds”.

13. Section sixty-two of the Principal Act is amended by omitting from sub-paragraph (ii) of paragraph (d) of sub-section (1.) the words “Six hundred and fifty pounds” and inserting in their stead the words “Seven hundred and fifty pounds”.

Rate of  
widow's  
pension.

**14.** Section sixty-three of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words "One hundred and ten pounds ten shillings" and inserting in their stead the words "One hundred and twenty-three pounds ten shillings";
- (b) by omitting from paragraph (b) of sub-section (1.) the words "Eighty-three pounds four shillings" and inserting in their stead the words "Ninety-six pounds four shillings";
- (c) by omitting from paragraph (a) of sub-section (2.) the words "Fifty-two pounds" and inserting in their stead the words "Seventy-eight pounds";
- (d) by omitting from paragraph (b) of sub-section (2.) the words "exceeds Fifty pounds but does not exceed Four hundred pounds" and inserting in their stead the words "exceeds One hundred pounds but does not exceed Four hundred and fifty pounds";
- (e) by inserting after sub-section (2.) the following sub-section :—
  - "(2A.) Where, but for this sub-section—
  - (a) the rate of the pension payable to a class A widow would be such that the aggregate of the rate of that pension and of the rate of any war pension payable to her would exceed One hundred and eighty-eight pounds ten shillings per annum (or, where the child, or one of the children, of whom the widow has the custody, care and control is dependent on the widow and no payment is received by the widow for or in respect of that child—Two hundred and one pounds ten shillings per annum), the rate of the widow's pension shall be reduced by the amount of the excess; and
  - (b) the rate of the pension payable to a class B widow or a class D widow would be such that the aggregate of the rate of that pension and of the rate of any war pension payable to her would exceed One hundred and sixty-two pounds ten shillings per annum, the rate of the widow's pension shall be reduced by the amount of the excess."
- (f) by omitting from sub-section (3.) the words "One pound seventeen shillings and six pence" and inserting in their stead the words "Two pounds two shillings and six-pence"; and
- (g) by adding at the end thereof the following sub-section :—
  - "(4.) Where, but for this sub-section, the rate of pension payable to a class C widow would be such that the aggregate of the rate of that pension and of the rate of any war pension payable to her would exceed Three

pounds two shillings and sixpence per week, the rate of the widow's pension shall be reduced, or further reduced, by the amount of the excess."

15. Section seventy-four of the Principal Act is amended by omitting from sub-section (2.) the words "One pound" and inserting in their stead the words "One pound ten shillings". Receipt of property, &c., to be notified.

16. Section eighty of the Principal Act is amended by omitting the words "Twenty-eight pounds twelve shillings" and inserting in their stead the words "Thirty-three pounds sixteen shillings". Benevolent asylum inmate.

17. Section ninety-five of the Principal Act is amended by omitting from sub-section (1.) the words "Seven shillings and sixpence" and inserting in their stead the words "Ten shillings". Child endowment.

18.—(1.) Where, but for this sub-section, the amendment effected by paragraph (d) of section seven of this Act, paragraph (c) of section nine of this Act or paragraph (e) or (g) of section fourteen of this Act would have operated so as to reduce the rate, in force immediately prior to the date of commencement of this Act, of the civil pension payable to a person, that amendment shall not operate so as to reduce that rate. Saving.

(2.) If the war pension payable to a person is increased, otherwise than by the operation of the *Australian Soldiers' Repatriation Act 1948*, the last preceding sub-section shall not operate so as to prevent a reduction in the rate of the civil pension payable to that person equal to the amount of that increase or, if the husband or wife of that person (being a husband or wife in relation to whose income sub-section (2.) of section twenty-nine of the Principal Act as amended by this Act applies) is also in receipt of a civil pension, so as to prevent reductions of those civil pensions equal in the aggregate to the amount of that increase.

(3.) In this section--

"civil pension" means an age pension, an invalid pension, a wife's allowance or a widow's pension payable under the Principal Act as amended by this Act;

"war pension" has the same meaning as in the Principal Act as amended by this Act.

19.—(1.) The amendments effected by sections seven and twelve of this Act shall apply in relation to the instalment of pensions falling due on the first pension pay day occurring after the date of commencement of this Act and to all subsequent instalments. Application of amendments.

(2.) The amendments effected by sections fourteen and sixteen of this Act shall apply in relation to the instalment of pensions falling due on the first pension pay day occurring after the date of commencement of this Act and to all subsequent instalments.

(3.) The amendment effected by section seventeen of this Act shall apply in respect of the endowment period commencing on the ninth day of November, One thousand nine hundred and forty-eight, and in respect of all subsequent endowment periods.