

SOCIAL SERVICES CONSOLIDATION.

No. 22 of 1951.

An Act to amend the *Social Services Consolidation Act 1947-1950*.

[Assented to 31st October, 1951.]

BE 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 1951*.

(2.) The *Social Services Consolidation Act 1947-1950** 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 1947-1951*.

Commencement.

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

Commencement.

3. Section two of the Principal Act is amended by omitting subsections (2.) and (3.).

* Act No. 26, 1947, as amended by Nos. 33 and 69, 1948; No. 16, 1949; and Nos. 6 and 26, 1950.

4. Section twenty-two of the Principal Act is amended by omitting from paragraph (g) the words "Seven hundred and fifty pounds" and inserting in their stead the words "One thousand pounds". Conditions of grant of age pension.
5. Section twenty-five of the Principal Act is amended by omitting from paragraph (f) of sub-section (1.) the words "Seven hundred and fifty pounds" and inserting in their stead the words "One thousand pounds". Conditions of grant of invalid pension.
6. Section twenty-eight of the Principal Act is amended— Rate of pension.
- (a) by omitting from sub-section (1.) the words "One hundred and thirty pounds" and inserting in their stead the words "One hundred and fifty-six pounds";
 - (b) by omitting from paragraph (a) of sub-section (3.) the words "One hundred and eighty-two pounds" and inserting in their stead the words "Two hundred and eight pounds";
 - (c) by omitting from paragraph (b) of that sub-section the words "Three hundred and thirty-eight pounds" and inserting in their stead the words "Three hundred and seventy-seven pounds"; and
 - (d) by omitting from paragraph (c) of that sub-section the words "Two hundred and seventy-nine pounds ten shillings" and inserting in their stead the words "Three hundred and five pounds ten shillings".
7. Section twenty-nine of the Principal Act is amended by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph :— Computation of income.
- “(b) where a child under the age of sixteen years is dependent on a person, the income of that person shall be reduced by the amount of Thirteen pounds per annum, less the annual amount of any payment, not being a payment of child's allowance under section thirty-four of this Act or child endowment under Part VI. of this Act, received by that person for or in respect of that child.”.
8. Section thirty of the Principal Act is amended— Computation of value of property.
- (a) by omitting from sub-paragraph (iii) of paragraph (a) of sub-section (1.) the words "Five hundred pounds" and inserting in their stead the words "Seven hundred and fifty pounds";
 - (b) by omitting from sub-paragraph (vi) of that paragraph the words "Five hundred pounds" and inserting in their stead the words "Seven hundred and fifty pounds"; and
 - (c) by omitting paragraph (c) of sub-section (1.) and inserting in its stead the following paragraph :—
 - “(c) if, for any special reason, in any particular case, the Director-General so directs, the value of the whole or any part of the property of the claimant or pensioner or of his spouse shall be disregarded; and”.

Amount of
wife's
allowance.

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

- (a) by omitting from sub-section (1.) the words "Sixty-two pounds eight shillings" and inserting in their stead the words "Seventy-eight pounds"; and
- (b) by omitting from sub-section (2A.) the words "Three hundred and thirty-eight pounds" and inserting in their stead the words "Three hundred and seventy-seven pounds".

Child's
allowance.

10. Section thirty-four of the Principal Act is amended by omitting from sub-section (6.) the words "Twenty-three pounds eight shillings" and inserting in their stead the words "Twenty-nine pounds eighteen shillings".

Income of
blind persons.

11. Section thirty-six of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words "Four hundred and sixteen pounds" and inserting in their stead the words "Five hundred and twenty pounds"; and
- (b) by omitting from sub-section (2.) the words "Four hundred and sixteen pounds" and inserting in their stead the words "Five hundred and twenty pounds".

Benevolent
asylum
inmates.

12. Section fifty of the Principal Act is amended by omitting from sub-section (1.) the words "Forty-five pounds ten shillings" and inserting in their stead the words "Fifty-four pounds twelve shillings".

Definitions.

13. Section fifty-four of the Principal Act is amended by omitting the definition of "deceased age or invalid pensioner" and inserting in its stead the following definition :—

" 'deceased age or invalid pensioner' includes —

(a) a claimant for—

- (i) an age or invalid pension ; or
- (ii) an allowance under section nine of the *Tuberculosis Act 1948*,

who, but for his death, would have been qualified to receive an age or invalid pension ; and

- (b) a person who, at the time of his death, was receiving an allowance under section nine of the *Tuberculosis Act 1948* and would have been qualified to receive an age or invalid pension if he had not been receiving that allowance."

Conditions of
grant of widow's
pension.

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

- (a) by omitting from sub-paragraph (i) of paragraph (d) of sub-section (1.) the words "One thousand pounds" and inserting in their stead the words "One thousand two hundred and fifty pounds"; and
- (b) by omitting from sub-paragraph (ii) of that paragraph the words "Seven hundred and fifty pounds" and inserting in their stead the words "One thousand pounds".

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

Rate of widow's pension.

- (a) by omitting from paragraph (a) of sub-section (1.) the words "One hundred and forty-three pounds" and inserting in their stead the words "One hundred and sixty-nine pounds";
- (b) by omitting from paragraph (b) of that sub-section the words "One hundred and nine pounds four shillings" and inserting in their stead the words "One hundred and thirty pounds";
- (c) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph :—
 - "(b) in the case of a class B widow or a class D widow—
by One pound for every complete Ten pounds of that portion of the value of the property of the widow which exceeds One hundred pounds but does not exceed Four hundred and fifty pounds, by One pound for every complete Seven pounds of that portion of the value of that property which exceeds Four hundred and fifty pounds but does not exceed Seven hundred and fifty pounds, and by Two pounds for every complete Ten pounds of the remainder (if any) of the value of the property.";
- (d) by omitting from paragraph (a) of sub-section (2A.) the words "Two hundred and eight pounds" and inserting in their stead the words "Two hundred and thirty-four pounds";
- (e) by omitting from paragraph (b) of that sub-section the words "One hundred and eighty-two pounds" and inserting in their stead the words "One hundred and ninety-five pounds";
- (f) by omitting from sub-section (3.) the words "Two pounds seven shillings and sixpence" and inserting in their stead the words "Two pounds ten shillings"; and
- (g) by omitting from sub-section (4.) the words "Three pounds ten shillings" and inserting in their stead the words "Three pounds fifteen shillings".

16. Section sixty-four of the Principal Act is amended by omitting paragraphs (b) and (c) and inserting in their stead the following paragraph :—

Computation of income.

- "(b) where a child under the age of sixteen years is dependent on a widow, the income of that widow shall be reduced by the amount of Thirteen pounds per annum, less the annual amount of any payment, not being a payment of child endowment under Part VI. of this Act, received by that widow for or in respect of that child; and".

Computation
of value of
property.

17. Section sixty-five of the Principal Act is amended—

- (a) by omitting from sub-paragraph (iii) of paragraph (a) of sub-section (1.) the words "Five hundred pounds" and inserting in their stead the words "Seven hundred and fifty pounds"; and
- (b) by omitting from sub-paragraph (vi) of that paragraph the words "Five hundred pounds" and inserting in their stead the words "Seven hundred and fifty pounds".

Benevolent
asylum
inmates.

18. Section eighty of the Principal Act is amended by omitting from sub-section (1.) the words "Thirty-nine pounds" and inserting in their stead the words "Forty-five pounds ten shillings".

Persons
disqualified for
maternity
allowance.

19. Section eighty-six of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

"(2.) Notwithstanding the provisions of the last preceding sub-section, a woman, who, by reason of those provisions, is not eligible for the grant of a maternity allowance, may be granted a maternity allowance in respect of a birth which occurs within twelve months after her arrival in Australia or on board a ship proceeding to Australia or from a port in Australia or a Territory to another port in Australia or a Territory, but, unless the Director-General is satisfied that the woman is likely to remain in Australia, payment of the maternity allowance shall not be made until the expiration of twelve months from the date of her arrival."

Claims for
maternity
allowance.

20. Section eighty-eight of the Principal Act is amended by omitting the words "three months" and inserting in their stead the words "six months".

Date from
which
endowment
payable.

21. Section one hundred and two of the Principal Act is amended—

- (a) by inserting in paragraph (a) of sub-section (1.), after the word "endowment" (first occurring), the words ", or, in special circumstances, within such longer period as the Director-General allows"; and
- (b) by inserting in sub-section (2.), after the word "child" (last occurring), the words ", or, in special circumstances, within such longer period as the Director-General allows".

Means test.

22. Section one hundred and fourteen of the Principal Act is amended by omitting from sub-section (4.) the words "One pound" and inserting in their stead the words "One pound ten shillings".

23. Section one hundred and thirty-four of the Principal Act is amended by omitting the definition of "claimant" and inserting in its stead the following definition :—

Definitions.

" 'claimant' means—

(a) in relation to a pension, a person who has lodged a claim for a pension and—

- (i) is qualified to receive that pension ; or
- (ii) would be so qualified but for the operation of paragraph (g) of sub-section (1.) of section twenty-five of this Act ; and

(b) in relation to a benefit, a person who has lodged a claim for a benefit and is qualified to receive that benefit ; ”.

24. Section one hundred and thirty-five A of the Principal Act is amended by omitting from sub-section (2.) the words " two years " and inserting in their stead the words " three years ".

Eligibility for treatment and training.

25. Section one hundred and thirty-five c of the Principal Act is repealed and the following section inserted in its stead :—

" 135c.—(1.) Where a person is receiving treatment or training or is required to interview an officer or attend for medical examination, the Director-General may authorize the payment to that person of the whole, or such part as the Director-General considers reasonable, of the cost of fares and living expenses incurred by that person in connexion with or in relation to that treatment, training or attendance, as the case may be.

Fares, living expenses, &c.

" (2.) Where—

(a) a person acts as an attendant to a person who is receiving treatment or training or is required to interview an officer or attend for medical examination ; and

(b) an officer, being a legally qualified medical practitioner, certifies that an attendant is necessary,

the Director-General may authorize the payment to the attendant of the whole, or such part as the Director-General considers reasonable, of the cost of fares and living expenses incurred by the attendant in, or in connexion with, so acting.

" (3.) A payment made under this section shall be deemed not to be income for the purposes of Part III., Part IV. or Part VII. of this Act."

26. Section one hundred and thirty-five d of the Principal Act is amended—

Payments during training.

(a) by omitting from sub-section (1.) the words " One pound " and inserting in their stead the words " One pound five shillings " ;

(b) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (3.) the words " Fifteen shillings " and inserting in their stead the words " One pound " ;

- (c) by omitting from sub-paragraph (ii) of that paragraph the words "One pound ten shillings" and "Fifteen shillings" and inserting in their stead the words "Two pounds" and "One pound" respectively;
- (d) by omitting sub-paragraph (iii) of that paragraph and inserting in its stead the following paragraph:—
 - "(iii) in the case of a married trainee where the trainee or his wife has the custody, care and control of at least one child under the age of sixteen years—Two pounds per week during the period of training."; and
- (e) by omitting paragraph (b) of sub-section (3.).

Provision of
books, &c.

27. Section one hundred and thirty-five L of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the word "training" (last occurring) and inserting in its stead the words "treatment or training"; and
- (b) by omitting from sub-section (2.) the word "training" and inserting in its stead the words "treatment or training".

Completion of
treatment and
training.

28. Section one hundred and thirty-five Q of the Principal Act is amended by omitting sub-section (5.) and inserting in its stead the following sub-section:—

"(5.) The Director-General may permit—

- (a) a person whose treatment or training has been discontinued and who has become engaged in a vocation; or
- (b) a person to whom sub-section (3.) of this section applies,

to receive such treatment as the Director-General determines for a period not exceeding six months commencing on the date on which his treatment, or on the date on which his training, was discontinued, whichever is the later."

Recovery of
over-payments.

29. Section one hundred and forty of the Principal Act is amended by adding at the end thereof the following sub-section:—

"(2.) Notwithstanding anything contained in this Act, where, for any reason, an amount has been paid by way of pension, allowance, endowment or benefit which should not have been paid, and the person to whom that amount was paid is receiving, or is entitled to receive, some other pension, allowance or benefit under this Act (other than a funeral benefit under Part III. of this Act, a maternity allowance under Part V. of this Act or child endowment under Part VI. of this Act), that amount may, if the Director-General in his discretion so determines, be deducted from that other pension, allowance or benefit."

30. The amendments effected by sections six, nine, ten, twelve, fifteen (other than paragraph (c)), eighteen and twenty-six (other than paragraph (e)) of this Act shall apply in relation to the instalments of pensions or allowances, as the case may be, 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.