

Social Services

No. 65 of 1968

An Act to amend the *Social Services Act* 1947-1967.

[Assented to 27 September 1968]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Social Services Act* 1968.

**Short title and
citation.**

(2.) The *Social Services Act 1947-1967** 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 Act 1947-1968*.

Commence-
ment.

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

Parts.

3. Section 5 of the Principal Act is amended—

(a) by omitting the words—

“ Division 5.—Wives’ and Children’s Allowances (Sections 31-35).”

and inserting in their stead the words—

“ Division 5.—Wives’ Allowances (Sections 31-35).”; and

(b) by omitting the words—

“ Part VIII.—The Commonwealth Rehabilitation Service (Sections 134-135s).

Part IX.—Miscellaneous (Sections 136-149).”

and inserting in their stead the words—

“ Part VIII.—The Commonwealth Rehabilitation Service (Sections 134-135r).

Part IX.—Miscellaneous (Sections 135u-149).”.

Rate of age
or invalid
pension
(including
guardian's
allowance
payable to an
unmarried
person).

4. Section 28 of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word “ six ” and inserting in its stead the word “ seven ”;

(b) by omitting sub-section (1A.) and inserting in its stead the following sub-section:—

“ (1A.) Subject to the next two succeeding sub-sections, the maximum rate of age pension or invalid pension is—

(a) in the case of an unmarried person or a married person whose husband or wife is not in receipt of—

(i) an age pension or an invalid pension;

(ii) a service pension under the *Repatriation Act 1920-1968*; or

(iii) an allowance under section nine of the *Tuberculosis Act 1948*,

Seven hundred and twenty-eight dollars per annum; and

(b) in any other case—Six hundred and fifty dollars per annum.”;

* Act No. 26, 1947, as amended by Nos. 38 and 69, 1948; No. 16, 1949; Nos. 6 and 26, 1950; No. 22, 1951; Nos. 41 and 107, 1952; No. 51, 1953; No. 30, 1954; Nos. 15 and 38, 1955; Nos. 67 and 98, 1956; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1960; No. 45, 1961; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; Nos. 57 and 152, 1965; No. 41, 1966; and Nos. 10 and 61, 1967.

- (c) by omitting sub-sections (1B.) and (1C.) and inserting in their stead the following sub-sections:—

“(1B.) Where a person has the custody, care and control of a child or children under the age of sixteen years, the maximum rate of pension applicable to that person under sub-section (1A.) of this section shall, subject to the next three succeeding sub-sections, be increased, or, if the last preceding sub-section applies to the person, be further increased, by One hundred and thirty dollars per annum for that child or each of those children, as the case may be.

“(1C.) The last preceding sub-section does not apply in respect of a child if—

- (a) the child is in receipt of a service pension under paragraph (a) in the second column of the table in sub-section (1.) of section eighty-five, or under sub-section (2.) of section ninety-four, of the *Repatriation Act 1920–1968*; or
- (b) the maximum rate at which a service pension under that Act is payable by virtue of sub-section (1A.) of this section as applying by reason of the operation of section eighty-four of that Act is increased in respect of that child by virtue of the last preceding sub-section as so applying.”;

- (d) by inserting after sub-section (1E.) the following sub-section:—

“(1F.) In the case of a permanently blind person who has the custody, care and control of a child or children under the age of sixteen years—

- (a) if, by reason of the operation of sub-section (1D.) or sub-section (1E.) of this section, the maximum rate of an age pension or invalid pension applicable to the person is not increased by virtue of sub-section (1B.) of this section—the maximum rate of age pension or invalid pension applicable to the person under the preceding sub-sections of this section shall be increased by One hundred and thirty dollars per annum; or
- (b) if, by reason of the operation of sub-section (1D.) of this section, the amount per annum of an increase in the maximum rate of an age pension or invalid pension applicable to the person that is effected by sub-section (1B.) of this section is less than One hundred and thirty dollars—the maximum rate of age pension or invalid pension applicable to the person under the preceding sub-sections of this section shall be increased by the amount per annum by which the amount per annum of that increase is less than One hundred and thirty dollars.”; and

- (e) by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

“(3.) A claimant or pensioner who is permanently blind and is receiving a war pension shall not be paid a pension under this Part at a rate per fortnight exceeding—

- (a) in the case of an unmarried person—

- (i) where the next succeeding sub-paragraph does not apply—the amount by which the amount of the rate per fortnight of his war pension is less than the amount of the rate per fortnight specified in the Second Schedule to the *Repatriation Act 1920–1968* as the rate for special pensions; or
- (ii) where he has the custody, care and control of a child or children under the age of sixteen years—the amount by which the amount of the rate per fortnight of his war pension is less than the sum of the amount of the rate per fortnight specified in the Second Schedule to the *Repatriation Act 1920–1968* as the rate for special pensions and Five dollars; or

- (b) in the case of a married person—

- (i) where the next succeeding sub-paragraph does not apply—half the amount by which the sum of the amount of the rate per fortnight of his war pension and the amount of the rate per fortnight of the war pension (if any) payable to his spouse is less than the amount calculated in accordance with the formula $\frac{2(P + \$442)}{26}$ where P is the amount of the maximum rate per annum of the pension specified in sub-section (1A.) of this section that is applicable to him; or

- (ii) where he has the custody, care and control of a child or children under the age of sixteen years—half the amount by which the sum of the amount of the rate per fortnight of his war pension and the amount of the rate per fortnight of the war pension (if any) payable to his spouse is less than the amount calculated in accordance with the formula $\frac{2(P + \$572)}{26}$ where P is the amount of the maximum rate per annum of the pension specified in sub-section (1A.) of this section that is applicable to him,

or the rate per fortnight of the invalid pension that he would be eligible to receive if he were not a permanently blind person but were permanently incapacitated for work, whichever is the greater.

“(3A.) Where a husband and his wife are not permanently living apart, a child who is in the custody, care and control of the wife shall, for the purposes of this section, be deemed to be in the sole custody, care and control of the husband.

“(3B.) Where a husband and his wife are not permanently living apart and the husband is not in receipt of an age pension or an invalid pension, then, for the purposes of the application of this section in relation to the wife—

- (a) the last preceding sub-section does not apply; and
- (b) a child who is in the custody, care and control of the husband shall be deemed to be in the custody, care and control of the wife.”.

5. The heading to Division 5 of Part III. of the Principal Act is amended by omitting the words “*and Children’s*”.

Heading.

6. Section 33 of the Principal Act is amended by omitting the words “Three hundred and twelve dollars” and inserting in their stead the words “Three hundred and sixty-four dollars”.

Amount of wife’s allowance.

7. Section 34 of the Principal Act is repealed.

Child’s allowance.

8. Section 35 of the Principal Act is amended by omitting the words “or child’s allowance”.

Wife’s allowance not to be paid in certain circumstances.

9. Section 50 of the Principal Act is amended by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraphs:—

Inmates of benevolent homes.

“(a) he shall, so long as he remains an inmate of the benevolent home, be paid so much of his pension as does not exceed—

- (i) in the case of a person to whom paragraph (a) of sub-section (1A.) of section twenty-eight of this Act applies—Two hundred and forty-nine dollars sixty cents per annum, or, if an allowance under Division 4A of this Part is payable to him, Three hundred and one dollars sixty cents per annum; and
- (ii) in any other case—Two hundred and thirty-four dollars per annum;

“(aa) in the case of a male pensioner who is a married person and the maximum rate of whose pension is increased by reason of the operation of sub-section (1B.) or sub-section (1F.) of section twenty-eight of this Act—there shall, so long as he remains an inmate of the benevolent home, be paid to his wife so much of his pension as does not exceed the amount per annum by which the amount per annum of his pension is greater than the amount that, but for the operation of those sub-sections, would be the amount per annum of his pension; and”.

Qualifications
for widow's
pension.

10. Section 60 of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “shall be qualified to receive a pension.” and inserting in their stead the following words and paragraphs:—

“is qualified to receive a pension if she is residing in Australia on the date on which she lodges her claim for the pension and—

- (d) in the opinion of the Director-General, she and her husband, or, in the case of a widow being a dependent female, she and the man in respect of whom she was a dependent female, were residing permanently in Australia on the occurrence of the event by reason of which she became a widow; or
- (e) she has been continuously resident in Australia for a period of not less than five years immediately preceding the date on which she lodges her claim for the pension.”; and

- (b) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) For the purposes of sub-section (1.) of this section, the event by reason of which a woman became a widow—

- (a) in the case of a dependent female—shall be taken to be the death of the man in respect of whom she was a dependent female;
- (b) in the case of a deserted wife—shall be taken to be her desertion by her husband; and
- (c) in the case of a woman whose husband has been convicted of an offence and imprisoned—shall be taken to be the imprisonment of her husband.”.

Absence from
Australia.

11. Section 61 of the Principal Act is amended by omitting from sub-sections (1.), (2.) and (3.) the words “of sub-section (3.)” and inserting in their stead the words “of sub-section (1.)”.

Rate of
widow's pension
(including
mother's
allowance
payable to
class A
widows).

12. Section 63 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (1.) the words “Six hundred and eleven dollars” and inserting in their stead the words “Six hundred and fifty dollars”;
- (b) by omitting sub-section (1A.) and inserting in its stead the following sub-section:—

“(1A.) In the case of a class A widow, the maximum rate of pension specified in paragraph (a) of the last preceding sub-section shall be increased by One hundred and thirty dollars per annum for each child in her custody, care and control.”;

(c) by inserting after sub-section (1B.) the following sub-section:—

“(1C.) Sub-section (1A.) of this section does not apply in respect of a child if—

(a) the child is in receipt of a service pension under paragraph (a) in the second column of the table in sub-section (1.) of section eighty-five, or under sub-section (2.) of section ninety-four, of the *Repatriation Act 1920–1968*; or

(b) the maximum rate at which a service pension under that Act is payable by virtue of sub-section (1A.) of section twenty-eight of this Act as applying by reason of the operation of section eighty-four of that Act is increased in respect of that child by virtue of sub-section (1B.) of section twenty-eight of this Act as so applying.”; and

(d) by omitting from sub-section (3.) the words “Eleven dollars seventy-five cents” and inserting in their stead the words “Twelve dollars fifty cents”.

13. Section 63A of the Principal Act is repealed.

Allowances
to class A
widows.

14. Section 80 of the Principal Act is amended—

Inmates of
benevolent
homes.

(a) by omitting from paragraph (a) of sub-section (1.) the words “Two hundred and eighteen dollars forty cents” and inserting in their stead the words “Two hundred and thirty-four dollars”; and

(b) by omitting from paragraph (a) of sub-section (1.) the words “Two hundred and seventy dollars forty cents” and inserting in their stead the words “Two hundred and eighty-six dollars”.

15. Section 112 of the Principal Act is amended by omitting sub-paragraphs (i) and (ii) of paragraph (b) of sub-section (6.) and inserting in their stead the following paragraph:—

Rate of
unemployment
and sickness
benefit.

“(i) who has been taken into account in fixing the rate of an age or invalid pension under Part III. payable to a person;”.

16. Section 135 of the Principal Act is amended by omitting from sub-section (3.) the words “of Part III. or” and inserting in their stead the words “of Part III., Part IV. or”.

Provision of
treatment and
training.

17. Section 135D of the Principal Act is amended—

Payments
during training.

(a) by omitting from sub-section (1.) the words “Three dollars” and inserting in their stead the words “Four dollars”; and

(b) by omitting from sub-section (1.), and from paragraph (a) of sub-section (2.), the words “, child’s allowance”;

(c) by omitting from paragraph (b) of sub-section (2.) the words “and child’s allowance”;

(d) by omitting paragraphs (a), (b) and (c) of sub-section (3.) and inserting in their stead the following paragraphs:—

“ (a) in the case of an unmarried trainee—Five dollars per week during the period of training; and

(b) in the case of a married trainee—Eight dollars per week during the period of training.”; and

(e) by omitting sub-section (5.).

Payment of
rehabilitation
allowances and
training
allowances.

18. Section 135G of the Principal Act is amended by omitting sub-section (3.).

19. After section 135s of the Principal Act the following section is inserted in Part VIII.:—

Provision of
vocational
training for
certain widows.

“ 135T.—(1.) This section applies to a woman who is in receipt of a pension under Part IV. as a class A widow or a class B widow and is not eligible to receive training under the preceding provisions of this Part.

“ (2.) The Director-General may, on behalf of the Commonwealth, provide, or arrange for the provision of, vocational training for a woman to whom this section applies and who, in the opinion of the Director-General, would derive substantial benefit from the training.

“ (3.) The training referred to in the last preceding sub-section may include—

(a) such facilities and other things as are necessary in connexion with training;

(b) the payment of tuition fees and other like fees in connexion with training; and

(c) the provision of amenities incidental to training.

“ (4.) The Director-General shall determine the women to whom this section applies who are eligible to receive training in accordance with this section.

“ (5.) A woman receiving training under this section shall, so long as she remains eligible under the provisions of Part IV., receive any pension or allowance under that Part for which she is for the time being qualified.

“ (6.) While a woman is receiving training under this section, she shall be paid a training allowance at the rate of Four dollars per week in addition to the pension and allowance (if any) that she receives under Part IV.

“ (7.) Where, during the period of her training under this section, a woman becomes disqualified from receiving a pension under Part IV. by reason that she ceases to have the custody, care and control of a child, but that woman would, if she had attained the age of forty-five years before so ceasing to have the custody, care and control of that child, have been eligible to receive a pension under that Part as a class B widow, the Director-General may, at her request, continue to provide her with training under this section so long as she would, if she had so attained that age, have remained eligible to receive a pension under that Part as

such a widow and, in that case, the training allowance payable to her is increased by an amount per week equal to the amount of the rate per week of the pension and allowance (if any) that would have been payable to her under that Part as such a widow.

“(8.) Training allowances shall be paid in fortnightly instalments on the same days as those on which pensions are paid.

“(9.) Where a training allowance is granted to a woman, payment shall be made from and including the next pension pay day occurring after the date of commencement of that woman’s training (or, if that date is a pension pay day, from and including that pension pay day) to and including the day preceding the first pension pay day occurring after the date of termination of that woman’s training.

“(10.) Where the Director-General is satisfied that it is necessary for a woman to live away from her usual place of residence for the purpose of receiving training under this section, he may authorize payment to the woman, in addition to the pension and allowances referred to in sub-sections (5.), (6.) and (7.) of this section, of a living away from home allowance at a rate not exceeding Five dollars per week during the period of training.

“(11.) The value of training provided under this section, and any amount paid under this section, shall be deemed not to be income for the purposes of Part IV.

“(12.) The cost of training provided under this section, and any expense incurred in determining the eligibility of a woman to receive training under this section, shall be borne by the Commonwealth.

“(13.) Sections one hundred and thirty-five, one hundred and thirty-five A and one hundred and thirty-five B, sub-sections (2.) and (3.) of section one hundred and thirty-five C, sections one hundred and thirty-five D and one hundred and thirty-five E, paragraphs (b) and (c) of section one hundred and thirty-five F, sections one hundred and thirty-five G, one hundred and thirty-five J, one hundred and thirty-five K, one hundred and thirty-five M and one hundred and thirty-five N, sub-sections (2.), (3.), (4.) and (5.) of section one hundred and thirty-five Q, section one hundred and thirty-five R, paragraph (b) of sub-section (1.) of section one hundred and thirty-five RA and section one hundred and thirty-five S of this Act do not apply in relation to a woman to whom this section applies.”.

20. Before section 136 of the Principal Act the following section is inserted in Part IX:—

“135U.—(1.) For the purposes of this section, unless the contrary intention appears—

(a) a reference to a pension under Part III. includes a reference to an allowance under that Part;

On death of married person, widow or widower to receive combined pensions for three months.

- (b) a woman shall be deemed to be the widow of a deceased man where, immediately before his death, she was a dependent female in respect of him for the purposes of the operation of a provision of Part III.; and
- (c) a man shall be deemed to be the widower of a deceased woman where, immediately before her death, she was a dependent female in respect of him for the purposes of the operation of a provision of Part III.

“(2.) Subject to this section, where—

- (a) a person in receipt of a pension under Part III., being a person who is a married person for the purposes of that Part;
- (b) a person being a woman who, but for the operation of section one hundred and thirty-three N, or sub-section (1.) of section one hundred and thirty-five D, of this Act, would be in receipt of a wife's allowance under Part III.; or
- (c) a person in receipt of a service pension under Division 5 of Part III. of the *Repatriation Act* 1920–1968, being a person in relation to whose income sub-section (2.) of section twenty-nine of this Act would apply if he or she were in receipt of a pension under Part III. of this Act,

dies and the widow or widower of that person was, at the time of the death of that person, in receipt of a pension under Part III., of a sheltered employment allowance under Part VIIA. or of a rehabilitation allowance under section one hundred and thirty-five D of this Act, the succeeding provisions of this section have effect.

“(3.) For the purposes of the last preceding sub-section, a deceased person who, but for the operation of the provisions of section one hundred and thirty-three N, or sub-section (1.) of section one hundred and thirty-five D, of this Act, would have been in receipt of a pension under Part III. (other than a wife's allowance under Division 5 of that Part) at the time of his or her death shall be deemed to have been in receipt of that pension at that time.

“(4.) If a deceased person in relation to whom the last preceding sub-section applies was a man, his widow shall, for the purposes of sub-section (2.) of this section, be deemed to have been at the time of his death in receipt of the wife's allowance (if any) under Division 5 of Part III. that she would have been eligible to receive if the provisions referred to in that sub-section did not operate in relation to her deceased husband.

“(5.) The pension under Part III., the sheltered employment allowance under Part VIIA. or the rehabilitation allowance under section one hundred and thirty-five D of this Act, as the case may be, that is payable to the widow or widower of a deceased person referred to in sub-section (2.) of this section is payable at the rate at which it would have been payable if—

- (a) the deceased person had not died; and

- (b) in the case of the widow of a deceased person in relation to whom sub-section (3.) of this section applies—the provisions referred to in that sub-section did not operate in relation to her deceased husband.

“(6.) Except where the deceased person was a person referred to in paragraph (b) of sub-section (2.) of this section, there is also payable to the widow or widower of the deceased person, by force of this sub-section, a pension at a rate equal to the rate at which the pension referred to in paragraph (a), or the service pension referred to in paragraph (c), of sub-section (2.) of this section, as the case may be, would have been payable to the deceased person if—

- (a) the deceased person had not died;
- (b) where sub-section (3.) of this section applies in relation to the deceased person—the provisions referred to in that sub-section did not operate in relation to that person; and
- (c) where section fifty of this Act or section ninety-five of the *Repatriation Act* 1920–1968 operated in relation to the deceased person at the time of his death—that section did not operate in relation to that person.

“(7.) Where the deceased person was a man, pension is not payable to his widow under Part IV.

“(8.) Where the amount of a fortnightly payment that, but for this sub-section, would be made to the widow or widower of a deceased person under the preceding provisions of this section would be less than the amount of the corresponding fortnightly payment that, but for this section, would be made to that widow or widower under this Act, the amount of the fortnightly payment to be made to that widow or widower under this section is that second-mentioned amount.

“(9.) This section applies in relation to the widow or widower of a deceased person only in respect of instalments of pensions and allowances falling due during the period of twelve weeks after the date of the death of the deceased person.”.

21.—(1.) In so far as an amendment made by this Act (other than section 20) affects instalments of pensions or allowances, the amendment applies in relation to an instalment of a pension or an allowance, as the case may be, falling due on the first pension pay day after the date on which this Act receives the Royal Assent and to all subsequent instalments.

Application of amendments.

(2.) In so far as an amendment made by this Act (other than section 20) affects instalments of service pensions under the *Repatriation Act* 1920–1968, the amendment applies in relation to an instalment of a service pension falling due on the first service pension pay day after the date on which this Act receives the Royal Assent and to all subsequent instalments.