

Social Services

No. 2 of 1970

An Act to amend the *Social Services Act* 1947–1969 in relation to certain Married Persons suffering Illness or Infirmary.

[Assented to 24 March 1970]

BE it enacted by the Queen'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 Act* 1970.

(2.) The *Social Services Act* 1947–1969* is in this Act referred to as the Principal Act.

* 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; Nos. 10 and 61, 1967; No. 65, 1968; and No. 94, 1969.

(3.) The Principal Act, as amended by this Act, may be cited as the *Social Services Act 1947–1970*.

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

3. Section 28 of the Principal Act is amended—

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

(b) by omitting from sub-section (1A.) the word “two” and inserting in its stead the word “three”;

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

“(1AAA.) Where the Director-General is satisfied that—

(a) the living expenses of a married person and the husband or wife of that person are, or are likely to be, greater than they would otherwise be by reason that those persons are unable, as a result of the illness or infirmity of either or both of them, to live together in a matrimonial home; and

(b) the inability is likely to continue indefinitely,

he may direct that the maximum rate of age pension or invalid pension in relation to the first-mentioned person is to be the rate specified in paragraph (a) of the last preceding sub-section.”;

(d) by omitting from sub-section (1AA.) the words “the last preceding sub-section” and inserting in their stead the words “sub-section (1A.) of this section”;

(e) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (1E.) the word “or” (last occurring); and

(f) by omitting sub-paragraph (ii) of paragraph (a) of sub-section (1E.) and inserting in its stead the following sub-paragraphs:—

“(ii) in the case of a married person in respect of whom a direction is in force under sub-section (1AAA.) of this section—twice the annual rate of pension specified in paragraph (a) of sub-section (1A.) of this section; or

(iii) in the case of any other married person—twice the annual rate of pension specified in paragraph (b) of sub-section (1A.) of this section; and”.

4. Section 30A of the Principal Act is amended by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:— Supplementary
assistance.

“(a) the person is a pensioner to whom paragraph (a) of sub-section (1A.) of section twenty-eight of this Act applies or in respect of whom a direction is in force under sub-section (1AAA.) of that section;”.

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

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

5. Section 135U of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(10.) Where, immediately before the death of a person referred to in paragraph (a) or paragraph (c) of sub-section (2.) of this section, a direction given under sub-section (1AAA.) of section twenty-eight of this Act was in force in relation to the husband or wife of the person, then, for the purposes of this section—

- (a) that direction shall be deemed not to have been given; and
- (b) if a direction given under sub-section (1AAA.) of section twenty-eight of this Act or a determination made under sub-section (2.) of section eighty-four of the *Repatriation Act* 1920–1970 was in force in relation to the deceased person immediately before the death of the person—that direction or determination shall be deemed not to have been given or made.”.

Application of amendments.

6. The amendments made by this Act apply in relation to instalments of pensions or allowances falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.
