

Social Services (No. 2)

No. 59 of 1970

An Act to amend the *Social Services Act 1947–1969*,
as amended by the *Social Services Act 1970*.

[Assented to 28 September 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:—

1.—(1.) This Act may be cited as the *Social Services Act (No. 2) 1970*.

Short title and
citation.

(2.) The *Social Services Act 1947–1969*,* as amended by the *Social Services Act 1970*,† is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Social Services Act 1970* is amended by omitting sub-section (3.).

(4.) 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 paragraph (a) of sub-section (1A.) the words “Seven hundred and eighty dollars” and inserting in their stead the words “Eight hundred and six dollars”; and

(b) by omitting from paragraph (b) of sub-section (1A.) the words “Six hundred and eighty-nine dollars” and inserting in their stead the words “Seven hundred and fifteen dollars”.

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

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

Inmates of
benevolent
homes.

“(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 seventy-five dollars sixty cents per annum, or, if an allowance under Division 4A of this Part is payable to him, Three hundred and twenty-seven dollars sixty cents per annum; and

* 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.

† Act No. 2, 1970.

(ii) in any other case—Two hundred and sixty dollars per annum;”.

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

5. Section 63 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (1.) the words “Six hundred and eighty-nine dollars” and inserting in their stead the words “Seven hundred and fifteen dollars”; and
- (b) by omitting from sub-section (3.) the words “Thirteen dollars twenty-five cents” and inserting in their stead the words “Thirteen dollars seventy-five cents”.

Inmates of benevolent homes.

6. Section 80 of the Principal Act is amended by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:—

“(a) she shall, so long as she remains an inmate of the benevolent home, be paid so much of her pension as does not exceed the rate of Two hundred and sixty dollars per annum or, if an allowance under Division 3A of this Part is payable to her, Three hundred and twelve dollars per annum; and”.

Interpretation.

7. Section 106 of the Principal Act is amended—

- (a) by adding at the end of the definition of “benefit” in sub-section (1.) the words “and a supplementary allowance”; and
- (b) by inserting in sub-section (1.), after the definition of “claimant”, the following definition:—

“‘dependant’, in relation to a beneficiary, means a person who is taken into account, under sub-section (2.), (3.), (4.) or (5.) of section one hundred and twelve of this Act, in calculating the rate of benefit payable to the beneficiary;”;

- (c) by inserting in sub-section (1.), after the definition of “Registrar”, the following definitions:—

“‘rent’, in relation to a beneficiary, means rent in respect of premises, or a part of premises, occupied by him as his home, and includes amounts payable by him for lodging or for board and lodging;

‘supplementary allowance’ means a supplementary allowance payable under section one hundred and twelve B of this Act;”.

8. After section 112 of the Principal Act the following sections are inserted:—

Calculation of rate of sickness benefit after first six weeks.

“112A.—(1.) Where a sickness benefit has been payable to a person for a continuous period of more than six weeks, the rate of the sickness

benefit in respect of the part of the period after the expiration of the first six weeks shall be calculated as if—

- (a) the rate specified in paragraph (a) of sub-section (1.) of the last preceding section were Ten dollars per week;
- (b) the rate specified in paragraph (b) of that sub-section were Ten dollars per week; and
- (c) the rate specified in paragraph (c) of that sub-section were an amount per week equal to one fifty-second of the amount included in the annual rate specified in paragraph (a) of sub-section (1A.) of section twenty-eight of this Act.

“(2.) The last preceding sub-section does not affect the rate of sickness benefit payable to a person in respect of a period if the person, during the period—

- (a) has no dependants; and
- (b) is a patient, other than an out-patient, of a hospital that is an approved hospital for the purposes of Part V. of the *National Health Act 1953–1970*.

“112B.—(1.) This section applies to a person if—

- (a) a sickness benefit is payable to the person at a rate fixed having regard to the last preceding section; and
- (b) the Director-General is satisfied that the person requires benefit under this section by reason that he pays rent and is entirely or substantially dependent upon his sickness benefit.

Supplementary allowance after first six weeks of sickness benefit.

“(2.) Subject to this Part, there is payable to a person to whom this section applies, in addition to his sickness benefit, a supplementary allowance at a rate determined by the Director-General in the particular case, being a rate not exceeding Two dollars per week.

“(3.) An allowance under this section is payable from a date determined by the Director-General, which may be a date before the date of the determination.

“(4.) Where a person in receipt of an allowance under this section ceases to be a person to whom this section applies, the Director-General may cancel the allowance as on and from such date as the Director-General determines.

“(5.) The date determined by the Director-General under the last preceding sub-section may, in the case of a person who has failed to comply with a requirement of section one hundred and thirty of this Act, be a date earlier than the date of the determination but not earlier than the first day after the expiration of the time within which the requirement could have been complied with, and any amount of the allowance paid in

respect of a period after the date so determined shall be deemed to be an amount in respect of which sub-section (1.) of section one hundred and forty of this Act applies.”.

Limitation on amount payable as sickness benefit and supplementary allowance.

9. Section 113 of the Principal Act is amended by inserting after the word “ benefit ” the words “ (including any supplementary allowance) ”.

Provisions where beneficiary entitled to compensation, &c.

10. Section 115 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(13.) In this section, ‘ sickness benefit ’ includes a supplementary allowance.”.

Manner of payment of unemployment benefit and sickness benefit.

11. Section 123 of the Principal Act is amended by inserting in sub-section (1.), after the words “ sickness benefit ”, the words “ (including any supplementary allowance) ”.

Receipt of income, &c., to be notified.

12. Section 130 of the Principal Act is amended by inserting after sub-section (1.) the following sub-sections:—

“(1A.) Where a beneficiary to whom a supplementary allowance is payable ceases to pay rent, he shall, within seven days after he so ceases, notify a Registrar accordingly.

“(1B.) Where a beneficiary who has no dependants and has been in receipt of a sickness benefit in respect of a continuous period of more than six weeks is admitted to a hospital that is an approved hospital for the purposes of Part V. of the *National Health Act* 1953–1970, he shall, within seven days after having been so admitted, notify a Registrar accordingly.”.

Application of amendments.

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

(2.) In so far as an amendment made by this Act affects instalments of service pensions under the *Repatriation Act* 1920–1970, the amendment applies in relation to an instalment of a service pension falling due on the first service pension pay day after the date of commencement of this Act and to all subsequent instalments.

(3.) In so far as an amendment made by this Act affects instalments of sickness benefit, the amendment applies in relation to an instalment of sickness benefit payable in respect of a period that commences on or after the date of commencement of this Act or commenced during the period of seven days immediately preceding that date.