

Social Services

No. 16 of 1971

An Act to amend the *Social Services Act 1947-1970*.

[Assented to 7 April 1971]

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 1971*.

Short title
and citation.

(2.) The *Social Services Act 1947-1970** 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 1947-1971*.

2. This Act shall be deemed to have come into operation on the first day of April, One thousand nine hundred and seventy-one.

Commence-
ment.

3. Section 28 of the Principal Act is amended by inserting in sub-section (1A.), after the word “sub-sections”, the words “and to the next succeeding section”.

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

4. After section 28 of the Principal Act the following section is inserted:—

“ 28A.—(1.) Where—

(a) an unmarried person to whom sub-section (1A.) of the last preceding section applies is permanently blind; or

(b) the amount of the means as assessed of an unmarried person to whom sub-section (1A.) of the last preceding section applies does not exceed Five hundred and twenty dollars,

Maximum
rate to be
deemed to be
increased in
relation to
certain persons.

the maximum rate specified in paragraph (a) of that sub-section shall be deemed, in relation to that person, to be increased by Twenty-six dollars per annum.

“(2.) Where the amount of the means as assessed of a person referred to in paragraph (b) of the last preceding sub-section exceeds Five hundred and twenty dollars but does not exceed Five hundred and seventy-two dollars, the maximum rate specified in paragraph (a) of sub-section (1A.) of the last preceding section shall be deemed, in relation to that person, to be increased by such amount per annum as is equal to one-half of the amount by which the amount of the means as assessed of the person is less than Five hundred and seventy-two dollars.

* 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; No. 94, 1969; and Nos. 2 and 59, 1970.

“(3.) Where—

- (a) a married person to whom sub-section (1A.) of the last preceding section applies is permanently blind; or
- (b) the amount of the means as assessed of a married person to whom sub-section (1A.) of the last preceding section applies does not exceed Four hundred and forty-two dollars,

the maximum rate specified in that sub-section that is applicable to that person shall, subject to sub-section (5.) of this section, be deemed, in relation to that person, to be increased by Twenty-six dollars per annum.

“(4.) Where the amount of the means as assessed of a person referred to in paragraph (b) of the last preceding sub-section exceeds Four hundred and forty-two dollars but does not exceed Four hundred and ninety-four dollars, the maximum rate specified in sub-section (1A.) of the last preceding section that is applicable to that person shall, subject to the next succeeding sub-section, be deemed, in relation to that person, to be increased by such amount per annum as is equal to one-half of the amount by which the amount of the means as assessed of that person is less than Four hundred and ninety-four dollars.

“(5.) This section does not affect the amount to be attributed to the symbol ‘P’ in the formulas set out in paragraph (b) of sub-section (3.) of the last preceding section.”

Inmates of
benevolent
homes.

5. Section 50 of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“(2.) The last preceding sub-section does not apply in relation to any amount of a pension that is payable by virtue of section twenty-eight A of this Act.

“(3.) An amount of a pension referred to in the last preceding sub-section shall, so long as the pensioner remains an inmate of the benevolent home, be paid as follows:—

- (a) there shall be paid to the pensioner so much of the amount as does not exceed—
 - (i) in the case of a pensioner to whom paragraph (a) of sub-section (1A.) of section twenty-eight of this Act applies—
Ten dollars forty cents per annum; or
 - (ii) in any other case—Thirteen dollars per annum; and
- (b) the balance (if any) shall be paid to the person controlling the benevolent home for the maintenance of the pensioner in the benevolent home.

“(4.) An amount of a pension that would, but for this sub-section, be payable to a person controlling a benevolent home by virtue of the preceding provisions of this section is not so payable in respect of a period during which a Commonwealth benefit is payable under Part V. of the *National Health Act 1953–1970* in respect of hospital treatment received by the pensioner concerned.”

6. Section 63 of the Principal Act is amended by omitting from sub-section (3.) the words "Thirteen dollars seventy-five cents" and inserting in their stead the words "Fourteen dollars twenty-five cents".

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

7. After section 63 of the Principal Act the following section is inserted:—

"63A.—(1.) Where the amount of the means as assessed of a class A widow does not exceed Five hundred and twenty dollars, a reference in sub-section (1.) of the last preceding section to the maximum rate of age or invalid pension specified in paragraph (a) of sub-section (1A.) of section twenty-eight of this Act shall, in relation to that widow, be read as a reference to that maximum rate increased by Twenty-six dollars per annum.

Maximum rate to be deemed to be increased in relation to certain persons.

"(2.) Where the amount of the means as assessed of a class A widow exceeds Five hundred and twenty dollars but does not exceed Five hundred and seventy-two dollars, a reference in sub-section (1.) of the last preceding section to the maximum rate of age or invalid pension specified in paragraph (a) of sub-section (1A.) of section twenty-eight of this Act shall, in relation to that widow, be read as a reference to that maximum rate increased by such amount per annum as is equal to one-half of the amount by which the amount of the means as assessed of the widow is less than Five hundred and seventy-two dollars.

"(3.) Where the amount of the means as assessed of a class B widow does not exceed Five hundred and twenty dollars, the rate specified in paragraph (b) of sub-section (1.) of the last preceding section shall, in relation to that widow, be deemed to be increased by Twenty-six dollars per annum.

"(4.) Where the amount of the means as assessed of a class B widow exceeds Five hundred and twenty dollars but does not exceed Five hundred and seventy-two dollars, the rate specified in paragraph (b) of sub-section (1.) of the last preceding section shall, in relation to that widow, be deemed to be increased by such amount per annum as is equal to one-half of the amount by which the amount of the means as assessed of the widow is less than Five hundred and seventy-two dollars."

8. Section 80 of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

Inmates of benevolent homes.

"(2.) The last preceding sub-section does not apply in relation to an amount of a pension that is payable by virtue of section sixty-three A of this Act.

"(3.) An amount of a pension referred to in the last preceding sub-section shall, so long as the widow remains an inmate of the benevolent home, be paid as follows:—

(a) there shall be paid to the widow so much of the amount as does not exceed Thirteen dollars per annum; and

- (b) the balance (if any) shall be paid to the person controlling the benevolent home for the maintenance of the widow in the benevolent home.

“(4.) An amount of a pension that would, but for this sub-section, be payable to a person controlling a benevolent home by virtue of the preceding provisions of this section is not so payable in respect of a period during which a Commonwealth benefit is payable under Part V. of the *National Health Act* 1953–1970 in respect of hospital treatment received by the widow concerned.”.

Calculation of
rate of sickness
benefit after
first six weeks.

9. Section 112A of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the words “Ten dollars” (wherever occurring), the words “fifty cents”; and
- (b) by omitting paragraph (c) of sub-section (1.) and inserting in its stead the following paragraph:—
- “(c) the rate specified in paragraph (c) of that sub-section were an amount per week equal to the sum of—
- (i) 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; and
 - (ii) fifty cents.”.

Application of
amendments.

10.—(1.) In so far as an amendment made by this Act affects instalments of pensions or of 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 pension pay day or the allowance pay day, as the case may be, immediately following the last pension pay day or allowance pay day, as the case may be, before 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* 1920–1971, the amendment applies in relation to an instalment of a service pension falling due on the service pension pay day immediately following the last service pension pay day before 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 after the date of commencement of this Act or that commenced during the period of seven days ending on that date.