**Social Services Act 1973**

**No. 1 of 1973**

**AN ACT**

Relating to Social Services,

[*Assented to 16 March 1973*]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

**Short title and citation.**

**1.** (1) This Act may be cited as the *Social Services Act* 1973.

(2) The *Social Services Act* 1947–1972 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* 1947–1973.

**Commencement.**

**2.** Subject to section 15, this Act shall come into operation on the day on which it receives the Royal Assent.

**Definitions.**

**3.** Section 18 of the Principal Act is amended, by omitting paragraph (e) of the definition of “income” and substituting the following paragraph:—

“(e) a payment under Part. V, VI, VII, VIIa or VIII;”.

**4.** Section 18a of the Principal Act is repealed and the following section substituted:—

**Student children over the age of sixteen years.**

“18a. Where a person who is wholly or substantially dependent on a claimant or pensioner—

(*a*) has attained, the age of sixteen, years;

(*b*) is receiving full-time education at a school, college or university; and

(*c*) is not in. receipt of an invalid pension under Part III,

Division 4 applies in relation to that claimant or pensioner as if that person were a child under the age of sixteen years in the custody, care and control of that claimant or pensioner.’’.

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

**5.** Section 28 of the Principal Act is amended by omitting sub-section (1a) and substituting the following sub-section:—

“(1a) Subject to sub-sections (1aaa), (1aa) and (1b), the maximum rate of age pension or invalid pension is—

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

(i) a pension under this Part;

(ii) a benefit under Part VII;

(iii) a service pension under the *Repatriation Act* 1920–1973; or

(iv) an allowance under section 9 of the *Tuberculosis Act* 1948,

One thousand one hundred and eighteen dollars per annum; and

(b) in any other case—Nine hundred and seventy-five dollars per annum.”.

**Inmates of benevolent homes.**

**6.** Section 50 of the Principal Act is amended by omitting from paragraph (*a*) of sub-section (1) the words “Three hundred and sixty-four” and “Four hundred and sixteen” and substituting the words “Three hundred and ninety” and “Four hundred and forty-two”, respectively.

**7**. Section 59a of the Principal Act is repealed and the following section substituted:—

**Student children over the age of sixteen years.**

“59a. Where a person who is wholly or substantially dependent on a widow—

(a) has attained the age of sixteen, years;

(b) would, if he were under that age, be a child in relation to that widow for the purposes of this Part;

(c) is receiving full-time education at a school, college or university; and

(d) is not in receipt of an invalid pension under Part III,

this Part (other than section 61) applies in relation to that widow as if that person were a child in the custody, care and control of that widow.”.

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

**8.** Section 63 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1) the words “Eight hundred and ninety-seven dollars per annum” and substituting the words “the maximum rate of age pension, or invalid pension, specified in paragraph (a) of sub-section (1a) of section 28”; and

(b) by omitting from sub-section (3) the words “Seventeen dollars twenty-five cents per week” and substituting the words “an amount per week equal to one fifty-second of the amount per annum specified in paragraph (a) of sub-section (1a) of section 28”.

**Inmates of benevolent homes.**

**9.** Section 80 of the Principal Act is amended by omitting from paragraph (a) of sub-section (1) the words “Three hundred and sixty-four” and “Four hundred and sixteen” and substituting the words “Three hundred and ninety” and “Four hundred, and forty-two”, respectively.

**Interpretation.**

**10.** Section 83a of the Principal Act is amended by omitting subparagraphs (i) and (ii) of paragraph (b) of the definition of “deceased child” in sub-section (1.) and substituting the following sub-paragraph:—

“(i) had attained the age of sixteen years;”.

**Interpretation.**

**11.** Section 106 of the Principal Act is amended—

(a) by omitting the definition of “dependant” in sub-section (1) and substituting the following definition:—

“‘dependant’, in relation to a beneficiary, means a person who is taken into account, under sub-section (2), (3), (4), (4a) or (5) of section 112, in calculating the rate of benefit payable to the beneficiary;”;

(b) by omitting paragraph (b) of the definition of “income” in sub-section (1)and substituting the following paragraph:—

“(b) a payment under Part III, IV, V, VI or VIIa;”;

(c) by omitting from paragraph (f) of the definition of “income” in sub-section (1) the words “(other than a service pension)”;

(d) by inserting in sub-section (1), after the definition of “income”, the following definition:—

“‘married person’ does not include a widower or widow or a person whose marriage has been dissolved but who has not remarried;”;

(e) by omitting from sub-section (1) the definition of “supplementary allowance” and substituting the following definition:—

“‘supplementary allowance’ means a supplementary allowance payable under section 112a;”; and

(f) by inserting after sub-section (1) the following sub-section:—

“(1a) Where a person who is wholly or substantially dependent on a claimant or beneficiary—

(a) has attained the age of sixteen years;

(b) is receiving full-time education at a school, college or university; and

(c) is not in receipt of an invalid pension under Part III,

Division 3 applies in relation to that claimant or beneficiary as if that person were a child under the age of sixteen years in the custody, care and control of the claimant or beneficiary.”.

**Rate of unemployment and sickness benefit.**

**12.** Section 112 of the Principal. Act is amended—

(a) by omitting sub-sections (1), (2), (3) and (4) and substituting the following sub-sections:—

“(1) Subject to this Part, the rate of an. unemployment benefit or a sickness, benefit is—

(a) in the case of an. unmarried, person—Twenty-one dollars fifty cents per week; or

(b) in. any other case—Eighteen, dollars seventy-five cents per week.

“(2) Subject to sections 113 and 114, where a married person who is qualified to receive an unemployment benefit or a sickness benefit has a spouse who is resident in Australia and is, in the opinion of the Director-General, dependent (whether substantially or less than substantially) on the married person, the rate of the benefit applicable to the married person, under sub-section (1) shall by virtue of this sub-section, be increased by—

(a) where the spouse is in receipt of a prescribed pension—the amount (if any) per week by which. the amount per week of the prescribed pension that the spouse is receiving is less than Eighteen dollars seventy-five cents or, if the spouse is, in. the opinion of the Director-General, less than substantially dependent on the married person, such, amount (if any) per week as the Director-General considers reasonable in the circumstances but not exceeding the amount first mentioned in this paragraph; or

(b) where the spouse is not in receipt of a prescribed pension—Eighteen dollars seventy-five cents per week or, if the spouse is, in the opinion of the Director-General, less than substantially dependent on the married person, such amount (if any) per week as the Director-General considers reasonable in the circumstances but not exceeding Eighteen dollars seventy-five cents.

“(3) Where a person to whom sub-section (2) applies is living apart from his spouse and is making a. payment to the spouse, for or towards the maintenance of the spouse, at a weekly rate less than the amount per week by which the rate of his unemployment benefit or sickness benefit would, in the absence of a

determination under this sub-section, be increased in accordance with sub-section (2), the Director-General may, by instrument in. writing, determine that the amount per week by which the rate of his unemployment benefit, or sickness benefit is to be increased by virtue of sub-section (2) shall not exceed the weekly rate of the payment to the spouse.

“(4) Subject to sections 113 and 114, where—

(a) the rate of an unemployment benefit or a sickness benefit applicable to a married person under the preceding provisions of this section, is less than Twenty-one dollars fifty cents per week: and

(b) the spouse of the married person—

(i) is not in receipt of a prescribed pension; or

(ii) is living apart from, the married person in pursuance of a separation agreement in writing or of a decree, judgment or order of a court or in such circumstances that the Director-General is satisfied that the separation is likely to be permanent,

the rate of the unemployment benefit or sickness benefit applicable to that married person under the preceding provisions of this section shall, by virtue of this sub-section, be increased to Twenty-one dollars fifty cents per week.

“(4a) Where a woman—

(a) is keeping house for a man qualified to receive an unemployment benefit or a sickness benefit and for one or more children under the age of sixteen years of whom that man has the custody, care and control;

(b) is not an employee of that man; and

(c) is substantially dependent on that man,

the Director-General may, in his discretion, unless the rate of benefit, applicable to that man tinder the preceding provisions of this section has been increased under sub-section (2), determine, by instrument in writing, that that rate of benefit be increased by—

(d) where the woman is in receipt, of a prescribed pension—the amount (if any) per week by which the sum of the amount per week of that prescribed pension and the amount per week of the benefit applicable to that man under the preceding provisions of this section is less than Thirty-seven dollars fifty cents; or

(e) in any other case—the amount per week by which the amount per week of the benefit, applicable to that man under the preceding provisions of this section is less than Thirty-seven dollars fifty cents.”; and

(b) by adding at the end thereof the following sub-section:—

“(7) In this section, ‘prescribed pension’ means—

(a) a benefit under this Part;

(b) a pension under Part III or an allowance under Part VIIa;

(c) a service pension under the *Repatriation Act* 1920–1973; or

(d) an allowance under section 9 of the *Tuberculosis Act* 1948.”.

**13.** (1) Sections 112a and 112b of the Principal Act are repealed and the following section is substituted:—

**Supplementary allowance after first six weeks of sickness benefit.**

“112a. (1) In this section, ‘prescribed period’, in relation to a person to whom a sickness benefit has been payable for a continuous period of more than six weeks, means any part of that period, after the expiration of the first six weeks in respect of which 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 but, in the case of a person who has no dependants, does not include a period during which the person 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* 1953–1972.

“(2) Subject to this Part, there is payable to a person, in addition to his sickness benefit, a supplementary allowance in respect of any period that is a prescribed period in relation to him.

“(3) The rate of an allowance under this section is a rate determined by the Director-General in the particular case, being a rate not exceeding Four dollars per week.

“(4) 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, and continues to be payable until it is cancelled under sub-section (5).

“(5) Where a prescribed period in relation to a person comes to an end, the Director-General may cancel the allowance that was payable in respect of that period, as on and from such date as the Director-General determines, being a date after the end of the prescribed period but, subject to sub-section (6), not earlier than the date of the determination.

“(6) The date determined by the Director-General under sub-section (5) may, in the case of a person who has failed to comply with a requirement of section 130, 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 140 applies.”.

(2) An allowance payable under section 112b of the Principal Act immediately before the commencement of this section continues to be payable as if it were an allowance under the section substituted by subsection (1).

**Means test.**

**14.** Section 114 of the Principal Act is amended by omitting sub-section (4).

**Application of amendments.**

**15.** (1) Subject to sub-section (4), the amendments made by sections 8 and 9—

(a) shall be deemed to have come into operation on the fifth day of December, 1972; and

(b) apply in relation to an instalment of a pension or of an allowance falling due on that date and to all subsequent instalments.

(2) Subject to sub-section (4), the amendments made by sections 5 and 6, except as they affect service pensions under the *Repatriation Act* 1920–1973—

(a) shall be deemed to have come into operation on the fourteenth day of December, 1972; and

(b) apply in. relation to an instalment of a pension or of an allowance falling due on that date and. to all subsequent instalments.

(3) Subject to sub-section (4), the amendments made by sections 5 and 6*,* in so far as they affect service pensions under the *Repatriation Act* 1920–1973—

(a) shall be deemed to have come into operation on the seventh day of December, 1972; and

(b) apply in relation to an instalment of a service pension falling due on that date and to all subsequent instalments.

(4) In so far as an amendment made by this Act has the effect of reducing an instalment of a pension (including a service pension under the *Repatriation Act* 1920–1973) or allowance, the amendment applies only in relation to an instalment of a pension or allowance falling due on the first pension pay day after the day on which this Act receives the Royal Assent and to all subsequent instalments.

(5) In so far as an amendment made by this Act affects instalments of sickness benefits or unemployment benefits, the amendment applies in relation to an instalment of benefit payable in respect of a period that commenced during the period of six days immediately before the day on which this Act receives the Royal Assent and in relation to an instalment of benefit payable in respect of a period that commences on or after that day.