

# SOCIAL SERVICES AMENDMENT ACT (No. 3) 1976

## No. 111 of 1976

An Act relating to Social Services.

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

Short title,  
&c.

1. (1) This Act may be cited as the *Social Services Amendment Act (No. 3) 1976*.<sup>1</sup>

(2) The *Social Services Act 1947*<sup>2</sup> is in this Act referred to as the Principal Act.

Commence-  
ment.

2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup>

(2) The amendments of the Principal Act effected by sections 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 41, 42, 44, 45, 46, 48 and 49 and by paragraphs 7 (a), (d), (e), (f), (g) and (h) shall come into operation on 25 November 1976.

Definitions.

3. Section 18 of the Principal Act is amended—

- (a) by omitting paragraph (aa) of the definition of “income”;
- (b) by omitting paragraph (ba) of the definition of “income”;
- (c) by omitting the definition of “income derived from property”;
- (d) by omitting the definition of “means as assessed”;
- (e) by omitting the definitions of “property” and “property component”; and
- (f) by omitting the definition of “superannuation pension”.

Superannua-  
tion pension  
may be  
included in  
“income”.

4. Section 18B of the Principal Act is repealed.

Conditions  
of grant of  
age pension.

5. Section 22 of the Principal Act is amended—

- (a) by adding at the end of paragraph (d) the word “or”;
- (b) by omitting from sub-paragraph (ii) of paragraph (e) the word “or”; and
- (c) by omitting paragraph (f).

**6. Section 25 of the Principal Act is amended—**

- (a) by adding at the end of paragraph (c) of sub-section (1) the word “or”;
- (b) by omitting from paragraph (d) of sub-section (1) the word “or” (third occurring); and
- (c) by omitting paragraph (e).

Conditions of grant of invalid pension.

**7. Section 28 of the Principal Act is amended—**

- (a) by omitting from sub-section (1) the word “nine” and substituting the figure “8”;
- (b) by omitting from paragraph (a) of sub-section (1A) the figures “\$2,145” and substituting the figures “\$2,262”;
- (c) by omitting from paragraph (b) of sub-section (1A) the figures “\$1,781” and substituting the figures “\$1,885”;
- (d) by omitting from sub-section (1B) the word “four” and substituting the figure “3”;
- (e) by omitting sub-section (1E);
- (f) by omitting sub-section (1EA) and substituting the following sub-section:—

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

“(1EA) Where the maximum rate of pension applicable to a married person would, but for this sub-section, be increased by sub-section (1B)—

- (a) the amount per annum of the increase is reduced by the amount (if any) per annum by which the rate of the income of that person exceeds \$897 per annum; and
- (b) the annual rate of the income of that person and the annual rate of the income of the spouse of that person shall each be deemed, for the purposes of sub-section (2) of this section and sub-section (2) of section 32, to be reduced by the amount per annum of the reduction.”;
- (g) by omitting from sub-section (1F) the words “or sub-section (1E)”;
- (h) by omitting sub-section (2) and substituting the following sub-section:—

“(2) The annual rate at which an age or invalid pension is determined shall, subject to sub-section (2AA), be reduced by one-half of the amount (if any) per annum by which the annual rate of the income of the claimant or pensioner exceeds—

- (a) in the case of an unmarried person—\$1,040 per annum;  
or
- (b) in the case of a married person—\$897 per annum.”.

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

Variation of maximum rates of age and invalid pensions.

“28A. (1) In this section, unless the contrary intention appears—  
 ‘index number’, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 6 State capital cities, published by the Statistician in respect of that quarter;  
 ‘relevant period’ means the period of 6 months commencing on 1 May 1977, and each subsequent period of 6 months;  
 ‘relevant rate’ means the rate specified in paragraph (a) of sub-section (1A) of section 28 or the rate specified in paragraph (b) of that sub-section;  
 ‘Statistician’ means the Australian Statistician.

“(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this section, the Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by him in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

“(3) If at any time, whether before or after the commencement of this section, the Statistician has changed or changes the reference base for the consumer price index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to index numbers published in terms of the new reference base.

“(4) Where the factor ascertained, in relation to a relevant period, in accordance with sub-section (5) is greater than 1, this Act and any Act that refers to this Act have effect as if for each relevant rate there were substituted, on the first day of that period—

- (a) subject to paragraph (b)—a rate calculated by multiplying by that factor—
  - (i) in a case to which sub-paragraph (ii) does not apply—the relevant rate; or
  - (ii) if, by virtue of another application or several other applications of this section, this Act has had effect as if another rate was substituted, or other rates were successively substituted, for the relevant rate—the substituted rate or the last substituted rate, as the case may be; or
- (b) where the rate so calculated (in this paragraph referred to as the ‘calculated rate’) is not a multiple of \$2.60 per annum—a rate equal to—
  - (i) if the calculated rate exceeds the next lower rate that is such a multiple by \$1.30 per annum or more—the next higher rate that is such a multiple; or

- (ii) if the calculated rate exceeds the next lower rate that is such a multiple by less than \$1.30 per annum—that next lower rate.

“(5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant period—

- (a) is the number, calculated to 3 decimal places, ascertained by dividing—

- (i) if the relevant period commences on 1 May—the index number for the last preceding December quarter; or
- (ii) if the relevant period commences on 1 November—the index number for the last preceding June quarter,

by the highest index number in respect of a December or June quarter that preceded that quarter, not being a December or June quarter that occurred before the June quarter in the year 1976; or

- (b) if the number so ascertained would, if it were calculated to 4 decimal places, end in a number greater than 4—is the number so ascertained increased by 0.001.

“(6) Where, by virtue of the application of this section, this Act has effect as if another rate were substituted for a relevant rate on the first day of a relevant period, the substitution, in so far as it affects instalments of age, invalid, wives’ or widows’ pensions or supporting mothers’ benefits under this Act, or instalments of service pensions under the *Repatriation Act* 1920, has effect in relation to every instalment of such a pension or benefit that falls due on or after the first day of that period.”

**9. Section 30 of the Principal Act is repealed.**

Computation  
of value of  
property.

**10. Section 30A of the Principal Act is amended—**

Supple-  
mentary  
assistance.

- (a) by omitting paragraph (b) of sub-section (1) and substituting the following paragraph:—

“(b) the rate of that person’s income is less than \$312 per annum; and”; and

- (b) by omitting paragraphs (d) and (e) of sub-section (3) and substituting the following paragraphs:—

“(d) where the rate of his income is \$52 per annum or less—\$260 per annum; or

- (e) in any other case—an amount per annum equal to the amount by which \$312 exceeds the annual rate of his income.”

Rate of  
wife's  
pension.

**11.** Section 32 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following sub-section:—

“(2) The annual rate at which a wife’s pension is determined shall be reduced by one-half of the amount (if any) per annum by which the rate of the income of the wife exceeds \$897 per annum.”.

Statement of  
income to be  
furnished  
when  
required.

**12.** Section 44 is amended by omitting the words “and property”.

Receipt of  
income to be  
notified.

**13.** Section 45 of the Principal Act is amended—

(a) by omitting sub-sections (1), (2), (3), (4) and (5) and substituting the following sub-sections:—

“(1) Where the average weekly rate of the income, other than pension, received in any period of 8 consecutive weeks by a pensioner who—

- (a) is not married, or is married but is living apart from his spouse;
- (b) is not a person to whom sub-section (2AA) of section 28 applies; and
- (c) is not a person in receipt of an allowance under section 30A,

is higher than \$20 per week and is higher than the average weekly rate of the income last specified by him in a claim, statement or notification under this Part, the pensioner shall, within 14 days after the expiration of that period, notify a Director of the amount of the income received by him in that period.

“(2) Where, in any period of 8 consecutive weeks, the average weekly rate of the sum of—

- (a) the income, other than pension, received by a pensioner who—
  - (i) is married and is not living apart from his spouse;
  - (ii) is not a person to whom sub-section (2AA) of section 28 applies; and
  - (iii) is not a person in receipt of an allowance under section 30A; and

(b) the income, other than pension, received by his spouse, is higher than \$34.50 per week and is higher than the average weekly rate of the sum of the income of the pensioner and the income of his spouse last specified by him in a claim, statement or notification under this Part, the pensioner shall, within 14 days after the expiration of that period, notify a Director of the amount of the income received by him, and the amount of the income received by his spouse, in that period.”;

- (b) by omitting paragraphs (f), (g) and (h) of sub-section (6) and substituting the following word and paragraph:—

“or (f) a pensioner becoming an inmate of a benevolent home,”; and

- (c) by omitting from sub-section (7) “, (d), (f) and (h)” and substituting “and (d)”.

14. Section 46 of the Principal Act is amended by omitting the words “, or the value of the property,” (wherever occurring). Cancellation,  
&c., of  
pension.

15. Before section 48 of the Principal Act the following section is inserted in Division 10 of Part III:—

“47. (1) If, in the opinion of the Director-General, a claimant or a pensioner has directly or indirectly deprived himself of income in order to qualify for, or obtain, a pension, or in order to obtain a pension at a higher rate than that for which he would otherwise have been eligible, the amount of the income of which the Director-General considers the claimant or pensioner has so deprived himself shall be deemed to be income of the claimant or pensioner. Disposal of  
income.

“(2) If, in the opinion of the Director-General, the spouse of a claimant or of a pensioner has directly or indirectly deprived himself of income in order that the claimant or pensioner might qualify for, or obtain, a pension, or in order that the claimant or pensioner might obtain a pension at a higher rate than the rate for which the claimant or pensioner would otherwise have been eligible, the amount of the income of which the Director-General considers the spouse has so deprived himself shall be deemed to be income of the spouse.”

16. Section 50 of the Principal Act is amended by omitting paragraph (a) of sub-section (1) and substituting the following paragraph:— Inmates of  
benevolent  
homes.

“(a) he shall, so long as he remains an inmate of a benevolent home, be paid—

- (i) unless an allowance under Division 4A is payable to him—so much of his pension as does not exceed an amount per annum equal to one-third of the maximum rate of age pension specified in paragraph (a) of sub-section (1A) of section 28, or, if that amount per annum is not a multiple of \$2.60, the next higher amount per annum that is such a multiple; or
- (ii) if an allowance under Division 4A is payable to him—so much of his pension as does not exceed the sum of an amount per annum equal to one-third of the maximum rate of age pension referred to in sub-paragraph (i) and an amount per annum equal to one-fifth of the maximum rate of allowance specified in paragraph (d) of sub-section (3) of section 30A, or, if the sum of those

amounts per annum is not a multiple of \$2.60, the next higher amount per annum that is such a multiple;”.

Application  
of insurance  
moneys.

17. Section 53 of the Principal Act is repealed.

Interpretation.

18. Section 59 of the Principal Act is amended—

- (a) by omitting the definition of “means as assessed” in sub-section (1);
- (b) by omitting the definitions of “property” and “property component” in sub-section (1);
- (c) by omitting the definition of “superannuation pension” in sub-section (1); and
- (d) by omitting sub-section (2) and substituting the following sub-section:—

“(2) For the purposes of this Part, ‘income’, in relation to a widow, has the same meaning as in Part III.”.

Superannuation pension may be included in “income”.

19. Section 59AA is repealed.

Condition of grant of widow’s pension.

20. Section 62 of the Principal Act is amended by omitting sub-section (1).

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

21. Section 63 of the Principal Act is amended—

- (a) by omitting sub-section (1B); and
- (b) by omitting sub-section (2) and substituting the following sub-section:—

“(2) The annual rate at which a pension is determined shall be reduced by one-half of the amount (if any) per annum by which the rate of the income of the widow exceeds \$1,040 per annum.”.

Computation of value of property.

22. Section 65 of the Principal Act is repealed.

Supplementary assistance.

23. Section 65A of the Principal Act is amended—

- (a) by omitting paragraph (b) of sub-section (1) and substituting the following paragraph:—

“(b) the annual rate of her income is less than \$312 per annum; and”; and

- (b) by omitting sub-section (2A) and substituting the following sub-section:—

“(2A) The rate at which an allowance under this section is payable to a widow is—

- (a) where the rate of her income is \$52 per annum or less—\$260 per annum; or
- (b) in any other case—and amount per annum equal to the amount by which \$312 exceeds the annual amount of her income.”.

**24.** Section 73 of the Principal Act is amended by omitting the words “and property”.

Statement of income to be furnished when required.

**25.** Section 74 of the Principal Act is amended—

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

Receipt of income to be notified.

“(1) Where the average weekly rate of income, other than pension, received in any period of 8 consecutive weeks by a pensioner who is not in receipt of an allowance under section 65A is higher than \$20 per week and is higher than the average weekly rate of the income last specified by her in a claim, statement or notification under this Part, the pensioner shall, within 14 days after the expiration of that period, notify a Director of the amount of the income received by her in that period.”; and

- (b) by omitting paragraphs (c), (d) and (e) of sub-section (5) and substituting the following word and paragraph:—

“or (c) a pensioner becoming an inmate of a benevolent home,”.

**26.** Section 75 of the Principal Act is amended by omitting from paragraph (a) the words “, or the value of the property,”.

Cancellation, &c., of pensions.

**27.** Before section 77 of the Principal Act the following section is inserted in Division 7 of Part IV:—

“76. If, in the opinion of the Director-General, a claimant or a pensioner has directly or indirectly deprived herself of income in order to qualify for, or obtain, a pension, or in order to obtain a pension at a higher rate than that for which she would otherwise have been eligible, the amount of the income of which the claimant or pensioner has deprived herself shall be deemed to be income of the claimant or pensioner.”.

Disposal of income.

**28.** Section 80 of the Principal Act is amended by omitting paragraph (a) of sub-section (1) and substituting the following paragraph:—

Inmates of benevolent homes.

- “(a) she shall, so long as she remains an inmate of a benevolent home, be paid—

- (i) unless an allowance under Division 3A is payable to her—so much of her pension as does not exceed an amount per annum equal to one-third of the maximum



rate of age pension specified in paragraph (a) of sub-section (1A) of section 28, or, if that amount per annum is not a multiple of \$2.60 per annum, the next higher amount per annum that is such a multiple; or

- (ii) if an allowance under Division 3A is payable to her—so much of her pension as does not exceed the sum of an amount per annum equal to one-third of the maximum rate of age pension referred to in sub-paragraph (i) and an amount per annum equal to one-fifth of the rate of that allowance specified in paragraph (a) of sub-section (2A) of section 65A, or, if the sum of those amounts per annum is not a multiple of \$2.60 per annum, the next higher amount per annum that is such a multiple;”.

Application  
of insurance  
moneys.

29. Section 83 of the Principal Act is repealed.

Interpret-  
ation.

30. Section 83A of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “amendment alleviating the operation of the means test”; and
- (b) by omitting from sub-section (1) the definitions of “deceased pensioner”, “deceased spouse” and “pensioner” and substituting the following definitions:—

“ ‘deceased pensioner’ means—

- (a) a deceased person who was, at the time of his death, a pensioner;
- (b) a deceased person who had, before his death, lodged a claim for, and would but for his death have been eligible to receive, an age or invalid pension under Part III, a pension under Part IV or a benefit under Part IVAAA, other than such a deceased person who was, at the time of his death, a prescribed person within the meaning of section 83CA; or
- (c) a deceased person who—
- (i) had, before his death, lodged a claim for, and would but for his death have been eligible to receive, a sheltered employment allowance under Part VIIA or an allowance under the *Tuberculosis Act* 1948; and
- (ii) would, if he had lodged a claim for a pension or benefit of the kind referred to in paragraph (b), have been eligible, but for his death, to receive that pension or benefit,

other than such a deceased person who was, at the time of his death, a prescribed person within the meaning of section 83CA;

“ ‘deceased spouse’, in relation to a person, includes a deceased person who was living with the first-mentioned person as his or her spouse on a *bona fide* domestic basis, although not legally married to him or her, immediately before the deceased person’s death;

“ ‘pensioner’ means a person to whom or in respect of whom—

- (a) there is being paid an age or invalid pension under Part III, a pension under Part IV or a benefit under Part IVAAA; or
- (b) such a pension or benefit would be payable if the person were not a person in receipt of a training allowance under section 135D or a person to whom or in respect of whom there is being paid a sheltered employment allowance under Part VIIA or an allowance is payable under the *Tuberculosis Act 1948*,

other than such a person who is a prescribed person within the meaning of section 83CA.”.

31. Section 83B of the Principal Act is amended by omitting sub-section (3A) and substituting the following sub-section:—

“(3A) The reference in paragraph (b) of sub-section (3) to a person in receipt of a service pension does not include a reference to a person in receipt of such a pension who is a prescribed person within the meaning of section 83CA.”.

Funeral benefit payable to pensioner.

32. After section 83C of the Principal Act the following section is inserted:—

“83CA. (1) For the purposes of sections 83A and 83B, a reference to a prescribed person shall be read as a reference to a person (other than a person who is permanently blind) whose annual rate of income equals or exceeds the prescribed rate of income applicable to him.

Prescribed person.

“(2) For the purposes of this section but subject to sub-sections (3) and (4), the prescribed rate of income applicable to a person is—

- (a) in the case of an unmarried person to whom, or in respect of whom, a sheltered employment allowance is payable under Part VIIA—\$2912 per annum;
- (b) in the case of a married person to whom, or in respect of whom, such an allowance is payable—\$1599 per annum;
- (c) in the case of any other unmarried person—\$1716 per annum; or
- (d) in the case of any other married person—\$1495 per annum.

“(3) Where a person has the custody, care and control of a child or children, the prescribed rate of income applicable to the person by virtue of sub-section (2) shall be increased—

- (a) if the person is unmarried—by \$572 per annum; or
- (b) if the person is married—by \$416 per annum,

in respect of each child.

“(4) Where an unmarried person has the custody, care and control of a child or children, the prescribed rate of income applicable to the person by virtue of sub-sections (2) and (3) shall be further increased—

- (a) if that child or at least 1 of those children, as the case may be, is—

- (i) under the age of 6 years; or
- (ii) an invalid who, in the opinion of the Director-General, requires full-time care and attention,

by \$312 per annum; or

- (b) in any other case—by \$208 per annum.

“(5) For the purposes of this section, the income of a husband or wife shall unless—

- (a) they are living apart in pursuance of a separation agreement in writing or of a decree, judgment or order of a court; or
- (b) for any special reason in any particular case, the Director-General otherwise determines,

be deemed to be half the total income of both.

“(6) In this section—

‘child’ in relation to a person, means—

- (a) a person who—
  - (i) is under the age of 16 years; and
  - (ii) is in the custody, care and control of the first-mentioned person; or
- (b) a person who—
  - (i) has attained the age of 16 years;
  - (ii) is receiving full-time education at a school, college or university;
  - (iii) is not in receipt of an invalid pension under Part III; and
  - (iv) is wholly or substantially dependent on the first-mentioned person;

‘income’ means—

- (a) in relation to a person other than a service pensioner—income within the meaning of Part III of this Act; or
- (b) in relation to a service pensioner—income within the meaning of Division 5 of Part III of the *Repatriation Act 1920*;

- ‘married person’ means a person in relation to whose income sub-section (5) applies;
- ‘unmarried person’ means a person who is not a married person, and includes a widower or widow and a person whose marriage has been dissolved but has not remarried;
- ‘wife’ includes a woman who is living with a man (in this section referred to as her husband) as his wife on a permanent and *bona fide* domestic basis, although not legally married to him, immediately preceding the operation of this section in relation to that woman or man.”.

33. Section 105K of the Principal Act is amended by omitting from sub-section (2) the words “or 5A of Part V of the *National Health Act 1953-1974*” and substituting the words “of Part V of the *National Health Act 1953* or under Part VII of the *Handicapped Persons Assistance Act 1974*”.

Handicapped child’s allowance not payable in certain circumstances.

34. Section 105M of the Principal Act is amended by omitting the figures “\$10” and substituting the figures “\$15”.

Rate of handicapped child’s allowance.

35. Section 112 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (1) the figures “\$41.25” and substituting the figures “\$43.50”;
- (b) by omitting from paragraph (c) of sub-section (1) the figures “\$34.25” and substituting the figures “\$36.25”;
- (c) by omitting paragraphs (a) and (b) of sub-section (2) and substituting the following paragraphs:—

Rate of unemployment and sickness benefit.

“(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 is less than the amount per week specified in paragraph (c) of sub-section (1) 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 per week so specified; or

“(b) where the spouse is not in receipt of a prescribed pension—an amount per week equal to the amount per week specified in paragraph (c) of sub-section (1) 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 per week so specified.”;

- (d) by omitting from sub-section (4) the words and figures “\$41.25 per week” (first occurring) and substituting the words “the

- amount per week specified in paragraph (b) of sub-section (1)”;
- (e) by omitting from sub-section (4) the words and figures “\$41.25 per week” (second occurring) and substituting the words “the amount per week so specified”;
  - (f) by omitting from sub-section (4A) the figures “\$68.50” (first occurring) and substituting the words “twice the amount per week specified in paragraph (c) of sub-section (1)”; and
  - (g) by omitting from sub-section (4A) the figures “\$68.50” (second occurring) and substituting the words “twice the amount per week so specified”.

36. After section 112 of the Principal Act the following section is inserted:—

Variation of  
unemploy-  
ment and  
sickness  
benefits.

- “112AA. (1) In this section, unless the contrary intention appears—
- ‘index number’, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 6 State capital cities, published by the Statistician in respect of that quarter;
  - ‘relevant period’ means the period of 6 months commencing on 1 May 1977, and each subsequent period of 6 months;
  - ‘relevant rate’ means the rate specified in paragraph (b) of sub-section (1) of section 112 or the rate specified in paragraph (c) of that sub-section;
  - ‘Statistician’ means the Australian Statistician.

“(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this section, the Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by him in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

“(3) If at any time, whether before or after the commencement of this section, the Statistician has changed or changes the reference base for the consumer price index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to index numbers published in terms of the new reference base.

“(4) Where the factor ascertained, in relation to a relevant period, in accordance with sub-section (5) is greater than 1, this Act has effect as if for each relevant rate there were substituted, on the first day of that period—

- (a) subject to paragraph (b)—a rate calculated by multiplying by that factor—
  - (i) in a case to which sub-paragraph (ii) does not apply—the relevant rate; or

- (ii) if, by virtue of another application or several other applications of this section, this Act has had effect as if another rate was substituted, or other rates were successively substituted, for the relevant rate—the substituted rate or the last substituted rate, as the case may be; or
- (b) where the rate so calculated (in this paragraph referred to as the ‘calculated rate’) is not a multiple of 5 cents per week—a rate equal to—
  - (i) if the calculated rate exceeds the next lower rate that is such a multiple by 2.5 cents per week or more—the next higher rate that is such a multiple; or
  - (ii) if the calculated rate exceeds the next lower rate that is such a multiple by less than 2.5 cents per week—that next lower rate.

“(5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant period—

- (a) is a number, calculated to 3 decimal places, ascertained by dividing—
  - (i) if the relevant period commences on 1 May—the index number for the last preceding December quarter; or
  - (ii) if the relevant period commences on 1 November—the index number for the last preceding June quarter,

by the highest index number in respect of a December or June quarter that preceded that quarter, not being a December or June quarter that occurred before the June quarter in the year 1976; or

- (b) if the number so ascertained would, if it were calculated to 4 decimal places, end in a number greater than 4—is the number so ascertained increased by 0.001.

“(6) Where, by virtue of the application of this section, this Act has effect as if another rate were substituted for a relevant rate on the first day of a relevant period, the substitution, in so far as it affects instalments of unemployment or sickness benefits, has effect in relation to every instalment of such a benefit that falls due on or after the first day of that period.”

37. Section 122 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the word “Saturday” and substituting the word “Friday”;
- (b) by omitting from sub-section (2) the word “Saturday” and substituting the word “Friday”; and
- (c) by inserting in sub-section (3), before the word “Saturday”, the words “Friday or”.

Sickness  
benefit in  
lieu of  
unemploy-  
ment benefit,  
&c.

Benefit to be payable weekly.

**38.** Section 132 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the word “weekly” and substituting the word “fortnightly”; and
- (b) by omitting sub-section (2) and substituting the following sub-section:—

“(2) Where a benefit is payable in respect of any period less than a fortnight, the benefit shall be payable in respect of each day, other than a Saturday or Sunday, in that period, and the amount of the benefit payable in respect of each day, other than a Saturday or Sunday, shall be one-fifth of the weekly rate of the benefit.”.

**39.** Section 132A of the Principal Act is repealed and the following section substituted:—

Payment in advance for period during which beneficiary ceases to be eligible for benefit.

“132A. Where—

- (a) an amount has been paid in advance by way of benefit in respect of a period (being a period not exceeding 14 days) during which the beneficiary ceases to be eligible to be paid the whole or part of that amount; and
- (b) the amount is not an amount to which sub-section (1) of section 140 applies,

the fact of the beneficiary so ceasing to be eligible does not affect the entitlement of the beneficiary to that payment or any part of that payment.”.

Benefits in respect of inmates of prisons and mental hospital patients.

**40.** Section 133 of the Principal Act is amended by inserting in paragraph (c) of sub-section (2), before the word “Sunday”, the words “Saturday or”.

Receipt of income to be notified.

**41.** Section 133L of the Principal Act is amended—

- (a) by omitting sub-section (1); and
- (b) by omitting from sub-section (3) the words “sub-sections (1) and (2) do” and substituting the words “sub-section (2) does”.

Cancellation, &c., of allowance.

**42.** Section 133M of the Principal Act is amended by omitting the words “, or the value of the property,”.

Heading to Part VIII.

**43.** The heading to Part VIII of the Principal Act is repealed and the following heading substituted:—

“PART VIII—THE COMMONWEALTH REHABILITATION SERVICE”.

Temporary vacation of home.

**44.** Section 135F of the Principal Act is repealed.

- 45.** Section 135H of the Principal Act is repealed. Acquisition of property to be notified.
- 46.** Section 135P of the Principal Act is amended by omitting the words “or acquires property”. Persons becoming ineligible for pension or benefit during treatment or training.
- 47.** Section 135Q of the Principal Act is amended by omitting paragraph (b) from sub-section (5). Completion of treatment and training.
- 48.** Section 135T is amended by omitting from sub-section (13) the words “paragraphs (b) and (c) of section 135F,”. Provision of vocational training for certain widows.
- 49.** The Second Schedule to the Principal Act is repealed. Second Schedule.
- 50.** (1) A pension in force immediately prior to 25 November 1976 shall not be liable to reduction or cancellation as on and from that date by reason only of the amendments made by the following provisions of this Act, namely, sections 3, 4, 9, 10, 11, 18, 19, 21, 22, 23 and 49 and paragraphs 7 (a), (d), (e), (f), (g) and (h). Preservation of certain pensions.
- (2) A pension that, but for sub-section (1), would have been cancelled or reduced in rate as on and from 25 November 1976 shall not be increased to a rate higher than the rate at which it was payable on 24 November or, if that rate has been reduced under sub-section (3), higher than the rate to which it has been so reduced or last so reduced, as the case may be, unless and until the time at which the pensioner would have been entitled to a pension at a rate higher than that rate if he were applying for a new pension and, as of that time, the rate of his pension shall be increased to that higher rate and this section ceases to apply to him.
- (3) Subject to sub-section (2), a pension to which that sub-section applies is subject to adjustment by reason of each change in income of the pensioner after 25 November 1976 to the same extent as it would be adjusted if, immediately before the change, the pensioner was, having regard to the annual rate of his income, entitled, under the *Social Services Act 1947*, to be paid a pension at the rate at which the pension was being paid to him.
- (4) In this section, “pension” means an age pension, an invalid pension, a wife’s pension, a widow’s pension, a supporting mother’s benefit or an allowance by way of supplementary assistance payable under section 30A or 65A of the *Social Services Act 1947*.



Preservation  
of eligibility  
for benefits  
under Part  
IVA of  
Principal Act.

51. (1) Where a person who was, immediately before 25 November 1976, a pensioner as defined by section 83A of the *Social Services Act 1947* ceases to be such a pensioner on that date by reason only that the person is, on that date, a prescribed person within the meaning of section 83CA of that Act, Part IVA of that Act continues, by force of this sub-section, to apply to and in relation to the person as if the person were a pensioner as so defined until the person ceases to be a prescribed person within the meaning of that section or the annual rate of the person's income exceeds the annual rate of the person's income on that date, whichever first occurs.

(2) Where a person who was, immediately before 25 November 1976, a person in receipt of a service pension within the meaning of section 83B of the *Social Services Act 1947* ceases to be such a person on that date by reason only that the person is, on that date, a prescribed person within the meaning of section 83CA of that Act, Part IVA of that Act continues, by force of this sub-section, to apply to and in relation to that person as if the person were a person in receipt of a service pension within the meaning of section 83B of that Act until the person ceases to be a prescribed person within the meaning of section 83CA of that Act or the annual rate of the person's income exceeds the annual rate of the person's income on that date, whichever first occurs.

(3) Where a person who dies after 24 November 1976 and had, on or before that date, lodged a claim for age or invalid pension under Part III, a pension under Part IV, a benefit under Part IVAAA or a sheltered employment allowance under Part VIIA of the *Social Services Act 1947*, or an allowance under the *Tuberculosis Act 1948*, would, if the claim had been determined on that date, have been on that date a pensioner as defined by section 83A, sub-section (1) applies as if he had been on that date a pensioner as so defined.

Application  
of certain  
amendments.

52. (1) The amendments made by paragraphs 7 (b) and (c), in so far as they affect instalments of age, invalid, wives' or widows' pensions or supporting mothers' benefits, apply in relation to an instalment of such a pension or benefit falling due on 11 November 1976 and to all subsequent instalments.

(2) The amendments made by paragraphs 7 (b) and (c), in so far as they affect instalments of service pensions under the *Repatriation Act 1920*, apply in relation to an instalment of such a pension falling due on 4 November 1976 and to all subsequent instalments.

(3) The amendment made by section 34 of this Act applies in relation to the payment of handicapped child's allowance in respect of any endowment period that commences on or after 2 November 1976.

(4) The amendments made by section 35, in so far as they affect instalments of unemployment or sickness benefits, apply in relation to an

instalment of such a benefit falling due on 1 November 1976 and to all subsequent instalments.

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#### NOTES

1. Act No. 111, 1976; assented to 29 October 1976.
2. Act No. 26, 1947, as amended. For previous amendments *see* Act 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; Nos. 2 and 59, 1970; Nos. 16 and 67, 1971; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48 and 103, 1973; Nos. 216, 1973 (as amended by No. 20, 1974); Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; and Nos. 26 and 62, 1976.