



Social Security and Repatriation Legislation Amendment Act (No. 2) 1984

No. 134 of 1984

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Social Security and Repatriation Legislation Amendment Act (No. 2) 1984

No. 134 of 1984

An Act relating to social security, repatriation, and related purposes

[Assented to 25 October 1984]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Social Security and Repatriation Legislation Amendment Act (No. 2) 1984*.

Commencement

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

(2) Part II shall come into operation on 15 January 1985.

(3) Part IV (other than sections 9 and 19) shall come into operation on 1 November 1984.

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(4) Part V shall come into operation on 8 November 1984.

**PART II—AMENDMENTS OF THE *AGED OR DISABLED*
*PERSONS HOMES ACT 1954***

Principal Act

3. The *Aged or Disabled Persons Homes Act 1954*¹ is in this Part referred to as the Principal Act.

Payments to approved organizations

4. Section 10C of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “\$10” and substituting “\$11”;
- (b) by omitting from paragraph (1) (b) “\$50” and substituting “\$55”;
- (c) by omitting from paragraph (1) (c) “\$10” and substituting “\$11”; and
- (d) by omitting from paragraph (1) (d) “\$50” and substituting “\$55”.

Application

5. The amendments made by this Part apply in respect of payments to an approved organization on and after 15 January 1985.

**PART III—AMENDMENT OF THE *DELIVERED MEALS*
*SUBSIDY ACT 1970***

Principal Act

6. The *Delivered Meals Subsidy Act 1970*² is in this Part referred to as the Principal Act.

Authorization of payments

7. Section 6 of the Principal Act is amended by inserting after sub-section (1) the following sub-sections:

“(1A) The Director-General may, for the purposes of sub-section (1B), by notice published in the *Gazette*, specify conditions (in addition to any conditions applicable under section 9) relating to the operation and management of approved organizations in relation to the conduct by those organizations of approved meal services.

“(1B) Where the Director-General is satisfied that an approved organization is, in conducting an approved meal service, complying with conditions specified under sub-section (1A), the amount applicable in relation to that organization under paragraph (1) (a) in respect of meals provided by that organization in the course of conducting that meal service is 65 cents for each meal.”.

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Application

8. The amendment made by this Part applies in relation to payments under the *Delivered Meals Subsidy Act 1970* that are calculated by reference to meals provided on and after 1 January 1985.

PART IV—AMENDMENTS OF THE *SOCIAL SECURITY ACT 1947*

Principal Act

9. The *Social Security Act 1947*³ is in this Part referred to as the Principal Act.

10. (1) Section 6A of the Principal Act is repealed and the following section is substituted:

Certain persons to be disregarded for certain purposes

“6A. (1) For the purposes of determining whether a pension, benefit or allowance is payable, or may continue to be payable, to a person under this Act or of calculating the rate or amount of such a pension, benefit or allowance, no regard shall be had to another person (not being the spouse of the first-mentioned person) who is in receipt of a pension under Part III or IV, a benefit under Part IVAAA or VII, a rehabilitation allowance under Part VIII or an allowance under section 9 of the *Tuberculosis Act 1948* (in this section referred to as a ‘relevant pension’).

“(2) A family allowance under Part VI is not payable to an institution in respect of a person who is an inmate of the institution if the person is in receipt of a relevant pension.

“(3) Sub-section (1) does not apply in relation to—

- (a) a family allowance, double orphan’s pension or handicapped child’s allowance that was payable to a person immediately before 1 November 1984 where that person has continued to receive that family allowance, double orphan’s pension or handicapped child’s allowance since that date; or
- (b) a pension, benefit or allowance under this Act (other than a pension or allowance referred to in paragraph (a), a mobility allowance or an allowance under section 135D), a service pension under the *Repatriation Act 1920* or an allowance under section 9 of the *Tuberculosis Act 1948* that was payable to a person immediately before 1 November 1984 where that person has continued to receive such a pension, benefit or allowance since that date,

in so far as sub-section (1) would, in relation to another person who is receiving a relevant pension, affect the qualification or eligibility of the person referred to

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in paragraph (a) or (b) for a pension, benefit or allowance or the rate of such a pension, benefit or allowance if—

- (c) a relevant pension was payable to that other person immediately before 1 November 1984; and
- (d) that other person has continued to receive a relevant pension since that date.

“(4) Sub-section (2) does not apply in relation to a family allowance or double orphan’s pension payable to an institution where that allowance or pension—

- (a) was granted (whether before or after 1 November 1984) in respect of a person who became an inmate of the institution before that date;
- (b) has not ceased to be payable since that date; and
- (c) is payable in respect of a person—
 - (i) to whom a relevant pension was payable immediately before that date; and
 - (ii) who has continued to receive a relevant pension since that date.”.

(2) The amendment made by sub-section (1) applies, in so far as it affects instalments or payments of pension, benefit or allowance under the *Social Security Act 1947*, in relation to each instalment or payment of pension, benefit or allowance that falls due on or after 1 November 1984.

11. Section 18A of the Principal Act is repealed and the following section is substituted:

Student children over the age of 16 years

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

- (a) has attained the age of 16 years but is under the age of 25 years; and
- (b) is receiving full-time education at a school, college or university,

this Part applies in relation to the claimant or pensioner as if that person were a child under the age of 16 years in the custody, care and control of the claimant or pensioner.”.

Rate of age or invalid pension

12. Section 28 of the Principal Act is amended by omitting sub-section (1C) and substituting the following sub-section:

“(1C) Sub-section (1B) of this section does not apply in relation to a child if the maximum rate at which a service pension under the *Repatriation Act 1920* is payable is increased in respect of the child by reference to that sub-section.”.

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13. Section 59A of the Principal Act is repealed and the following section is substituted:

Student children over the age of 16 years

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

- (a) has attained the age of 16 years but is under the age of 25 years; and
- (b) is receiving full-time education at a school, college or university,

this Part applies in relation to the widow as if that person—

- (c) were a child;
- (d) were in the custody, care and control of the widow; and
- (e) had been in the custody, care and control of the widow at any time when that person was wholly or substantially dependent on the widow.”.

Rate of widow's pension

14. Section 63 of the Principal Act is amended by omitting sub-section (1C) and substituting the following sub-section:

“(1C) Sub-section (1A) of this section does not apply in relation to a child if the maximum rate at which a service pension under the *Repatriation Act 1920* is payable is increased in respect of the child by reference to sub-section 28 (1B) of this Act.”.

15. Section 83AAB of the Principal Act is repealed and the following section is substituted:

Student children over the age of 16 years

“83AAB. Where a person (in this section referred to as the ‘dependant’) who is wholly or substantially dependent on another person (in this section referred to as the ‘parent’), being a person who is a parent or an adoptive parent of the dependant or a person who has, or but for the age of the dependant would have, the custody of the dependant—

- (a) has attained the age of 16 years but is under the age of 25 years; and
- (b) is receiving full-time education at a school, college or university,

this Part applies in relation to the parent as if the dependant—

- (c) were a child;
- (d) were in the custody, care and control of the parent; and
- (e) had been in the custody, care and control of the parent at any time when the dependant was wholly or substantially dependent on the parent.”.

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Interpretation

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

- (a) by adding “and” at the end of sub-paragraph (b) (iii) of the definition of “deceased child” in sub-section (1);
- (b) by omitting “and” from sub-paragraph (b) (iv) of that definition;
- (c) by omitting sub-paragraph (b) (v) of that definition; and
- (d) by omitting sub-section (3).

Prescribed persons

17. Section 83CA of the Principal Act is amended—

- (a) by adding “and” at the end of sub-paragraph (b) (ii) of the definition of “child” in sub-section (6);
- (b) by omitting sub-paragraph (b) (iii) of that definition; and
- (c) by omitting sub-section (7).

Interpretation

18. Section 94 of the Principal Act is amended—

- (a) by adding at the end of paragraph (2A) (b) “and”;
- (b) by omitting from paragraph (2A) (c) “account; and” and substituting “account,”;
- (c) by omitting paragraph (2A) (d); and
- (d) by omitting sub-section (2B).

Family allowance to cease in certain circumstances

19. Section 103 of the Principal Act is amended by omitting from paragraph (1) (f) “the Director-General is satisfied, before the expiration of 3 months after the child attains that age, that”.

Interpretation

20. Section 105H of the Principal Act is amended—

- (a) by adding at the end of paragraph (3) (b) “and”;
- (b) by omitting from paragraph (3) (c) “account; and” and substituting “account,”;
- (c) by omitting paragraph (3) (d); and
- (d) by omitting sub-section (4).

Interpretation

21. Section 106 of the Principal Act is amended—

- (a) by adding at the end of paragraph (1A) (a) “and”;
- (b) by omitting from paragraph (1A) (b) “university; and” and substituting “university,”;
- (c) by omitting paragraph (1A) (c); and
- (d) by omitting sub-section (1B).

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Rate of unemployment or sickness benefit

22. Section 112 of the Principal Act is amended—

- (a) by omitting from sub-sub-paragraph (4C) (b) (ii) (F) “in respect of whom” and substituting “who has been taken into account in determining the rate of”; and
- (b) by omitting from sub-paragraph (6) (b) (v) “in respect of whom” and substituting “who has been taken into account in determining the rate of”.

PART V—AMENDMENTS OF THE REPATRIATION ACT 1920

Principal Act

23. The *Repatriation Act 1920*^a is in this Part referred to as the Principal Act.

Interpretation

24. Section 83 of the Principal Act is amended by omitting from the definition of “Child” in sub-section (1) the words and paragraphs after “but does” and substituting “not include a person who is in receipt of a pension under Part III or IV, a benefit under Part IVAAA or VII or a rehabilitation allowance under Part VIII of the *Social Security Act 1947* or an allowance under section 9 of the *Tuberculosis Act 1948*”.

Prescribed persons

25. Section 123AB of the Principal Act is amended by omitting from the definition of “child” in sub-section (6) the words and paragraphs after “but does” and substituting “not include a person who is in receipt of a pension under Part III or IV, a benefit under Part IVAAA or VII or a rehabilitation allowance under Part VIII of the *Social Security Act 1947* or an allowance under section 9 of the *Tuberculosis Act 1948*”.

Application

26. The amendments made by this Part apply in relation to instalments or payments of pension or allowance under the *Repatriation Act 1920* falling due on 8 November 1984 and to all subsequent instalments or payments.

PART VI—ANZAC HOSTEL

Interpretation

27. In this Part—

“Anzac Hostel” means the premises known as the Anzac Hostel, situated at North Road, Brighton, Victoria;

“eligible person” means a person who is eligible to receive medical treatment at an institution established under section 120D of the *Repatriation Act 1920*.

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Terms of trust

28. (1) After the commencement of this Part, the Repatriation Commission shall hold the Anzac Hostel on trust for the purposes set out in section 29.

(2) If the Anzac Hostel is, in the opinion of the Repatriation Commission, no longer required for the purposes set out in section 29, the Repatriation Commission shall sell the Hostel and the proceeds of the sale shall be applied as mentioned in paragraph 4 (c) and section 5 of, and the Schedule to, the *Repatriation Fund (Baillieu Gift) Act 1937*.

Use of Anzac Hostel

29. The purposes for which the Anzac Hostel may be used are—

- (a)** to provide accommodation or any other service for eligible persons for the purpose of improving or maintaining the physical or mental condition, of alleviating any suffering, or of ensuring the social well-being, of those persons; and
- (b)** to arrange or co-ordinate the provision outside the Hostel of services of the kind referred to in paragraph (a).

NOTES

1. No. 81, 1954, as amended. For previous amendments, see No. 47, 1957; No. 83, 1967; No. 68, 1969; No. 84, 1972; Nos. 128 and 216, 1973; No. 115, 1974; No. 91, 1976; No. 157, 1980; No. 61, 1981; No. 98, 1982; No. 69, 1983; and No. 78, 1984.
2. No. 5, 1970, as amended. For previous amendments, see No. 113, 1972; Nos. 129 and 216, 1973; No. 108, 1974; No. 91, 1976; No. 116, 1980; and No. 98, 1982.
3. No. 26, 1947, as amended. For previous amendments, see 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; 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, 103 and 216, 1973; Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979 (as amended by Nos. 37 and 98, 1982); No. 130, 1980; No. 61, 1981; No. 159, 1981 (as amended by No. 98, 1982); No. 170, 1981; Nos. 37, 98 and 148, 1982; Nos. 4, 36 and 69, 1983; and Nos. 46, 78 and 93, 1984.
4. No. 6, 1920, as amended. For previous amendments, see No. 34, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; Nos. 10 and 47, 1931; No. 32, 1934; No. 58, 1935; Nos. 29 and 67, 1936; Nos. 12, 24 and 42, 1937; No. 55, 1938; Nos. 37 and 96, 1940; No. 49, 1941; No. 22, 1943; No. 11, 1945; No. 49, 1946; Nos. 1, 29 and 74, 1947; No. 39, 1948; No. 38, 1949; Nos. 34 and 80, 1950; No. 31, 1951; No. 58, 1952; No. 69, 1953; No. 31, 1954; No. 39, 1955; Nos. 68 and 97, 1956; No. 44, 1957; No. 47, 1958; No. 58, 1959; No. 44, 1960; No. 46, 1961; Nos. 75 and 91, 1962; No. 47, 1963; Nos. 62 and 105, 1964; No. 64, 1965; No. 42, 1966; No. 64, 1967; Nos. 66 and 120, 1968; No. 95, 1969; Nos. 4 and 60, 1970; Nos. 17 and 68, 1971; Nos. 15, 82 and 139, 1972; Nos. 2, 27 and 104, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 3, 24 and 90, 1974; Nos. 35, 56, and 111, 1975; No. 27,

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NOTES—continued

91 and 112, 1976; No. 56, 1977; Nos. 129 and 170, 1978; Nos. 18 and 124, 1979; No. 129, 1980; Nos. 41, 61 and 160, 1981; Nos. 20, 80 and 100, 1982; Nos. 36 and 70, 1983; and Nos. 78, 93 and 97, 1984.