



Social Security and Repatriation Legislation Amendment Act 1983

No. 36 of 1983

An Act to subject certain pensions to an income test

[Assented to 19 June 1983]

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 1983*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

PART II—AMENDMENTS OF THE SOCIAL SECURITY ACT 1947

Principal Act

3. The *Social Security Act 1947*¹ is in this Part referred to as the Principal Act.

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Rate of age or invalid pension

4. Section 28 of the Principal Act is amended by omitting sub-section (2AB) and substituting the following sub-sections:

“(2AB) Notwithstanding sub-section (2) but subject to sub-section (2A), where a claimant or pensioner—

- (a) has attained the age of 70 years;
- (b) is in receipt of, or is qualified to receive, an age pension; and
- (c) is a person referred to in paragraph (1A) (a) or a person in relation to whom a direction under sub-section (1AAA) is in force,

the annual rate at which that pension is determined shall not be less than—

- (d) if the person is an unmarried person and has an annual rate of income exceeding \$10,400—\$2,675.40 per annum reduced by one-half of the amount per annum by which the annual rate of income of the person exceeds \$10,400;
- (e) if the person is a married person and has an annual rate of income exceeding \$8,658—\$2,675.40 per annum reduced by one-half of the amount per annum by which the annual rate of income of the person exceeds \$8,658; or
- (f) in any other case—\$2,675.40 per annum.

“(2AC) Notwithstanding sub-section (2), where a claimant or pensioner—

- (a) has attained the age of 70 years;
- (b) is in receipt of, or is qualified to receive, an age pension; and
- (c) is not a person referred to in paragraph (1A) (a) or a person in relation to whom a direction under sub-section (1AAA) is in force,

the annual rate at which that pension is determined shall not be less than—

- (d) if the person has an annual rate of income exceeding \$8,658—\$2,230.80 per annum reduced by one-half of the amount per annum by which the annual rate of income of the person exceeds \$8,658; or
- (e) in any other case—\$2,230.80 per annum.”.

Computation of income

5. Section 29 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) Paragraph (1) (b) shall not be taken into account in the computation of income for the purposes of sub-section 28 (2AB) or (2AC).”.

Suspension of pension where allowance granted under *Tuberculosis Act 1948*

6. Section 48A of the Principal Act is amended by omitting from paragraph (2) (b) “the rate referred to in paragraph 28 (2AB) (c) or (d), whichever is the appropriate rate” and substituting “a rate determined in accordance with sub-section 28 (2AB) or (2AC)”.

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Application

7. The amendments made by sections 4, 5 and 6 apply, insofar as they affect instalments of pension under Part III of the *Social Security Act 1947*, in relation to each instalment of pension that falls due on or after 1 November 1983.

PART III—AMENDMENTS OF THE *REPATRIATION ACT 1920*

Principal Act

8. The *Repatriation Act 1920*² is in this Part referred to as the Principal Act.

Variation of rate of service pension according to income

9. Section 87 of the Principal Act is amended—

(a) by omitting sub-section (1B) and substituting the following sub-sections:

“(1B) Notwithstanding sub-section (1), where a claimant or pensioner—

- (a) has attained the age of 70 years;
- (b) is in receipt of, or is qualified to receive, a service pension; and
- (c) is—
 - (i) a member of the Forces who is a person referred to in paragraph 28 (1A) (a) of the *Social Security Act 1947*, being that paragraph in its application to members of the Forces by virtue of section 84 or 85 of this Act;
 - (ii) a member of the Forces in relation to whom a determination under sub-section 84 (2) of this Act is in force; or
 - (iii) the wife of a member of the Forces, being a wife in relation to whom a determination under sub-section 85 (1AA) of this Act is in force,

the annual rate at which that pension is granted shall not be less than—

- (d) if the person is not a married person and has an annual rate of income exceeding \$10,400—\$2,675.40 per annum reduced by one-half of the amount per annum by which the annual rate of income of the person exceeds \$10,400;
- (e) if the person is a married person and has an annual rate of income exceeding \$8,658—\$2,675.40 per annum reduced by one-half of the amount per annum by which the annual rate of income of the person exceeds \$8,658; or
- (f) in any other case—\$2,675.40 per annum.

“(1C) Notwithstanding sub-section (1), where a claimant or pensioner—

- (a) has attained the age of 70 years;

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- (b) is in receipt of, or is qualified to receive, a service pension; and
- (c) is not a person referred to in paragraph (1B) (c),
the annual rate at which that pension is granted shall not be less than—
 - (d) if the person has an annual rate of income exceeding \$8,658—\$2,230.80 per annum reduced by one-half of the amount per annum by which the annual rate of income of the person exceeds \$8,658; or
 - (e) in any other case—\$2,230.80 per annum.”;
- (b) by inserting after sub-section (3) the following sub-section:
 - “(3AAA) Paragraph (3) (b) shall not be taken into account in the computation of income for the purposes of sub-section (1B) or (1C).”;
 - and
- (c) by inserting in sub-section (3A) “or of sub-section (1B) or (1C) of this section” after “*Social Security Act 1947*”.

Receipt of income to be notified

10. Section 96 of the Principal Act is amended by omitting from paragraph (6A) (a) “or, having attained the age of 70 years, is in receipt of pension at the rate referred to in paragraph 87 (1B) (c) or (d), whichever is the appropriate rate”.

Application

11. The amendments made by sections 9 and 10 apply, insofar as they affect instalments of service pension under the *Repatriation Act 1920*, in relation to each instalment of service pension that falls due on or after 1 November 1983.

NOTES

1. 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; 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, 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; and No. 4, 1983.
2. 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.

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NOTES—continued

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; Nos. 27, 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; and Nos. 20, 80 and 100, 1982.