

SOCIAL SERVICES.

No. 44 of 1958.

An Act to amend the *Social Services Act 1947-1957*.

[Assented to 29th September, 1958.]

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 1958*. Short title
and citation.
- (2.) The *Social Services Act 1947-1957** 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 1947-1958*.
2. This Act shall come into operation on a date to be fixed by Proclamation. Commence-
ment.
3. Section five of the Principal Act is amended— Parts.
- (a) by inserting after the words—
“ Division 4.—Rate of Pensions (Sections 28-30).”
the words—
“ Division 4A.—Supplementary Assistance
(Sections 30A-30B).”; and
- (b) by inserting after the words—
“ Division 3.—Rate of Pensions (Sections 63-65).”
the words—
“ Division 3A.—Supplementary Assistance
(Sections 65A-65B).”.
4. Section eighteen of the Principal Act is amended— Definitions.
- (a) by omitting from the definition of “ income ” the words
“ or daughter ” and inserting in their stead the
words “, daughter, brother or sister ”;

* 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, and No. 46, 1957.

(b) by omitting paragraph (g) of that definition and inserting in its stead the following paragraph:—

“(g) a payment made by an organization registered under a law referred to in the last preceding paragraph for or in respect of expenses incurred by a person for hospital, medical or dental treatment;”; and

(c) by inserting after the definition of “Registrar” the following definition:—

“‘rent’, in relation to a pensioner, means rent in respect of premises, or a part of premises, occupied by him as his home, and includes amounts payable by him for lodging, or for board and lodging;”.

Conditions of grant of age pension.

5. Section twenty-two of the Principal Act is amended by omitting from paragraph (g) the words “One thousand seven hundred and fifty pounds” and inserting in their stead the words “Two thousand two hundred and fifty pounds”.

Conditions of grant of invalid pension.

6. Section twenty-five of the Principal Act is amended by omitting from paragraph (f) of sub-section (1.) the words “One thousand seven hundred and fifty pounds” and inserting in their stead the words “Two thousand two hundred and fifty pounds”.

Rate of pension.

7. Section twenty-eight of the Principal Act is amended by omitting from sub-section (2A.) the words “One thousand seven hundred and fifty pounds” and inserting in their stead the words “Two thousand two hundred and fifty pounds”.

8. After Division 4 of Part III. of the Principal Act the following Division is inserted:—

“ *Division 4A.—Supplementary Assistance.*

Supplementary assistance.

“ 30A.—(1.) This section applies to a person if he is a pensioner and the Director-General is satisfied that he requires supplementary assistance by reason that he pays rent and is entirely dependent upon his pension.

“(2.) Subject to this section, there is payable to a person to whom this section applies, in addition to his pension, an allowance by way of supplementary assistance at the rate of Twenty-six pounds per annum.

“(3.) 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.

“(4.) An allowance under this section is not payable to a married person whose husband or wife is in receipt of a pension under this Part, a service pension under the *Repatriation Act 1920-1958* or an allowance under section nine of the *Tuberculosis Act 1948*.

“(5.) Where a person in receipt of an allowance under this section ceases to be a person to whom this section applies, the Director-General may cancel the allowance as on and from such date as the Director-General determines.

“(6.) The date determined by the Director-General under the last preceding sub-section may, in the case of a person who has failed to comply with a requirement of the next succeeding section or sub-section (1.) or (3.) of section forty-five of this Act, 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 one hundred and forty of this Act applies.

“(7.) For the purposes of this section, the Director-General may treat a pensioner as being entirely dependent upon his pension if that pensioner is dependent upon his pension to such an extent that the Director-General considers it just so to do.

“30B.—(1.) Where a person in receipt of an allowance under the last preceding section—

Notification
by pensioner.

(a) ceases to pay rent; or

(b) in any period of two consecutive weeks, receives income the average weekly rate of which is higher than the weekly rate of income last specified by him in a claim, statement or notification under this Part,

the person shall, within fourteen days after the date on which the last payment of rent was due, or after the expiration of that period, as the case may be, notify a Director accordingly.

“(2.) Where the husband or wife of a person in receipt of an allowance under the last preceding section is granted a service pension under the *Repatriation Act 1920-1958*, the last-mentioned person shall, within fourteen days after becoming aware of the grant of the service pension, notify a Director of the grant.

Penalty: Twenty pounds.”.

9. Section forty-five of the Principal Act is amended by inserting in sub-section (2.), after the words “permanently blind person”, the words “or a person in receipt of an allowance under section thirty A of this Act”.

Receipt of
property, &c.,
to be notified.

Inmates of
benevolent
homes.

10. Section fifty of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3.) In this section, ‘pension’ does not include an allowance under Division 4A of this Part, and nothing in this section applies in relation to the payment of such an allowance.”.

Interpretation.

11. Section fifty-nine of the Principal Act is amended—

(a) by omitting from the definition of “pension” in sub-section (1.) the words “pension under” and inserting in their stead the words “pension or allowance under”; and

(b) by inserting in sub-section (1.), after the definition of “pensioner”, the following definition:—

“‘rent’, in relation to a pensioner, means rent in respect of premises, or a part of premises, occupied by her as her home, and includes amounts payable by her for lodging, or for board and lodging;”.

Conditions of
grant of
widow's
pension.

12. Section sixty-two of the Principal Act is amended by omitting from paragraph (d) of sub-section (1.) the words “One thousand seven hundred and fifty pounds” (wherever occurring) and inserting in their stead the words “Two thousand two hundred and fifty pounds”.

Rate of
widow's
pension.

13. Section sixty-three of the Principal Act is amended by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

“(b) in the case of a class B widow or a class D widow—

(i) by One pound for every complete Twelve pounds of that portion (if any) of the value of the property of the widow which exceeds Two hundred pounds but does not exceed One thousand seven hundred and fifty pounds; and

(ii) by One pound for every complete Ten pounds of that portion (if any) of the value of the property of the widow which exceeds One thousand seven hundred and fifty pounds.”.

14. After Division 3 of Part IV. of the Principal Act the following Division is inserted:—

“Division 3A.—*Supplementary Assistance.*

Supplementary
assistance.

“65A.—(1.) This section applies to a widow if she is a pensioner and the Director-General is satisfied that she requires supplementary assistance by reason that she pays rent and is entirely dependent upon her pension.

“(2.) There is payable to a widow to whom this section applies, in addition to her pension, an allowance by way of supplementary assistance at the rate of Twenty-six pounds per annum.

“(3.) 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.

“(4.) Where a widow in receipt of an allowance under this section ceases to be a widow to whom this section applies, the Director-General may cancel the allowance as on and from such date as the Director-General determines.

“(5.) The date determined by the Director-General under the last preceding sub-section may, in the case of a widow who has failed to comply with a requirement of the next succeeding section or sub-section (1.) or (3.) of section seventy-four of this Act, 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 one hundred and forty of this Act applies.

“(6.) For the purposes of this section, the Director-General may treat a pensioner as being entirely dependent upon her pension if that pensioner is dependent upon her pension to such an extent that the Director-General considers it just so to do.

“ 65B. Where a widow in receipt of an allowance under the last preceding section—

Notification
by widow.

(a) ceases to pay rent; or

(b) in any period of two consecutive weeks, receives income the average weekly rate of which is higher than the weekly rate of income last specified by her in a claim, statement or notification under this Part,

the widow shall, within fourteen days after the date on which the last payment of rent was due, or after the expiration of that period, as the case may be, notify a Director accordingly.

Penalty: Twenty pounds.”.

15. Section sixty-six of the Principal Act is amended by omitting the word “pension” and inserting in its stead the words “widow’s pension”.

Claims.

16. Section sixty-eight of the Principal Act is amended by omitting the words “a pension” (wherever occurring) and inserting in their stead the words “a widow’s pension”.

Date from
which pension
payable.

Receipt of
property, &c.,
to be notified.

17. Section seventy-four of the Principal Act is amended by inserting in sub-section (2.), after the word "pensioner", the words "not being a widow in receipt of an allowance under section sixty-five A of this Act".

Inmates of
benevolent
homes.

18. Section eighty of the Principal Act is amended by adding at the end thereof the following sub-section:—

"(3.) In this section, 'pension' does not include an allowance under Division 3A of this Part, and nothing in this section applies in relation to the payment of such an allowance."

Interpretation.

19. Section one hundred and six of the Principal Act is amended by omitting paragraph (d) of the definition of "income" in sub-section (1.) and inserting in its stead the following paragraph:—

"(d) a payment made by an organization registered under a law referred to in the last preceding paragraph for or in respect of expenses incurred by a person for hospital, medical or dental treatment;".

Means test.

20. Section one hundred and fourteen of the Principal Act is amended by omitting from sub-section (5.) the words "(not exceeding Two pounds per week in the aggregate)".

Definitions.

21. Section one hundred and thirty-four of the Principal Act is amended—

(a) by omitting the definition of "benefit" and inserting in its stead the following definition:—

"'benefit' means a benefit under Part VII. of this Act;"; and

(b) by omitting the definitions of "pension" and "pensioner" and inserting in their stead the following definitions:—

"'pension' means an invalid pension under Part III. of this Act or a widow's pension under Part IV. of this Act;

"'pensioner' means a person in receipt of a pension;".

Eligibility
for treatment
and training.

22. Section one hundred and thirty-five A of the Principal Act is amended by omitting paragraphs (a) and (b) of sub-section (2.) and inserting in their stead the following paragraph:—

"(a) appears likely to continue—

(i) in the case of a disability that has existed for a period of not less than thirteen weeks—for a further period of not less than thirteen weeks; and

(ii) in the case of a disability that has existed for a period of less than thirteen weeks—for a period of not less than twenty-six weeks from the date of commencement of the disability;".

23. Section one hundred and thirty-five B of the Principal Act is amended by inserting after the word "pension" the word ", allowance".

Continuance
of pension, &c.,
during
treatment.

24. Section one hundred and thirty-five D of the Principal Act is amended—

Payments
during
training.

(a) by omitting from sub-section (1.) the words "or child's allowance" and inserting in their stead the words ", child's allowance or allowance by way of supplementary assistance"; and

(b) by omitting from paragraph (a) of sub-section (2.) the words "and child's allowance" and inserting in their stead the words ", child's allowance or allowance by way of supplementary assistance".

25. The amendments effected by this Act, in so far as they affect instalments of pensions, apply in relation to an instalment of a pension falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.

Application of
amendments.
