

SOCIAL SERVICES.

No. 46 of 1963.

An Act to amend the *Social Services Act*
1947-1962.

[Assented to 25th September, 1963.]

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* 1963.

Short title
and citation

(2.) The *Social Services Act* 1947-1962* 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* 1947-1963.

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

Commence-
ment.

(2.) Sections five and eight of this Act shall come into operation on a date to be fixed by Proclamation.

3. Section five of the Principal Act is amended by omitting the words and figures—

Parts.

“ Division 1.—Preliminary (Section 59).”

and inserting in their stead the words and figures—

“ Division 1.—Preliminary (Sections 59-59A).”

* 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; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1960; No. 45, 1961; and Nos. 1 and 95, 1962.

4. After section eighteen of the Principal Act the following section is inserted:—

Student
children over
the age of
sixteen years.

“ 18A.—(1.) Where a claimant or pensioner has the custody, care and control of a person who—

- (a) has attained the age of sixteen years but is under the age of eighteen years;
 - (b) is receiving full-time education at a school, college or university;
 - (c) is wholly or substantially dependent on the claimant or pensioner; and
 - (d) is not in receipt of an invalid pension under Part III.,
- the person shall, for the purposes of Divisions 4 and 5 of this Part, be deemed to be a child under the age of sixteen years.

“(2.) For the purposes of paragraph (a) of the last preceding sub-section, a person who attains the age of eighteen years on a day other than the thirty-first day of December shall be deemed to be under that age until the expiration of the thirty-first day of December next following the day on which he attains that age.”.

Rate of
pension.

5. Section twenty-eight of the Principal Act is amended—

(a) by omitting sub-sections (1A.) and (1B.) and inserting in their stead the following sub-sections:—

“(1A.) Subject to the next succeeding sub-section, the maximum rate of age or invalid pension is—

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

(i) a pension or allowance under this Part, other than an allowance under section thirty-four of this Act;

(ii) a benefit under Part VII.;

(iii) a service pension under the *Repatriation Act 1920-1962*; or

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

Two hundred and ninety-nine pounds per annum; and

(b) in any other case—Two hundred and seventy-three pounds per annum.

“(1B.) Where a person who is qualified to receive an invalid pension, or a person who is qualified to receive an age pension and is permanently incapacitated for work, has the custody, care and control of two or more children under the age of sixteen years, the maximum rate of pension applicable to that person under the last preceding sub-section shall,

subject to the next three succeeding sub-sections, be increased by Thirty-nine pounds per annum for each of those children other than the elder or eldest child.”;

(b) by omitting from sub-section (1E.) the words “ specified in ” and inserting in their stead the words “ applicable to that person under ”; and

(c) by omitting sub-paragraph (i) of paragraph (b) of sub-section (3.) and inserting in its stead the following sub-paragraph:—

“ (i) half the amount by which the sum of the rate per fortnight of his war pension and the rate per fortnight of the war pension (if any) payable to his spouse is less than the amount calculated in accordance with the formula $\frac{2(P+182)}{26}$, where P is the maximum rate of pension applicable to him under sub-section (1A.) of this section; or ”.

6. Section thirty-three of the Principal Act is amended by omitting from sub-section (1.) the words “ One hundred and twenty-three pounds ten shillings ” and inserting in their stead the words “ One hundred and fifty-six pounds ”.

Amount of
wife's
allowance.

7. Section forty-five of the Principal Act is amended by omitting paragraph (e) of sub-section (6.) and inserting in its stead the following paragraphs:—

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

“ (e) a child who is under the age of sixteen years ceasing to be in the custody, care or control of a pensioner;

(ea) a person who is in the custody, care and control of a pensioner and in relation to whom section eighteen A of this Act applies—

(i) ceasing to be in the custody, care or control of the pensioner;

(ii) ceasing to receive full-time education at a school, college or university; or

(iii) ceasing to be wholly or substantially dependent on the pensioner; ”.

8. Section fifty of the Principal Act is amended by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:—

Inmates of
benevolent
homes.

“ (a) he shall, so long as he remains an inmate of the benevolent home, be paid so much of his pension as does not exceed—

(i) in the case of a person to whom paragraph

- (a) of sub-section (1A.) of section twenty-eight of this Act applies—One hundred and four pounds per annum; and
 (ii) in any other case—Ninety-six pounds four shillings per annum; and ”.

9. After section fifty-nine of the Principal Act the following section is inserted in Division 1 of Part IV. :—

Student children over the age of sixteen years.

“ 59A.—(1.) Where a widow has the custody, care and control of a person who—

- (a) has attained the age of sixteen years but is under the age of eighteen years;
 (b) is receiving full-time education at a school, college or university;
 (c) is wholly or substantially dependent on the widow; and
 (d) is not in receipt of an invalid pension under Part III.,
 the person shall, for the purposes of this Part (other than section sixty-one of this Act), be deemed to be a child under the age of sixteen years.

“ (2.) For the purposes of paragraph (a) of the last preceding sub-section, a person who attains the age of eighteen years on a day other than the thirty-first day of December shall be deemed to be under that age until the expiration of the thirty-first day of December next following the day on which he attains that age.”.

Qualifications for widow's pension.

10. Section sixty of the Principal Act is amended by inserting in sub-section (2.), after the word “ sub-section ”, the words “ and of the last preceding section in its application for the purposes of that sub-section ”.

Rate of widow's pension (including mother's allowance payable to class A widows).

11. Section sixty-three of the Principal Act is amended—

(a) by omitting paragraphs (a) and (b) of sub-section (1.) and inserting in their stead the following paragraphs:—

“ (a) in the case of a class A widow—the maximum rate of age or invalid pension specified in paragraph (a) of sub-section (1A.) of section twenty-eight of this Act increased by One hundred and four pounds per annum; or

(b) in the case of a class B widow—Two hundred and sixty-six pounds ten shillings per annum.”; and

(b) by omitting from sub-section (3.) the words “ Four pounds twelve shillings and sixpence ” and inserting in their stead the words “ Five pounds two shillings and sixpence ”.

12. After section sixty-three of the Principal Act the following section is inserted:—

“ 63A. A class A widow who is in receipt of a pension is entitled to an allowance, in addition to her pension, at the rate of Thirty-nine pounds per annum.”

Allowance to class A widows.

13. Section seventy-four of the Principal Act is amended by omitting paragraph (b) of sub-section (5.) and inserting in its stead the following paragraphs:—

Receipt of property, &c., to be notified

“(b) a child (including a person in relation to whom section fifty-nine A of this Act applies) ceasing to be in the custody, care or control of a pensioner;

(ba) a child (including a person in relation to whom section fifty-nine A of this Act applies) of whom a pensioner is, by virtue of sub-section (2.) of section sixty of this Act, deemed to have the custody, care and control ceasing to be maintained by the pensioner;

(bb) a person who is in the custody, care and control of a pensioner (or is, by virtue of sub-section (2.) of section sixty of this Act, deemed to be in the custody, care and control of a pensioner) and in relation to whom section fifty-nine A of this Act applies—

(i) ceasing to receive full-time education at a school, college or university; or

(ii) ceasing to be wholly or substantially dependent on the pensioner;”.

14. Section seventy-nine of the Principal Act is repealed.

Pension may be continued in certain cases

15. Section eighty of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words “ Eighty-seven pounds two shillings ” and inserting in their stead the words “ Ninety-four pounds eighteen shillings ”.

Inmates of benevolent homes.

16. Section one hundred and thirty-five D of the Principal Act is amended by adding at the end thereof the following sub-section:—

Payments during training.

“(5.) In this section, ‘child’s allowance’ includes an allowance payable under section sixty-three A of this Act.”.

17. In so far as an amendment made by this Act affects instalments of pensions or of allowances, the amendment applies in relation to an instalment of pension or of an allowance, as the case may be, falling due on the first pension pay day after the date of commencement of the amendment and to all subsequent instalments.

Application of amendments.