

SOCIAL SERVICES.

No. 3 of 1964.

An Act relating to Child Endowment.

[Assented to 26th March, 1964.]

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* 1964. Short title
and citation.

(2) The *Social Services Act* 1947–1963* 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* 1947–1964.

2.—(1) Sections one, two, six and seven of this Act shall come into operation on the day on which this Act receives the Royal Assent. Commence-
ment.

(2) The remaining sections of this Act shall be deemed to have come into operation on the fourteenth day of January, One thousand nine hundred and sixty-four.

3. Section ninety-four of the Principal Act is amended— Interpretation.

(a) by omitting from sub-section (1.) the definition of “child” and inserting in its stead the following definition:—

“ ‘child’ means—

(a) a person under the age of sixteen years;
or

(b) a person who—

(i) has attained the age of sixteen years but is under the age of twenty-one years;

(ii) is receiving full-time education at a school, college or university; and

(iii) is not in employment or engaged in work on his own account;” ;

* 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; Nos. 1 and 95, 1962; and No. 46, 1963.

(b) by adding at the end of sub-section (1.) the following definitions:—

“ ‘ student child ’ means a person referred to in paragraph (b) of the definition of ‘ child ’ in this sub-section;

“ ‘ training agreement ’ means an agreement or arrangement under which—

(a) a person (in the next succeeding paragraph called ‘ the trainee ’) is to pursue a course of study or training or both, or an amount is to be paid to another person in the event of a person (in the next succeeding paragraph also called ‘ the trainee ’) failing to pursue a course of study or training or both; and

(b) the trainee is to remain or engage in employment as set out in the agreement or arrangement, or an amount is to be paid to another person in the event of the trainee failing to remain or engage in employment as set out in the agreement or arrangement,

and includes any agreement or arrangement that has, either directly or indirectly, a like purpose or effect.”; and

(c) by inserting after sub-section (1.) the following sub-sections:—

“(1A.) A person (not being a person who is receiving, at a school or college, education of a class or kind that, in the opinion of the Director-General, is secondary education) who—

(a) is in receipt of payments by way of wages, salary or allowance from another person; and

(b) is a party to a training agreement with the other person,

shall be deemed to be in employment for the purposes of this Part.

“(1B.) The Director-General may, having regard to the nature of, and the amount earned or to be earned and the time occupied or to be occupied in, any employment or work or any intended employment or work, direct that the employment or work shall not be taken into account, or that the intended

employment or work shall not, when begun, be taken into account, in determining whether or not, for the purposes of the definition of 'child' in sub-section (1.) of this section, a person is or was in employment or engaged in work on his own account.

“(1c.) The Director-General may, having regard to the nature of the employment or work of persons included in a class of persons, direct that that employment or work shall not be taken into account in determining whether or not, for the purposes of the definition of 'child' in sub-section (1.) of this section, any person included in that class of persons is or was in employment or engaged in work on his own account.

“(1d.) The Director-General may, at any time, revoke or vary a direction given under either of the last two preceding sub-sections.”.

4. Section ninety-five of the Principal Act is repealed and the following section inserted in its stead:—

“95.—(1) Subject to this Part, a person who has the custody, care and control of a child (not being a child who is an inmate of an institution) or an institution of which children are inmates is qualified to receive an endowment in respect of each such child in accordance with this section. Child endowment.

“(2.) The rate of an endowment payable to an endowee, other than an institution, in respect of a child under the age of sixteen years is—

- (a) where the child is the only child under the age of sixteen years in the custody, care and control of the endowee, or where there are two or more children under the age of sixteen years in the custody, care and control of the endowee and the child is the elder or eldest—
Five shillings per week;
- (b) where there are two or more children under the age of sixteen years in the custody, care and control of the endowee and the child is the younger or second eldest—
Ten shillings per week; or
- (c) in any other case—Fifteen shillings per week.

“(3.) The rate of an endowment payable to an endowee, other than an institution, in respect of a student child is Fifteen shillings per week.

“(4.) The rate of an endowment payable to an endowee, being an institution, in respect of a child is Fifteen shillings per week.

“(5.) An endowment shall not be granted in respect of a child whose father is, or, if his father is dead, was at the date of his death, an alien unless—

- (a) the child was born in Australia;
- (b) the mother of the child is a British subject; or
- (c) the Director-General is satisfied that the child is likely to remain permanently in Australia.

“(6.) Where, for any reason, any children who would otherwise be living together as one family or as part of one family are not living together, the Director-General may, if he thinks fit, authorize payment of endowment in respect of any of those children at the rate that would be payable if those children were living together as one family or as part of one family, not being a rate that is less than the rate that would otherwise be payable.

“(7.) Where an institution supervises and assists children who are not inmates of the institution but one or both of whose parents are aboriginal natives of Australia, endowment may be paid to the institution at the rate of Fifteen shillings per week per child based upon the average number per week of such children supervised and assisted during each endowment period.”.

5. Sections one hundred and three, one hundred and three A and one hundred and three B of the Principal Act are repealed and the following sections inserted in their stead:—

Endowment
to cease
in certain
circumstances.

“ 103.—(1.) Subject to section one hundred and four of this Act, an endowment payable to an endowee in respect of a child ceases to be payable if—

- (a) the endowee ceases to have the custody, care and control of the child;
- (b) the child, being a child in the custody, care and control of a person other than an institution, becomes an inmate of an institution;
- (c) the child, being a child who is an inmate of an institution, ceases to be an inmate of the institution;
- (d) the endowee ceases to have his usual place of residence in Australia, unless his absence from Australia is temporary only;
- (e) the child ceases to be in Australia, unless his absence from Australia is temporary only;
- (f) the child attains the age of sixteen years, unless the Director-General is satisfied, before the expiration of three months after the child attains that age, that the child became a student child on attaining that age;

- (g) the child, being a student child—
- (i) attains the age of twenty-one years;
 - (ii) ceases to receive full-time education at a school, college or university;
 - (iii) begins to be in employment or to be engaged in work, other than employment or work that is the subject of a direction under sub-section (1B.) or (1C.) of section ninety-four of this Act; or
 - (iv) continues to be in employment or to be engaged in work after a direction under sub-section (1B.) or (1C.) of section ninety-four of this Act in relation to the employment or work has been revoked;
- (h) the child dies; or
- (i) the child marries.

“(2.) Where an endowment ceases to be payable to a person, other than an institution, by reason of an event specified in a paragraph, other than paragraph (a) or (b), of the last preceding sub-section, the endowment ceases to be payable from the end of the endowment period during which that event occurred.

“103A. Where a child in respect of whom an endowee is in receipt of endowment at the rate of Five shillings or Ten shillings per week becomes a student child, the endowment ceases to be payable at the rate of Five shillings or Ten shillings per week, and becomes payable at the rate of Fifteen shillings per week, from the end of the endowment period during which the child becomes a student child.

Where child becomes student child.

“103B. Where—

- (a) an endowee, other than an institution, is in receipt of endowment in respect of two or more children under the age of sixteen years; and
- (b) the endowment in respect of one of those children (being an endowment at the rate of Five shillings or Ten shillings per week) ceases by virtue of section one hundred and three of this Act to be payable, or ceases by virtue of the last preceding section to be payable at the rate of Five shillings or Ten shillings per week,

Where endowment in respect of one of the children in custody of endowee ceases, &c.

the rate of endowment payable in respect of a child who, by reason of the event from which the cessation referred to in paragraph (b) of this section resulted, becomes the only child, or the elder or eldest or the younger or second eldest of the children, under the age of sixteen years in the custody, care and control of the endowee is, on and after the date of that cessation—

- (c) where the child becomes the only, elder or eldest child—
Five shillings per week; or

(d) in any other case—Ten shillings per week.

Where
endowee
assumes
custody, &c.,
of another
child.

“ 103C. Where an endowee, other than an institution, who is in receipt of endowment in respect of a child or children under the age of sixteen years assumes the custody, care and control of another child under the age of sixteen years and is granted endowment in respect of that other child, the rate of endowment payable in respect of a child who, by reason of the assumption of custody, care and control of that other child—

(a) becomes the younger or second eldest of the children under the age of sixteen years in the custody, care and control of the endowee;

(b) ceases to be the younger, without becoming the second eldest, of those children; or

(c) ceases to be the second eldest of those children, is, on and after the date from which the endowment in respect of the other child becomes payable—

(d) where the child becomes the younger or second eldest child—Ten shillings per week; or

(e) in any other case—Fifteen shillings per week.

Where child
other than
the eldest
child is not
eligible for
endowment.

“ 103D. Where a person has the custody, care and control of two or more children under the age of sixteen years and one or more of those children, other than the elder or eldest child, is a child in respect of whom an endowment may not be granted, the Director-General may, if he thinks fit, authorize payment of endowment in respect of any child in the custody, care and control of the person in respect of whom endowment is payable at the rate of Five shillings or Ten shillings per week as if the child or children in respect of whom endowment may not be granted were older than the other child, or all the other children, under the age of sixteen years in the custody, care and control of the person.”

6. After section one hundred and four of the Principal Act the following section is inserted:—

Endowee to
notify the
occurrence
of certain
events.

“ 104A. Where a child who is in the custody, care and control of an endowee—

(a) ceases to be in the custody, care and control of the endowee;

(b) ceases to be in Australia;

(c) dies;

(d) marries; or

(e) being a student child—

- (i) ceases to receive full-time education at a school, college or university; or
- (ii) begins to be in employment or to be engaged in work, other than employment or work that is the subject of a direction under sub-section (1B.) or (1C.) of section ninety-four of this Act,

the endowee shall, within fourteen days after the occurrence of that event, notify a Director accordingly.

Penalty: Twenty pounds.”.

7.—(1.) Where, under the Principal Act as amended by this Act, a person, other than an institution, becomes qualified to receive an endowment in respect of a student child as from a date before the date on which this Act receives the Royal Assent, the endowment is payable—

Endowee
qualified on
date before
date of
Royal Assent.

- (a) where the person becomes so qualified as from the fourteenth day of January, One thousand nine hundred and sixty-four, and lodges a claim for the endowment within six months, or such longer period as the Director-General allows, after that date—on and after that date;
- (b) where the person becomes so qualified as from a date after the fourteenth day of January, One thousand nine hundred and sixty-four, and lodges a claim for the endowment within six months, or such longer period as the Director-General allows, after the date as from which he becomes so qualified—from the commencement of the next endowment period after the date as from which he becomes so qualified; or
- (c) in any other case—from the commencement of the next endowment period after the date on which the claim for endowment is lodged.

(2.) Where—

- (a) an endowment granted to a person, other than an institution, by reason of that person having assumed the custody, care and control of a student child would, but for this sub-section, be payable, by virtue of paragraph (b) or paragraph (c) of the last preceding sub-section, from the commencement of the endowment period referred to in that paragraph; and
- (b) an endowment in respect of the child is, or becomes, payable to another person in respect of a period ending on the day before the day on which the first-mentioned person assumed custody, care and control of the child,

the first-mentioned endowment is payable—

- (c) where the claim for the endowment is lodged within six months, or such longer period as the Director-General allows, after the date on which the first-mentioned person assumed custody, care and control of the child—on and after that date; or
 - (d) in any other case—on and after the date on which the claim for the endowment is lodged.
- (3.) Where, under the Principal Act as amended by this Act, an institution becomes qualified to receive an endowment in respect of a student child as from a date before the date on which this Act receives the Royal Assent, the endowment is payable—
- (a) where the institution lodges a claim for the endowment within three months from the date on which this Act receives the Royal Assent—on and after the date as from which the institution becomes so qualified; or
 - (b) in any other case—on and after the date on which the claim for endowment is lodged.
- (4.) Where—
- (a) a child attained the age of sixteen years on the fourteenth day of January, One thousand nine hundred and sixty-four; and
 - (b) endowment in respect of the child became payable, by virtue of this section, on and after that date,
- any endowment that was payable in respect of the child on the day before that date ceases as from that date to be payable.
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