

Social Services Act (No. 4) 1973

No. 103 of 1973

AN ACT

Relating to Social Services.

[Assented to 26 September 1973]

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

1. (1) This Act may be cited as the *Social Services Act (No. 4) 1973*.

Short title
and citation.

(2) The *Social Services Act 1947–1972*,* as amended by the *Social Services Act 1973*,† the *Social Services Act (No. 2) 1973*‡ and the *Social Services Act (No. 3) 1973*,§ is in this Act referred to as the Principal Act.

(3) Section 1 of the *Social Services Act (No. 3) 1973* is amended by omitting sub-section (4).

(4) The Principal Act, as amended by this Act, may be cited as the *Social Services Act 1947–1973*.

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

Commence-
ment.

3. Section 5 of the Principal Act is repealed.

Parts.

* 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. 4, 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; and Nos. 1, 14, 53 and 79, 1972.

† Act No. 1, 1973.

‡ Act No. 26, 1973.

§ Act No. 48, 1973.

Definitions.

4. Section 18 of the Principal Act is amended by omitting paragraph (e) of the definition of "income" and substituting the following paragraphs:—

- "(e) a payment under Division 4B of Part III or under Part V, VI, VIA, VII, VIIA or VIII;
- "(ea) a benefit under section 98AAA of the *Repatriation Act 1920-1973*;"

Rate of age or invalid pension (including guardians allowance payable to an unmarried person).

5. Section 28 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1A) the words "One thousand one hundred and eighteen dollars" and substituting the words "One thousand one hundred and ninety-six dollars";
- (b) by omitting from paragraph (b) of sub-section (1A) the words "Nine hundred and seventy-five dollars" and substituting the words "One thousand and fifty-three dollars";
- (c) by omitting from sub-section (1B) the words "Two hundred and thirty-four dollars" and substituting the words "Two hundred and sixty dollars";
- (d) by omitting sub-section (1D) and substituting the following sub-section:—
 - "(1D) In the case of a person to whom sub-section (2AA) applies—
 - (a) the maximum rate of an age pension or invalid pension shall not be increased by virtue of sub-section (1AA) or (1B) unless he would be eligible to receive an invalid pension under the provisions of this Part (including sub-sections (1AA) and (1B)) if—
 - (i) he were not a person to whom sub-section (2AA) applies; and
 - (ii) he were permanently incapacitated for work; and
 - (b) if he would be so eligible to receive an invalid pension, the amount of any increase under sub-section (1AA) or (1B) or, if both those sub-sections apply in relation to him, the total of the increases under those sub-sections, shall not exceed the maximum amount that could be included in the invalid pension by virtue of sub-section (1AA) or (1B) or of both those sub-sections, as the case may be.";
- (e) by omitting from sub-section (1F) the words "Two hundred and thirty-four dollars" (wherever occurring) and substituting the words "Two hundred and sixty dollars";
- (f) by omitting from sub-section (2) the words "except in the case of a claimant or pensioner who is permanently blind" and substituting the words "subject to sub-section (2AA)";

- (g) by inserting after sub-section (2) the following sub-section:—
 “ (2AA) Sub-section (2) does not apply in relation to a claimant or pensioner—
 (a) who is permanently blind; or
 (b) who—
 (i) has attained the age of seventy-five years; and
 (ii) is in receipt of, or is qualified to receive, an age pension.”; and
- (h) by inserting in sub-section (3), after the word “ blind ” (first occurring), the words “ (other than a person who has attained the age of seventy-five years and is in receipt of, or is qualified to receive, an age pension) ”;
- (i) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (3) the words “ Nine dollars ” and substituting the words “ Ten dollars ”; and
- (j) by omitting from sub-paragraph (ii) of paragraph (b) of sub-section (3) the symbol and figures “ \$1131 ” and substituting the symbol and figures “ \$1157 ”.

6. Section 29 of the Principal Act is amended by omitting from paragraph (b) of sub-section (1) the words “ or Part VI ” and substituting the words “, Part VI or Part VIA ”. Computation of income.

7. After Division 4A of Part III the following Division is inserted:—

“ Division 4B—Transitional Benefit for the Aged Blind

“ 30D. (1) This section applies to a person if—

- (a) the person is in receipt of an age pension or an invalid pension;
 (b) the person is permanently blind;
 (c) the person, being a woman, has attained the age of sixty years or, being a man, has attained the age of sixty-five years; and
 (d) the person is not in receipt of a transitional benefit for the aged blind under section 98AAA of the *Repatriation Act 1920–1973*.

Transitional benefit for the aged blind.

“ (2) There is payable to a person to whom this section applies, in addition to his pension, a transitional benefit that, until the Parliament otherwise provides, shall be payable at the rate of One hundred and fifty-six dollars per annum.

“ (3) A benefit 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 person in receipt of a benefit under this section ceases to be a person to whom this section applies, the Director-General may cancel the benefit as on and from such date as the Director-General determines.”

Statement of income and property to be furnished when required.

8. Section 44 of the Principal Act is amended by omitting the words "permanently blind person" and substituting the words "person to whom sub-section (2AA) of section 28 applies".

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

9. Section 45 of the Principal Act is amended—

(a) by omitting from sub-section (1) the words "permanently blind person" and substituting the words "person to whom sub-section (2AA) of section 28 applies";

(b) by omitting paragraph (b) of sub-section (2) and substituting the following paragraph:—

"(b) is not a person to whom sub-section (2AA) of section 28 applies; and";

(c) by omitting sub-paragraph (ii) of paragraph (a) of sub-section (3) and substituting the following sub-paragraph:—

"(ii) is not a person to whom sub-section (2AA) of section 28 applies; and"; and

(d) by omitting from sub-section (7) the words "permanently blind" and substituting the words "a person to whom sub-section (2AA) of section 28 applies".

Cancellation, &c., of pension.

10. Section 46 of the Principal Act is amended by omitting from sub-section (2) the words "permanently blind" and substituting the words "a person to whom sub-section (2AA) of section 28 applies".

Suspension of pension where allowance granted under Tuberculosis Act.

11. Section 48A of the Principal Act is amended by adding at the end thereof the following sub-section:—

"(2) This section does not apply in relation to a person to whom sub-section (2AA) of section 28 applies."

Inmates of benevolent homes.

12. Section 50 of the Principal Act is amended by omitting paragraph (a) of sub-section (1) and substituting the following paragraph:—

"(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 Four hundred and sixteen dollars per annum or, if an allowance under Division 4A is payable to him, Four hundred and sixty-eight dollars per annum;".

Qualifications for widow's pension.

13. Section 60 of the Principal Act is amended by omitting from sub-section (3) all the words before paragraph (a) and substituting the words "For the purposes of this section, the event by reason of which a woman became a widow".

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

14. Section 63 of the Principal Act is amended by omitting from sub-section (1A) the words "Two hundred and thirty-four dollars" and substituting the words "Two hundred and sixty dollars".

15. Section 64 of the Principal Act is amended by omitting from paragraph (b) the words “ or Part VI ” and substituting the words “, Part VI or Part VIA”.

Computation of income.

16. Section 80 of the Principal Act is amended by omitting paragraph (a) of sub-section (1) and substituting the following paragraph:—

Inmates of benevolent homes.

“ (a) she shall, so long as she remains an inmate of the benevolent home, be paid so much of her pension as does not exceed the rate of Four hundred and sixteen dollars per annum or, if an allowance under Division 3A is payable to her, Four hundred and sixty-eight dollars per annum; ”.

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

Interpretation.

(a) by omitting from paragraph (b) of the definition of “ deceased pensioner ” in sub-section (1) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act* 1968 had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act* 1968; or
- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4)* 1973,

had not been made ”;

(b) by omitting from paragraph (c) of the definition of “ deceased pensioner ” in sub-section (1) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act* 1968 had not been made ”

and substituting the words—

“ being—

- (iii) an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act* 1968; or
- (iv) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4)* 1973,

had not been made ”;

- (c) by omitting from paragraph (a) of the definition of “ pensioner ” in sub-section (1) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act* 1968 had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act* 1968; or
- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4)* 1973,

had not been made ”; and

- (d) by omitting from paragraph (b) of the definition of “ pensioner ” in sub-section (1) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act* 1968 had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act* 1968; or
- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4)* 1973,

had not been made ”.

Funeral
benefit
payable to
pensioner.

- 18.** Section 83B of the Principal Act is amended by omitting sub-section (3A) and substituting the following sub-section:—

“ (3A) The reference in paragraph (b) of sub-section (3) to a service pension does not include a reference to such a pension that would not be payable if—

- (a) any amendment of the *Repatriation Act* 1920–1968, being—

(i) an amendment alleviating the operation of the means test in relation to the person in receipt of the pension made after the date of commencement of the *Repatriation Act* 1968; or

(ii) an amendment of a rate of pension, allowance or benefit under Division 5 of Part III made after the date of commencement of the *Repatriation Act (No. 3)* 1973,

had not been made; and

- (b) any amendment of the *Social Services Act 1947-1968*, being—
- (i) an amendment alleviating the operation of the means test in relation to the person in receipt of the pension made after the date of commencement of the *Social Services Act 1968*; or
 - (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4) 1973*,
had not been made.”.

19. After Part VI of the Principal Act the following Part is inserted:—

“ PART VIA—DOUBLE ORPHANS’ PENSIONS

“ 105A. (1) In this Part, unless the contrary intention appears— Definitions.

‘ child ’ has the same meaning as in Part VI;

‘ double orphan ’ means—

- (a) a child (other than an adopted child) both of whose parents are dead; or
- (b) an adopted child both of whose adoptive parents are dead or, if there was only one adoptive parent, whose adoptive parent is dead.

“ (2) For the purposes of a claim for a double orphan’s pension—

- (a) where one parent of a child (other than an adopted child) is dead and the whereabouts of the other parent of the child are not known to the claimant, the other parent shall be deemed to be dead; and
- (b) where one of two adoptive parents of an adopted child is dead and the whereabouts of the other adoptive parent of the child are not known to the claimant, the other adoptive parent shall be deemed to be dead.

“ 105B. (1) A person or institution that is qualified to receive an endowment under Part VI in respect of a child who is a double orphan is qualified to receive, in addition to that endowment, a double orphan’s pension in respect of that child. Qualification for double orphan’s pension.

“ (2) This section does not apply in relation to a child in respect of any period during which the child is in receipt of a pension under Table A in Schedule 3 to the *Repatriation Act 1920-1973*.

“ 105C. The rate of a double orphan’s pension in respect of a child is Ten dollars per week. Rate of pension.

“ 105D. Subject to this Part, Part VI applies in relation to a claim for, or the payment of, a double orphan’s pension as if that pension were an endowment under Part VI. Application of Part VI.

Notification of knowledge of whereabouts of a parent.

“ 105E. Where—

- (a) a person is in receipt of a double orphan's pension in respect of a child who is a double orphan by reason of the fact that the whereabouts of the surviving parent of the child are not known to that person; and
- (b) that person becomes aware of the whereabouts of that surviving parent,

that person shall, within fourteen days after he so becomes aware, notify a Director accordingly.

Penalty: Forty dollars.

Cessation of pension if whereabouts of surviving parent become known.

“ 105F. A double orphan's pension that is payable in respect of a child by reason of the fact that the whereabouts of the surviving parent of the child are not known to the person or institution in receipt of the pension ceases to be payable if the whereabouts of that surviving parent become known to that person or institution.

Application of pension under this Part.

“ 105G. A double orphan's pension shall be applied by the person, institution or authority to whom it is payable to the maintenance, training and advancement of the child in respect of whom it is granted.”.

Interpretation.

20. Section 106 of the Principal Act is amended by inserting in paragraph (b) of the definition of “ income ” in sub-section (1), after the letters “ VI ”, the letters “, VIA ”.

Rate of unemployment and sickness benefit.

21. Section 112 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1) the words “ Twenty-one dollars fifty cents ” and substituting the words “ Twenty-three dollars ”;
- (b) by omitting from paragraph (b) of sub-section (1) the words “ Eighteen dollars seventy-five cents ” and substituting the words “ Twenty dollars twenty-five cents ”;
- (c) by omitting from sub-section (2) the words “ Eighteen dollars seventy-five cents ” (wherever occurring) and substituting the words “ Twenty dollars twenty-five cents ”;
- (d) by omitting from sub-section (4) the words “ Twenty-one dollars fifty cents ” (wherever occurring) and substituting the words “ Twenty-three dollars ”;
- (e) by omitting from sub-section (4A) the words “ Thirty-seven dollars fifty cents ” (wherever occurring) and substituting the words “ Forty dollars fifty cents ”;
- (f) by omitting from sub-section (5) the words “ Four dollars fifty cents ” and substituting the words “ Five dollars ”; and
- (g) by omitting from paragraph (c) of sub-section (6) the words “ Four dollars fifty cents ” and substituting the words “ Five dollars ”.

22. Section 134 of the Principal Act is amended—

Interpre-
tation.

- (a) by inserting after the definition of “benefit” the following definition:—

“ ‘child’ means a child under the age of sixteen years;” and

- (b) by adding at the end thereof the following sub-section:—

“ (2) Where a person who is wholly or substantially dependent on a trainee—

- (a) has attained the age of sixteen years;
 (b) is receiving full-time education at a school, college or university; and
 (c) is not in receipt of an invalid pension under Part III,

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

23. Section 135A of the Principal Act is amended by omitting from sub-section (2) the words “within a period of three years after the commencement of treatment or training”.

Eligibility
for
treatment
and training.

24. Section 135D of the Principal Act is amended—

Payments
during
training.

- (a) by inserting in sub-section (1), after the word “training” (first occurring), the words “(not being training received concurrently with treatment)”;

- (b) by omitting from sub-section (1) the words “at a rate determined in accordance with this section, together with a training allowance at the rate of Four dollars per week” and substituting the words “at rates determined in accordance with this section”;

- (c) by inserting after sub-section (2) the following sub-section:—

“ (2A) The rate of training allowance payable to a person under sub-section (1) is—

- (a) where the training is, in the opinion of the Director-General, full-time training—Eight dollars per week; or
 (b) in any other case—Four dollars per week.”; and

- (d) by omitting paragraphs (a) and (b) of sub-section (3) and substituting the following paragraphs:—

“ (a) in the case of—

- (i) a married trainee; or
 (ii) a trainee who is not married but has the custody, care and control of one or more children,

Sixteen dollars per week during the period of training; or

- (b) in any other case—Ten dollars per week during the period of training.”.

25. Section 135r of the Principal Act is amended—

Provision of
vocational
training
for certain
widows.

- (a) by omitting from sub-section (5) the words “or allowance” and substituting the words “, allowance or benefit”;

- (b) by omitting sub-section (6) and substituting the following sub-section:—

“ (6) While a woman is receiving training under this section she shall be paid a training allowance at the rate of—

- (a) where the training is, in the opinion of the Director-General, full-time training—Eight dollars per week; or
 (b) in any other case—Four dollars per week,

in addition to the pension and allowance (if any) that she receives under Part IV or the benefit and allowance (if any) that she receives under Part IV^{AAA}, as the case may be.”; and

- (c) by omitting sub-section (10) and substituting the following sub-section:—

“ (10) Where the Director-General is satisfied that it is necessary for a woman to live away from her usual place of residence for the purpose of receiving training under this section, he may authorize payment to the woman, in addition to the pension and allowances referred to in sub-sections (5), (6) and (7), of a living away from home allowance during the period of training at a rate not exceeding—

- (a) where the woman has the custody, care and control of one or more children—Sixteen dollars per week; or
 (b) in any other case—Ten dollars per week.”.

Modification
of certain
other laws.

26. Section 135v of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act* 1968 had not been made ”

and substituting the words—

“ being—

- (a) an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act* 1968; or
 (b) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act* (No. 4) 1973,

had not been made ”;

- (b) by omitting from paragraph (a) of sub-section (2) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after that date had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person made after that date; or
- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4) 1973*,

had not been made ”;

(c) by omitting from paragraph (b) of sub-section (2) the words—

“ being an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act 1968* had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act 1968*; or
- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4) 1973*,

had not been made ”;

(d) by omitting from paragraph (a) of sub-section (3) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after that date had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person made after that date; or
- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4) 1973*,

had not been made ”; and

(e) by omitting from paragraph (b) of sub-section (3) the words—

“ being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act 1968* had not been made ”

and substituting the words—

“ being—

- (i) an amendment alleviating the operation of the means test in relation to that person made after the date of commencement of the *Social Services Act 1968*; or

- (ii) an amendment of a rate of pension, allowance or benefit made after the date of commencement of the *Social Services Act (No. 4) 1973*, had not been made”.

Benefits to be absolutely inalienable.

27. Section 144 of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“(2) Notwithstanding sub-section (1), the Director-General may, at the request of a pensioner or in accordance with the *Income Tax Assessment Act 1936–1973*, make deductions from the instalments of the pension payable to the pensioner, and pay the amounts so deducted to the Commissioner of Taxation, for the purpose of enabling the collection of tax that is, or may become, payable by the pensioner.

“(3) In sub-section (2), ‘pension’ includes an allowance or benefit, and ‘pensioner’ has a corresponding meaning.”.

Application of amendments.

28. (1) In so far as an amendment made by this Act affects instalments of pensions or allowances under the *Social Services Act 1947–1973*, the amendment applies in relation to an instalment of a pension or allowance falling due on the first pension pay-day or allowance pay-day after the day on which this Act receives the Royal Assent and to all subsequent instalments.

(2) In so far as an amendment made by this Act affects instalments of service pensions under the *Repatriation Act 1920–1973*, the amendment applies in relation to an instalment of a service pension falling due on the day on which this Act receives the Royal Assent, if that day is a service pension pay-day, or, if it is not, on the first service pension pay-day after that day, and to all subsequent instalments.

(3) In so far as an amendment made by this Act affects instalments of unemployment or sickness benefit, the amendment applies in relation to an instalment of benefit payable in respect of a period that commenced during the period of six days immediately before the day on which this Act receives the Royal Assent and in relation to an instalment of benefit payable in respect of a period that commences on or after that day.

Claims lodged on or before 31 December 1973.

29. (1) Where—

- (a) on or before 31 December 1973 a person lodges a claim for an age pension; and
- (b) an age pension is granted to that person by virtue of the application in relation to that person of paragraph 28 (2AA) (b) of the Principal Act, as amended by this Act,

the age pension is to be paid from—

- (c) in the case of a person in relation to whom that paragraph applies on the prescribed date—the prescribed date; or

(d) in any other case—the first pension pay-day after the prescribed date on which that paragraph applies in relation to that person.

(2) In this section, “prescribed date” means the pension pay-day referred to in sub-section 28 (1).
