

SOCIAL SERVICES CONSOLIDATION.

No. 41 of 1952.

An Act to amend the *Social Services Consolidation Act 1947-1951*.

[Assented to 25th September, 1952.]

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 Consolidation Act 1952*. Short title and citation.

(2.) The *Social Services Consolidation Act 1947-1951** 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 Consolidation Act 1947-1952*.

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

3. Section eighteen of the Principal Act is amended by omitting paragraph (f) of the definition of "income" and inserting in its stead the following paragraph :— Definitions.

"(f) a benefit under the *Hospital Benefits Act 1951* or regulations made under that Act or such part of a payment made by an organization registered under those regulations for or in respect of the hospital treatment of a person who is a contributing patient for the purposes of those regulations as does not exceed the amount paid or payable to the hospital for that treatment ;".

4. Section twenty of the Principal Act is amended by omitting paragraphs (b) and (c) of sub-section (2.) and inserting in their stead the following word and paragraph :— Absence from Australia.

"or (b) during a period of absence from Australia during which the claimant was a resident of Australia within the meaning of the *Income Tax and Social Services Contribution Assessment Act 1936-1952*."

5. Section twenty-one of the Principal Act is amended by adding at the end thereof the following sub-section :— Qualifications for age pension.

"(2.) Where a claimant has not been continuously resident in Australia but the total of the periods of his residence in Australia

* Act No. 26, 1947, as amended by Nos. 88 and 69, 1948 ; No. 16, 1949 ; Nos. 6 and 26, 1950 ; and No. 22, 1951.

exceeds eighteen years, the claimant shall be deemed, for the purposes of this section, to have been resident in Australia during occasional absences from Australia not exceeding, in the aggregate, a period equal to the total of—

- (a) a period of two years ; and
- (b) a period equal to one half of the period by which the total of the periods of residence in Australia exceeds a period of eighteen years.”.

Conditions of grant of age pension.

6. Section twenty-two of the Principal Act is amended by inserting in paragraph (g), after the word “if”, the words “, not being a permanently blind person,”.

Qualifications for invalid pension.

7. Section twenty-four of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(2.) For the purposes of this section, a claimant shall be deemed to have been resident in Australia during occasional absences from Australia not exceeding, in the aggregate, a period equal to one-tenth of the total of the periods of residence in Australia and occasional absence.”.

Conditions of grant of invalid pension.

8. Section twenty-five of the Principal Act is amended by omitting paragraphs (e), (f) and (g) of sub-section (1.) and inserting in their stead the following paragraphs :—

- “(e) if he has directly or indirectly deprived himself of property or income in order to qualify for a pension ; or
- (f) if, not being a permanently blind person, the value (determined in accordance with section thirty of this Act) of the property of that person exceeds One thousand pounds.”.

Maintenance by parents to be taken into account.
Rate of pension.

9. Section twenty-six of the Principal Act is repealed.

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

- (a) by omitting from sub-section (1.) the words “One hundred and fifty-six pounds” and inserting in their stead the words “One hundred and seventy-five pounds ten shillings” ;
- (b) by omitting from paragraph (a) of sub-section (3.) the words “Two hundred and eight pounds” and inserting in their stead the words “Two hundred and twenty-seven pounds ten shillings” ;
- (c) by omitting from paragraph (b) of that sub-section the words “Three hundred and seventy-seven pounds” and inserting in their stead the words “Four hundred and sixteen pounds” ; and
- (d) by omitting from paragraph (c) of that sub-section the words “Three hundred and five pounds ten shillings” and inserting in their stead the words “Three hundred and twenty-five pounds”.

11. Section twenty-nine of the Principal Act is amended by omitting from paragraph (b) of sub-section (1.) the words "Thirteen pounds" and inserting in their stead the words "Twenty-six pounds".

Computation of income.

12. Section thirty-one of the Principal Act is amended by adding at the end of sub-section (1.) the words "but does not include a pensioner who, being a permanently blind person, would not be in receipt of a pension but for the operation of sub-section (2A.) of section thirty-six of this Act".

Definitions.

13. Section thirty-three of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words "Seventy-eight pounds" and inserting in their stead the words "Ninety-one pounds"; and

(b) by omitting from sub-section (2A.) the words "Three hundred and seventy-seven pounds" and inserting in their stead the words "Four hundred and nine pounds ten shillings".

Amount of wife's allowance.

14. Section thirty-six of the Principal Act is amended by inserting after sub-section (2.) the following sub-section:—

Income of blind persons and minimum pension.

"(2A.) The rate of an age or invalid pension payable to a permanently blind person who is qualified under this Part to receive that pension shall not, except by virtue of the operation of sub-section (3.) of section twenty-eight, or sub-section (2A.) of section thirty-three, of this Act, be reduced below One hundred and fifty-six pounds per annum."

15. Section forty-nine of the Principal Act is amended by adding at the end thereof the following sub-section:—

Pension to cease when pensioner leaves Australia.

"(3.) For the purposes of this section, a person shall be deemed not to be absent from, or outside, Australia while that person is in a Territory."

16. Section fifty of the Principal Act is repealed and the following section inserted in its stead:—

"50.—(1.) If an inmate of a benevolent asylum becomes an age or invalid pensioner, or if an age or invalid pensioner becomes an inmate of a benevolent asylum—

Benevolent asylum inmates.

(a) he shall, so long as he remains an inmate of the benevolent asylum, be paid so much of his pension as does not exceed the rate of Sixty-one pounds two shillings per annum; and

(b) the balance of his pension shall be paid to the person controlling the benevolent asylum for the maintenance of the pensioner in the benevolent asylum.

"(2.) A payment shall not be made under paragraph (b) of the last preceding sub-section in respect of a period during which a benefit is payable in respect of the pensioner under the *Hospital Benefits Act 1951* or under an agreement entered into, or regulations made, under that Act."

Qualifications
for widow's
pension.

17. Section sixty of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section :—

“(3.) A widow shall not be qualified to receive a pension unless she is residing in Australia on the date on which she lodges her claim for the pension and has been continuously so resident—

- (a) for a period of not less than five years immediately preceding that date ; or
- (b) where, in the opinion of the Director-General, the widow and her husband, or, in the case of a dependent female, the dependent female and the man in respect of whom she was a dependent female, were, immediately before her husband, or that man, died, residing permanently in Australia—for a period of not less than one year immediately preceding the date on which she lodges her claim for the pension.”.

Rate of
widow's
pension.

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

- (a) by omitting from paragraph (a) of sub-section (1.) the words “ One hundred and sixty-nine pounds ” and inserting in their stead the words “ One hundred and eighty-eight pounds ten shillings ” ;
- (b) by omitting from paragraph (b) of that sub-section the words “ One hundred and thirty pounds ” and inserting in their stead the words “ One hundred and forty-three pounds ” ;
- (c) by omitting from paragraph (a) of sub-section (2A.) the words “ Two hundred and thirty-four pounds ” and inserting in their stead the words “ Two hundred and fifty-three pounds ten shillings ” ;
- (d) by omitting from paragraph (b) of that sub-section the words “ One hundred and ninety-five pounds ” and inserting in their stead the words “ Two hundred and eight pounds ” ;
- (e) by omitting sub-section (3.) and inserting in its stead the following sub-section :—

“(3.) The rate of the pension payable to a class C widow shall be Two pounds fifteen shillings per week and the pension shall be payable—

- (a) for a period of not more than twenty-six weeks immediately after the death of the widow's husband or, in the case of a dependent female, of the man in respect of whom she was a dependent female ; or
- (b) where the widow is pregnant and the Director-General has no reason to believe that she is pregnant by a person other than her husband or, in the case of a dependent female, the man in

respect of whom she was a dependent female—until the birth of the child or other termination of the pregnancy or until the expiration of the period specified in the last preceding paragraph, whichever last occurs.”; and

(f) by omitting from sub-section (4.) the words “ Three pounds fifteen shillings ” and inserting in their stead the words “ Four pounds ”.

19. Section sixty-four of the Principal Act is amended by omitting from paragraph (b) the words “ Thirteen pounds ” and inserting in their stead the words “ Twenty-six pounds ”.

Computation of income.

20. Section seventy-eight of the Principal Act is amended by adding at the end thereof the following sub-section :—

Pension to cease if pensioner leaves Australia.

“ (3.) For the purposes of this section, a person shall be deemed not to be absent from, or outside, Australia while that person is in a Territory.”.

21. Section eighty of the Principal Act is repealed and the following section inserted in its stead :—

“ 80.—(1.) If an inmate of a benevolent asylum, being a class B widow or a class D widow who is not less than fifty years of age, becomes a pensioner, or if a pensioner, being a class B widow or a class D widow who is not less than fifty years of age, becomes an inmate of a benevolent asylum—

Benevolent asylum inmate.

(a) she shall, so long as she remains an inmate of the benevolent asylum, be paid so much of her pension as does not exceed the rate of Fifty-two pounds per annum ; and

(b) the balance of her pension shall be paid to the person controlling the benevolent asylum for the maintenance of the pensioner in the benevolent asylum.

“ (2.) A payment shall not be made under paragraph (b) of the last preceding sub-section in respect of a period during which a benefit is payable in respect of the pensioner under the *Hospital Benefits Act 1951* or under an agreement entered into, or regulations made, under that Act.”.

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

Definitions.

“ (c) a benefit under the *Hospital Benefits Act 1951* or regulations made under that Act or such part of a payment made by an organization registered under those regulations for or in respect of the hospital treatment of a person who is a contributing patient for the purposes of those regulations as does not exceed the amount paid or payable to the hospital for that treatment ; ”.

Rate of unemployment and sickness benefit.

23. Section one hundred and twelve of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “Fifteen shillings” and inserting in their stead the words “One pound ten shillings”;
- (b) by omitting from paragraph (b) of that sub-section the words “One pound” and inserting in their stead the words “Two pounds”;
- (c) by omitting from paragraph (c) of that sub-section the words “One pound five shillings” and inserting in their stead the words “Two pounds ten shillings”;
- (d) by omitting from sub-section (2.) the words “One pound” (wherever occurring) and inserting in their stead the words “Two pounds”;
- (e) by omitting from sub-section (3.) the words “One pound” and inserting in their stead the words “Two pounds”; and
- (f) by omitting from sub-section (4.) the words “One pound” (wherever occurring) and inserting in their stead the words “Two pounds”.

Means test.

24. Section one hundred and fourteen of the Principal Act is amended by omitting from sub-section (5.) the words “One pound” and inserting in their stead the words “Two pounds”.

Definitions.

25. Section one hundred and thirty-four of the Principal Act is amended by omitting the definition of “claimant” and inserting in its stead the following definition:—

“ ‘claimant’ means, in relation to a pension or benefit, a person who has lodged a claim for, and is qualified to receive, that pension or benefit; ”.

Payments during training.

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

- (a) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (3.) the words “One pound” and inserting in their stead the words “One pound five shillings”;
- (b) by omitting from sub-paragraph (ii) of that paragraph the words “Two pounds” and “One pound” and inserting in their stead the words “Two pounds ten shillings” and “One pound five shillings”, respectively; and
- (c) by omitting from sub-paragraph (iii) of that paragraph the words “Two pounds” and inserting in their stead the words “Two pounds ten shillings”.

27. Section one hundred and thirty-five K of the Principal Act is amended by omitting sub-sections (2.), (3.) and (4.).

Provision of
medical
appliances, &c.

28. Section one hundred and thirty-five L of the Principal Act is amended by omitting from sub-section (1.) the words "Twenty pounds" and inserting in their stead the words "Thirty pounds".

Provision of
books, &c.

29. The amendments effected by this Act, in so far as they relate to instalments of pensions and allowances and to the payment of benefits, shall apply—

Application of
amendments.

- (a) in relation to an instalment of a pension or an allowance, as the case may be, falling due on the first pension pay day after the date of the commencement of this Act and all subsequent instalments; and
 - (b) in relation to a payment of a benefit made in respect of a period which commenced on or after the Monday last preceding the date of the commencement of this Act.
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