



# Social Security Legislation Amendment Act 1983

No. 69 of 1983

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# Social Security Legislation Amendment Act 1983

No. 69 of 1983

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## An Act relating to social security and related matters

[Assented to 24 October 1983]

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

### PART I—PRELIMINARY

#### Short title

1. This Act may be cited as the *Social Security Legislation Amendment Act 1983*.

#### Commencement

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

(2) Section 5 shall be deemed to have come into operation on 31 December 1982.

(3) Section 25 and sub-section 37 (2) shall be deemed to have come into operation on 27 October 1982.

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(4) Sections 58, 60, 61, 62, 69 and 70 shall be deemed to have come into operation on 1 October 1983.

(5) Sub-section 11 (1) shall come into operation, or shall be deemed to have come into operation, as the case requires, on 1 November 1983.

(6) Sections 30 and 31 shall come into operation, or shall be deemed to have come into operation, as the case requires, on 1 December 1983.

(7) Parts III and V shall come into operation on 1 January 1984.

(8) Sub-section 33 (1) shall come into operation on 1 May 1984.

(9) Sub-section 23 (1) shall come into operation on the 1 May or 1 November on which, by virtue of the operation of section 28A of the *Social Security Act 1947*, that Act has effect as if there were substituted for the rate applicable under paragraph 83CA (2) (c) of that Act a rate that is equal to or greater than \$3,536 per annum.

(10) The amendments of the Principal Act made by the items enumerated in Schedule 1 shall come into operation on such date as is, or on such respective dates as are, fixed by Proclamation, and section 45 shall come into operation accordingly.

## **PART II—AMENDMENTS OF THE SOCIAL SECURITY ACT 1947**

### **Principal Act**

3. The *Social Security Act 1947*<sup>1</sup> is in this Part referred to as the Principal Act.

### **Title**

4. The title of the Principal Act is repealed and the following title is substituted:

“An Act to provide for the payment of certain pensions, benefits and allowances and for related purposes”.

### **Certain persons deemed to continue to receive full-time education**

5. Section 6B of the Principal Act is amended by omitting from paragraph (a) “has attained the age of 16 years but”.

6. Sections 8, 9, 10, 12 and 13 of the Principal Act are repealed and the following section is substituted:

### **Delegation**

“8. (1) The Director-General may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer all or any of his powers under this Act, other than this power of delegation.

“(2) A delegation under this section does not prevent the exercise of a power by the Director-General.”.

7. (1) After Part II of the Principal Act the following Part is inserted:

**“PART IIA—REMOTE AREA ALLOWANCE**

**Interpretation**

“17B. (1) In this Part, unless the contrary intention appears—

‘allowance’ means a remote area allowance under this Part;

‘de facto spouse’ means a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person;

‘married person’ includes a de facto spouse but does not include—

(a) a legally married person (not being a de facto spouse) who is living apart from the spouse of the person on a permanent basis; or

(b) a person who, for any special reason in any particular case, the Director-General determines should not be treated as a married person;

‘remote area’ means those parts of Australia referred to in paragraphs 1 and 2 of Part I of Schedule 2 to the *Income Tax Assessment Act 1936*;

‘spouse’ includes a de facto spouse;

‘unmarried person’ means a person who is not a married person.

“(2) For the purposes of this Part, where a person whose usual place of residence is situated in the remote area is absent from the remote area for a period not exceeding 8 weeks, the person shall be taken to be physically present in the remote area during that period.

“(3) Sub-section (2) does not apply to a person in respect of any period during which the person is outside Australia.

**Persons eligible for remote area allowance**

“17C. (1) Subject to sub-section (2), a person who—

(a) is in receipt of a pension, benefit or allowance under Part III, IV, IVAAA, VII or VIIA or a rehabilitation allowance under Part VIII; and

(b) is physically present in, and whose usual place of residence is situated in, the remote area,

is eligible to receive a remote area allowance.

“(2) A person to whom sub-section 28 (2AB) or (2AC) applies is not eligible to receive an allowance.

**Rate of remote area allowance**

“17D. (1) Subject to this section, the rate of an allowance is—

- (a) in the case of an unmarried person or a married person whose spouse is not eligible to receive an allowance under this Part, an allowance under section 98AA of the *Repatriation Act 1920* or an allowance under the *Tuberculosis Act 1948* the rate of which is determined having regard to residence in the remote area—\$14 per fortnight; or
- (b) in any other case—\$12 per fortnight.

“(2) For the purposes of sub-section (1), a person—

- (a) in relation to whom a direction under sub-section 28 (1AAA) or 32 (1A) is in force;
- (b) who is in receipt of a benefit under Part IVAAA by reason of the person being a person referred to in paragraph (b) of the definition of ‘married person’ in sub-section 83AAA (1); or
- (c) who is the spouse of a person referred to in paragraph (a) or (b),

shall be taken to be an unmarried person.

“(3) Where—

- (a) a person is in receipt of a benefit under Part VII and the rate of that benefit is increased under sub-section 112 (2) or (4A) or a person is in receipt of a rehabilitation allowance under Part VIII the rate of which is increased by reference to sub-section 112 (2) or (4A); and
- (b) the person in respect of whom the rate of that benefit or allowance is so increased is physically present in the remote area and the usual place of residence of that person is situated in the remote area,

the rate of allowance applicable to the first-mentioned person is such amount, exceeding \$12 per fortnight but not exceeding \$24 per fortnight, as the Director-General determines in writing.

“(4) Where—

- (a) a person is in receipt of an allowance under Part VIIA or a rehabilitation allowance under Part VIII;
- (b) the amount of that allowance is calculated having regard to an amount of a wife’s pension under Part III; and
- (c) the spouse of the person is physically present in the remote area and the usual place of residence of the spouse is situated in the remote area,

the rate of allowance applicable to the person is \$24 per fortnight.

“(5) Subject to sub-sections (6) and (7), where the rate of a pension, benefit or allowance payable to a person (in this sub-section referred to as the ‘relevant person’) who is eligible to receive an allowance or the rate of a pension, benefit or allowance payable to the spouse of the relevant person is increased by reference to sub-section 28 (1B), 63 (1A) or 112 (5) in respect of another person or other persons, the rate of allowance applicable to the relevant person shall be increased by \$7 per fortnight in respect of that other person or each of those other persons, as the case may be.

“(6) An increase under sub-section (5) is not payable to a person in respect of another person unless that other person is physically present in the remote area and the usual place of residence of that other person is situated in the remote area.

“(7) Where, but for this sub-section, an increase under sub-section (5) would be payable to 2 persons in respect of the same person, the increase is payable only—

- (a) in a case where the rate of a pension, benefit or allowance payable to one only of those persons is increased by reference to sub-section 28 (1B), 63 (1A) or 112 (5)—to that person; or
- (b) in any other case—to the person to whom the Director-General directs that the increase should be paid.

“(8) Where the Director-General gives a direction under paragraph (7) (b), he shall, by notice in writing, inform each of the persons affected by the direction accordingly.

“(9) For the purposes of this section, the rate of a pension shall be taken to be increased by reference to sub-section 28 (1B) if the rate of the pension would, but for sub-section 28 (1EA), have been so increased.

#### **Payment of remote area allowance**

“17E. (1) An allowance is payable at such times as the Director-General determines.

“(2) Where—

- (a) a person who is in receipt of a benefit under Part VII is eligible to receive an allowance; and
- (b) an instalment of that benefit is calculated, in accordance with sub-section 132 (3), at one-fifth of the weekly rate of the benefit for each day in a period,

an allowance is payable to the person in respect of that period at the rate of 10% of the fortnightly rate of the allowance for each day, not being a Saturday or Sunday, in that period.”.

(2) A person is not eligible to receive a remote area allowance under Part IIA of the *Social Security Act 1947* before 1 May 1984.

#### **Heading to Part III**

8. The heading to Part III of the Principal Act is omitted and the following heading is substituted:

**“PART III—AGE, INVALID, WIVES’ AND SPOUSE CARERS’  
PENSIONS”.**

#### **Interpretation**

9. (1) Section 18 of the Principal Act is amended by omitting paragraphs (a) and (b) of the definition of “income”.



(2) Section 18 of the Principal Act is amended—

(a) by omitting paragraph (c) of the definition of “income” and substituting the following paragraphs:

“(c) the value of emergency relief or like assistance;

(ca) the value of any assistance provided by an eligible organization within the meaning of the *Homeless Persons Assistance Act 1974*, being assistance by way of the provision of accommodation or meals or of a ticket, voucher or token that may be exchanged for accommodation or meals;

(cb) a payment under the *Handicapped Persons Assistance Act 1974*;

(cc) insurance or compensation payments made by reason of the loss of, or damage to, buildings, plant or personal effects;

(cd) moneys from the investment of payments of the kind referred to in paragraph (cc), being an investment for a period not exceeding 12 months or such longer period as the Director-General, for any special reason in any particular case, allows;

(ce) a payment of domiciliary nursing care benefit under Part VB of the *National Health Act 1953*;

(cf) a payment under a law of the Commonwealth, being a law having an object of assisting persons to purchase or build their own homes;”;

(b) by inserting “IIA, IVAAA,” before “VI” in paragraph (e) of the definition of “income”;

(c) by omitting “the scheme known as the National Employment and Training System” from paragraph (ea) of the definition of “income” and substituting “a program included in the programs known as the Labour Force Programs”; and

(d) by omitting the definition of “Registrar”.

(3) The amendment made by sub-section (1) applies, insofar as it affects instalments of pension, benefit or allowance under Part III, IV, IVAAA, VIIA or VIII of the *Social Security Act 1947*, in relation to each instalment of pension, benefit or allowance that falls due on or after 1 November 1983.

### **Rate of age or invalid pension**

10. (1) Section 28 of the Principal Act is amended—

(a) by omitting from sub-section (1B) “\$520” and substituting “\$624”;

(b) by omitting from sub-section (1F) “\$520” (wherever occurring) and substituting “\$624”;

(c) by omitting from sub-paragraph (3) (a) (ii) “\$20” and substituting “\$24”; and

(d) by omitting from sub-paragraph (3) (b) (ii) “\$1,820” and substituting “\$1,924”.

**(2)** Section 28 of the Principal Act is amended—

- (a) by inserting in sub-section (1AA) “, or a married person in relation to whom a direction under sub-section (1AAA) is in force,” after “person” (first occurring);
- (b) by omitting from sub-section (1AA) “sub-section (1D)” and substituting “sub-sections (1D) and (1EA)”;
- (c) by omitting from sub-section (3A) “Where” and substituting “Subject to sub-section (3C), where”;
- (d) by inserting in sub-section (3B) “or a benefit under Part IVAAA” after “invalid pension”; and
- (e) by inserting after sub-section (3B) the following sub-section:

“(3C) For the purposes of the application of this section in relation to a person in relation to whom a direction under sub-section (1AAA) is in force and to the husband or wife of that person, where each of those persons is in receipt of an age or invalid pension and the direction under sub-section (1AAA) was given by reason of the illness or infirmity of the husband, a child in the custody, care and control of the husband shall be deemed to be in the sole custody, care and control of the wife.”.

**(3)** Section 28 of the Principal Act is amended by omitting sub-section (1AA) and substituting the following sub-section:

“(1AA) Where—

- (a) an unmarried person; or
- (b) a married person in relation to whom a direction under sub-section (1AAA) is in force,

has the custody, care and control of a child or children under the age of 16 years, the maximum rate of pension applicable to that person under paragraph (1A) (a) shall, subject to sub-sections (1D) and (1EA), be increased by \$416 per annum.”.

**(4)** Section 28 of the Principal Act is amended—

- (a) by inserting in sub-section (1EA) “, or by sub-sections (1AA) and (1B)” after “sub-section (1B)”;
- (b) by omitting from paragraph (1EA) (b) “and sub-section 32 (2)” and substituting “and sub-sections 32 (2) and 34 (2)”;
- (c) by inserting after sub-section (2AC) the following sub-section:

“(2AD) Sub-section (2AB) or (2AC) does not apply to a claimant or pensioner if—

- (a) the claimant or pensioner would, but for sub-section 17C (2), be eligible to receive an allowance under Part IIA; and
- (b) the sum of the amount of a fortnightly instalment of pension that would be payable to the claimant or pensioner if sub-section (2) were applicable to the claimant or pensioner and the amount per fortnight of allowance under Part IIA that would be payable to the claimant or pensioner if the claimant or

pensioner were eligible to receive that allowance is greater than the amount of a fortnightly instalment of age pension payable to the claimant or pensioner in accordance with sub-section (2AB) or (2AC).”; and

- (d) by inserting before sub-section (4) the following sub-section:

“(3D) Where the maximum rate of an age or invalid pension applicable to a person is a rate in the calculation of which there has been taken into account a rate (in this sub-section referred to as the ‘supplementary rate’) in respect of a particular child who is a person to whom paragraph 18B (c) applies and—

- (a) the child has not been brought to live in Australia within a period of 4 years commencing on the first day in respect of which the supplementary rate was so taken into account; or
- (b) at any time within that period of 4 years, the Director-General is satisfied that the person does not intend to bring the child to live in Australia as soon as it is reasonably practicable to do so,

the maximum rate of pension applicable to that person shall be a rate calculated without regard to that child.”.

(5) The amendments made by sub-section (1) apply, insofar as they affect instalments of pension under Part III of the *Social Security Act 1947*, in relation to each instalment of pension that falls due on or after 1 November 1983.

(6) The amendments made by sub-section (2) apply, insofar as they affect instalments of pension under Part III of the *Social Security Act 1947*, in relation to each instalment of pension that falls due on or after 1 December 1983.

(7) The amendment made by sub-section (3) applies, insofar as it affects instalments of pension under Part III of the *Social Security Act 1947*, in relation to each instalment of pension that falls due on or after 1 May 1984.

### **Variation of certain rates**

**11. (1)** Section 28A of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “relevant rate” and substituting the following definition:

“‘relevant rate’ means the rate specified in paragraph 28 (1A) (a), 28 (1A) (b), 83CA (2) (c) or 83CA (2) (d);”;

- (b) by omitting from paragraph (4) (a) “paragraph (b)” and substituting “paragraphs (b) and (c)”;
- (c) by omitting from the end of paragraph (4) (a) “or”;
- (d) by omitting from paragraph (4) (b) “so calculated (in this paragraph referred to as the ‘calculated rate’)” and substituting “calculated under paragraph (a) for the purposes of paragraph 28 (1A) (a) or (b)”;
- (e) by omitting from sub-paragraphs (4) (b) (i) and (ii) “calculated rate” and substituting “rate so calculated”; and

(f) by adding at the end of sub-section (4) the following word and paragraph:

“; or (c) where the rate calculated under paragraph (a) for the purposes of paragraph 83CA (2) (c) or (d) is not a multiple of \$52 per annum, the rate so calculated shall be increased to the nearest higher rate that is a multiple of \$52 per annum.”.

(2) Section 28A of the Principal Act is amended by omitting from sub-section (6) “or widows’ pensions” and substituting “, spouse carers’ or widows’ pensions”.

#### **Rate of wife’s pension**

12. (1) Section 32 of the Principal Act is amended by inserting after sub-section (1A) the following sub-section:

“(1B) Where—

(a) the annual rate of wife’s pension in relation to a wife is increased by virtue of a direction in force under sub-section (1A), being a direction given by reason of the illness or infirmity of the husband; and

(b) the maximum rate of age or invalid pension applicable to the husband would, but for this sub-section, be increased by virtue of sub-section 28 (1B), or by virtue of sub-sections 28 (1AA) and (1B),

sub-sections 28 (1AA) and (1B) do not apply for the purpose of calculating the maximum rate of pension applicable to the husband and the annual rate of wife’s pension in relation to the wife shall be increased by the amount per annum by which the maximum rate of pension applicable to the husband would, but for this sub-section, be increased.”.

(2) The amendment made by sub-section (1) applies, insofar as it affects instalments of pension under Part III of the *Social Security Act 1947*, in relation to each instalment of pension that falls due on or after 1 December 1983.

13. (1) After Division 5 of Part III of the Principal Act the following Division is inserted:

#### **“Division 6—Spouse Carers’ Pensions**

##### **Spouse carer’s pension**

“33. (1) Subject to this Part, a man (not being an age pensioner, an invalid pensioner, a person who is receiving a rehabilitation allowance under Part VIII or a service pensioner under the *Repatriation Act 1920*)—

(a) whose wife is a severely handicapped woman who—

(i) is an age pensioner or an invalid pensioner; or

(ii) is receiving a rehabilitation allowance under Part VIII and was, immediately before she became eligible to receive that allowance, eligible to receive an invalid pension;

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(b) who personally provides, in a matrimonial home of the man and the woman, constant care and attention in respect of the woman; and

(c) who is residing in, and is physically present in, Australia on the day on which he lodges a claim for a pension,

is qualified to receive a spouse carer's pension.

“(2) Subject to this Part, a man (not being an age pensioner, an invalid pensioner, a person who is receiving a rehabilitation allowance under Part VIII or a service pensioner under the *Repatriation Act 1920*)—

(a) whose wife is a severely handicapped woman who is—

(i) an age pensioner who is qualified to receive an age pension by virtue of section 21A; or

(ii) an invalid pensioner who is qualified to receive an invalid pension by virtue of section 24A; and

(b) who personally provides, in a matrimonial home of the man and the woman, constant care and attention in respect of the woman,

is qualified to receive a spouse carer's pension.

“(3) Where a man who is personally providing constant care and attention in respect of a severely handicapped woman ceases temporarily to provide that care and attention—

(a) for a continuous period of not more than 4 weeks in any period of 12 months; or

(b) for such other period as the Director-General, for any special reason in any particular case, approves in writing,

the man shall not be taken to cease to be qualified to receive a spouse carer's pension by reason only of that cessation.

“(4) In this section, ‘severely handicapped woman’ means a woman who—

(a) has a physical or mental disability;

(b) by reason of that disability, needs constant care and attention; and

(c) is likely to need such care and attention permanently or for an extended period.

**Rate of spouse carer's pension**

“34. (1) Subject to this Part, the rate of a spouse carer's pension is the annual rate specified in paragraph 28 (1A) (b).

“(2) The annual rate of a spouse carer's pension payable to a person shall be reduced by one-half of the amount (if any) per annum by which the rate of the income of the person exceeds the rate specified in sub-section 32 (2).”.

(2) A person is not qualified to receive a spouse carer's pension under the *Social Security Act 1947* before 1 December 1983.

(3) Where—

(a) a person becomes qualified to receive a spouse carer's pension under Part III of the *Social Security Act 1947* before 1 March 1984; and

- (b) the person makes a claim for the spouse carer's pension after the person became qualified to receive that pension but before 1 March 1984,

the Director-General may determine that the claim shall be taken, for the purposes of that Act, to have been lodged on the day on which the person became so qualified.

**Date from which pension payable**

14. Section 39 of the Principal Act is amended by omitting "or a wife's pension" and substituting ", a wife's pension or a spouse carer's pension".

**Suspension of pension where allowance payable under *Tuberculosis Act 1948***

15. Section 48A of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

"(1) Where an allowance under section 9 of the *Tuberculosis Act 1948* is payable to or in respect of a person who is a pensioner—

- (a) the person's pension;
- (b) if the person is a man who has a wife who is in receipt of a wife's pension—that pension; and
- (c) if the person is a woman who has a husband who is in receipt of a spouse carer's pension—that pension,

is suspended during the period in respect of which the allowance is paid."

**Inmates of benevolent homes**

16. Section 50 of the Principal Act is amended—

- (a) by inserting after the definition of "pensioner contribution" in sub-section (1) the following definition:

"'spouse carer pensioner' means a person who is in receipt of a pension that is, or includes, a spouse carer's pension;"; and

- (b) by omitting from sub-section (2) "or a wife pensioner" (wherever occurring) and substituting ", a wife pensioner or a spouse carer pensioner".

**Rate of widow's pension**

17. (1) Section 63 of the Principal Act is amended—

- (a) by omitting paragraphs (1) (a) and (aa) and substituting the following paragraph:

"(a) in the case of a class A widow—the maximum rate of age or invalid pension specified in paragraph 28 (1A) (a) increased by \$416 per annum; or"; and

- (b) by omitting from sub-section (1A) "or (aa)".

(2) Section 63 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(4) Where the maximum rate of pension applicable to a widow is a rate in the calculation of which there has been taken into account a rate (in this

sub-section referred to as the 'supplementary rate') in respect of a particular child who is a person to whom paragraph 59AA (c) applies and—

- (a) the child has not been brought to live in Australia within a period of 4 years commencing on the first day in respect of which the supplementary rate was so taken into account; or
- (b) at any time within that period of 4 years, the Director-General is satisfied that the widow does not intend to bring the child to live in Australia as soon as it is reasonably practicable to do so,

the maximum rate of pension applicable to that widow shall be a rate calculated without regard to that child.”.

(3) The amendments made by sub-section (1) apply, insofar as they affect instalments of widow's pension under Part IV of the *Social Security Act 1947*, in relation to each instalment of widow's pension that falls due on or after 1 May 1984.

### **Interpretation**

18. (1) Section 83AAA of the Principal Act is amended—

- (a) by inserting before the definition of “beneficiary” in sub-section (1) the following definition:

“ ‘adopted child’ means a child adopted under the law of any place, whether in Australia or not, relating to the adoption of children;”;

- (b) by omitting from sub-section (1) the definitions of “supporting father”, “supporting mother” and “supporting parent” and substituting the following definitions:

“ ‘de facto spouse’ means a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person;

‘married person’ includes a de facto spouse but does not include—

- (a) a person (not being a de facto spouse) who is legally married to another person where the person and that other person are estranged; or
- (b) a person who is unable to live together with the spouse of the person in a matrimonial home by reason of the illness or infirmity of the spouse, being an inability that results in the spouse being unable to care for a child and that the Director-General is satisfied is likely to continue indefinitely;

‘spouse’ includes a de facto spouse;

‘supporting parent’ means an unmarried person who has the custody, care and control of a child, but does not include—

- (a) a person who is qualified to receive a pension under Part III or IV, a service pension under the *Repatriation Act*

1920 or an allowance under the *Tuberculosis Act 1948*;  
or

- (b) a woman who, but for the operation of section 133N, would be in receipt of a wife's pension under Part III;

'unmarried person' means—

- (a) a person who is not a married person; or
  - (b) a married person whose spouse has been convicted of an offence and has been imprisoned in connection with the offence for a continuous period of at least 14 days.”; and
- (c) by omitting sub-sections (2), (3), (4) and (5) and substituting the following sub-section:

“(2) For the purposes of the definition of 'supporting parent' in sub-section (1), a child who is being maintained by a person shall be deemed to be a child of whom the person has the custody, care and control if—

- (a) the person is an unmarried person; and
- (b) the person had been a married person and was, immediately before ceasing to be a married person, maintaining the child.”.

(2) The amendments made by sub-section (1) apply, insofar as they affect instalments of supporting parent's benefit under Part IVAAA of the *Social Security Act 1947*, in relation to each instalment of benefit that falls due on or after 1 December 1983.

### **Qualifications for benefit**

**19. (1)** Section 83AAC of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Subject to this Part, a person who is a supporting parent in relation to a child is qualified to receive a benefit if the supporting parent is residing in, and is physically present in, Australia on the day on which the supporting parent lodges a claim for the benefit and at least one of the following conditions applies in relation to the supporting parent:

- (a) if the supporting parent is a parent of the child—the child was born while the supporting parent was residing in Australia;
- (b) if the child is an adopted child—the child was adopted by the supporting parent while the supporting parent was residing in Australia;
- (c) if the supporting parent is not a parent of the child and the supporting parent obtained custody of the child otherwise than by the adoption of the child—the supporting parent was residing in Australia when the supporting parent obtained custody of the child;
- (d) if the supporting parent is legally married to another person and the supporting parent and that other person are



estranged—the supporting parent was residing in Australia immediately before the estrangement;

- (e) if the supporting parent is unable to live together with the spouse of the person in a matrimonial home by reason of the illness or infirmity of the spouse—the supporting parent was residing in Australia at the commencement of that inability;
  - (f) if the supporting parent has ceased to live with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person—the supporting parent was residing in Australia immediately before the supporting parent so ceased;
  - (g) if the supporting parent is an unmarried person by virtue of paragraph (b) of the definition of ‘unmarried person’ in sub-section 83AAA (1)—the supporting parent was residing in Australia at the time when the supporting parent so became an unmarried person;
  - (h) the supporting parent has been continuously resident in Australia for a period of not less than 5 years immediately preceding the day on which the claim for the benefit was lodged;
  - (j) the supporting parent has, at any time, been continuously resident in Australia for a period of not less than 10 years.”; and
- (b) by omitting from sub-section (2) “paragraph (1) (a), (b), (c), (d) or (e)” and substituting “any of the paragraphs of sub-section (1)”.

(2) The amendments made by sub-section (1) apply, insofar as they affect instalments of supporting parent’s benefit under Part IVAAA of the *Social Security Act 1947*, in relation to each instalment of benefit that falls due on or after 1 December 1983.

(3) Where—

- (a) paragraph 83AAC (1) (b), (c) or (e) of the *Social Security Act 1947* applies in relation to a person;
- (b) the person becomes qualified to receive a supporting parent’s benefit under that Act on or after 1 December 1983 and before 1 March 1984; and
- (c) the person makes a claim for the supporting parent’s benefit after the person became qualified to receive the benefit but before 1 March 1984,

the Director-General may determine that the claim shall be taken, for the purposes of that Act, to have been lodged on the day on which the person became so qualified.

### **Rate of benefit**

20. (1) Section 83AAE of the Principal Act is amended—
- (a) by omitting from paragraph (2) (a) “and”; and

(b) by adding at the end of sub-section (2) the following word and paragraph:

“; and (c) if the supporting parent is qualified for a benefit by reason of the supporting parent being a person referred to in paragraph (b) of the definition of ‘married person’ in sub-section 83AAA(1)—

(i) the income of the supporting parent shall, unless, for any special reason in any particular case, the Director-General otherwise determines, be deemed to be half the total income of the supporting parent and the spouse of the supporting parent; and

(ii) section 63 applies in relation to the supporting parent as if the reference in sub-section 63 (2) to \$1,560 were a reference to \$1,300.”.

(2) The amendments made by sub-section (1) apply, insofar as they affect instalments of supporting parent’s benefit under Part IVAAA of the *Social Security Act 1947*, in relation to each instalment of benefit that falls due on or after 1 December 1983.

### **Interpretation**

21. Section 83A of the Principal Act is amended by omitting “had, before his death, lodged a claim for, and would but for his death have been eligible to receive,” from sub-paragraph (c) (i) of the definition of “deceased pensioner” in sub-section (1) and substituting “would, but for his death, have been eligible to receive”.

### **Funeral benefit payable to pensioner**

22. Section 83B of the Principal Act is amended by adding at the end of sub-section (2) “or a spouse carer’s pension”.

### **Prescribed persons**

23. (1) Section 83CA of the Principal Act is amended—

(a) by omitting paragraphs (2) (a) and (b); and

(b) by omitting from paragraph (2) (c) “any other” and substituting “an”.

(2) Section 83CA of the Principal Act is amended by inserting in paragraph (2) (d) “per annum” after “\$2,340”.

### **Interpretation**

24. Section 84 of the Principal Act is amended—

(a) by omitting “an allowance or benefit in respect of which a notice under sub-section (4) is in force.” from the definition of “eligible child” in sub-section (1) and substituting “a pension, benefit or allowance in respect of which a notice under sub-section (4) is in force;”; and

- (b) by omitting from sub-section (1) the definition of “income” and substituting the following definition:

“‘income’ has the same meaning as it has in sub-section 5B (12) of the *Health Insurance Act 1973*, and includes a pension, benefit or allowance in respect of which a notice under sub-section 85 (4) is in force, but does not include an allowance under this Part;”.

### **Persons who are eligible to receive allowance**

25. Section 85 of the Principal Act is amended by inserting in sub-paragraph (1) (a) (i) “section 135D or under” after “under” (second occurring).

### **Sharing of allowance between 2 persons**

26. (1) Section 93 of the Principal Act is amended by omitting paragraph (2) (a) and substituting the following paragraph:

“(a) if the 2 persons are not permanently living apart—the allowance in respect of the child shall be paid to the person who is qualified to receive family allowance under Part VI in respect of the child; and”.

(2) The amendment made by sub-section (1) applies in relation to payments of allowance under Part V of the *Social Security Act 1947* during any allowance period commencing on or after 1 May 1984.

### **Family allowance not to be granted or paid to certain persons**

27. Section 97 of the Principal Act is amended by omitting sub-section (2).

28. (1) Section 105R of the Principal Act is repealed and the following section is substituted:

### **Application of certain provisions of Part VI**

“105R. Section 101 and sub-sections 102 (1) and (2) apply in relation to a payment of handicapped child’s allowance as if that allowance were a family allowance under Part VI.”.

(2) Until such time as section 104A of the Principal Act is repealed by this Act, that section applies in relation to a person to whom handicapped child’s allowance is payable under the *Social Security Act 1947* as if that allowance were a family allowance under Part VI of that Act.

### **Interpretation**

29. Section 106 of the Principal Act is amended—

- (a) by inserting “IIA,” before “III” in paragraph (b) of the definition of “income” in sub-section (1);
- (b) by inserting “IVAAA,” before “VI” in paragraph (b) of the definition of “income” in sub-section (1);
- (c) by omitting “the scheme known as the National Employment and Training System” from paragraph (bb) of the definition of “income” in

sub-section (1) and substituting “a program included in the programs known as the Labour Force Programs”;

- (d) by inserting after paragraph (c) of the definition of “income” in sub-section (1) the following paragraphs:
- “(ca) the value of emergency relief or like assistance;
  - (cb) the value of any assistance provided by an eligible organization within the meaning of the *Homeless Persons Assistance Act 1974*, being assistance by way of the provision of accommodation or meals or of a ticket, voucher or token that may be exchanged for accommodation or meals;
  - (cc) a payment under the *Handicapped Persons Assistance Act 1974*;
  - (cd) insurance or compensation payments made by reason of the loss of, or damage to, buildings, plant or personal effects;
  - (ce) moneys from the investment of payments of the kind referred to in paragraph (cd), being an investment for a period not exceeding 12 months or such longer period as the Director-General, for any special reason in any particular case, allows;
  - (cf) a payment of domiciliary nursing care benefit under Part VB of the *National Health Act 1953*;
  - (cg) a payment under a law of the Commonwealth, being a law having an object of assisting persons to purchase or build their own homes;”;
- (e) by omitting from sub-section (1) the definitions of “married woman” and “Registrar”.

### **Unemployment benefits**

**30.** Section 107 of the Principal Act is amended by inserting in sub-section (1) “, a benefit under Part IVAAA” after “Part III or IV”.

### **Sickness benefits**

**31.** Section 108 of the Principal Act is amended by omitting from sub-section (1) “or an allowance under Part VIIA” and substituting “a benefit under Part IVAAA, an allowance under Part VIIA”.

### **Rate of unemployment and sickness benefit**

**32. (1)** Section 112 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “\$40” and substituting “\$45”;
- (b) by omitting from paragraph (1) (b) “\$68.65” and substituting “\$73.60”;
- (c) by omitting from sub-section (5) “\$10” and substituting “\$12”; and
- (d) by omitting from paragraph (6) (c) “\$10” and substituting “\$12”.

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(2) Section 112 of the Principal Act is amended by inserting after sub-section (4A) the following sub-sections:

“(4B) Where an unmarried person, or a married person who is living permanently apart from the spouse of the person, who is qualified to receive an unemployment benefit or a sickness benefit—

- (a) has the custody, care and control of a child or children under the age of 16 years; or
- (b) is making regular contributions towards the maintenance of a child or children under that age,

the rate of benefit payable to that person under the preceding provisions of this section shall, subject to sub-sections (4C) and (4D), be increased by \$8 per week.

“(4C) Where—

- (a) but for this sub-section, an increase under sub-section (4B) would be payable in respect of a child or children; and
- (b) the child, or each of the children, as the case may be, is—
  - (i) a person in respect of whom an increase under that sub-section would be payable to more than one person; or
  - (ii) a person—
    - (A) who has been taken into account in fixing the rate of a pension under Part III that is payable to another person;
    - (B) who has been taken into account in fixing the rate of a widow’s pension under Part IV, or of a supporting parent’s benefit under Part IVAAA, that is payable to another person;
    - (C) who has been taken into account in determining the amount of a payment of a sheltered employment allowance under Part VIIA that is payable to another person;
    - (D) who has been taken into account in determining the amount of a rehabilitation allowance under Part VIII that is payable to another person;
    - (E) who has been taken into account in determining the rate of an allowance under the *Tuberculosis Act 1948* that is payable to another person; or
    - (F) in respect of whom a service pension under the *Repatriation Act 1920* is payable,

the Director-General may direct that any increase under sub-section (4B) should not be payable or should be limited to such amount as the Director-General thinks fit.

“(4D) Where—

- (a) but for this sub-section, an increase under sub-section (4B) would be payable to a person in respect of a child or children;
- (b) the person does not have the custody, care and control of that child, or of any of those children, as the case may be; and
- (c) the Director-General considers that, having regard to the rate at which the person is making regular contributions towards the maintenance of that child or those children, any increase under sub-section (4B) should not be payable or should be payable at a rate less than \$8 per week,

the Director-General may direct that any increase under sub-section (4B) be not payable or be limited to such amount as the Director-General thinks fit.”.

(3) Section 112 of the Principal Act is amended by inserting after sub-section (6A) the following sub-section:

“(6B) Where the rate of an unemployment benefit or a sickness benefit applicable to a person is a rate in the calculation of which there has been taken into account a rate (in this sub-section referred to as the ‘supplementary rate’) in respect of a child who is a person to whom paragraph 106A (b) applies and—

- (a) the child has not been brought to live in Australia within a period of 4 years commencing on the first day in respect of which the supplementary rate was so taken into account; or
- (b) at any time within that period of 4 years, the Director-General is satisfied that the person does not intend to bring the child to live in Australia as soon as it is reasonably practicable to do so,

the rate of benefit applicable to that person shall be a rate calculated without regard to that child.”.

(4) The amendments made by sub-section (1) apply, insofar as they affect instalments of unemployment or sickness benefit under Part VII of the *Social Security Act 1947* or payments of allowance under Part V of that Act, in relation to each instalment of benefit or payment of allowance, as the case may be, that falls due on or after 1 November 1983.

(5) The amendment made by sub-section (2) applies, insofar as it affects instalments of unemployment or sickness benefit under Part VII of the *Social Security Act 1947*, in relation to each instalment of benefit that falls due on or after 1 May 1984.

### **Variation of unemployment and sickness benefits**

33. (1) Section 112AA of the Principal Act is amended by omitting “(1) (c)” from the definition of “relevant rate” in sub-section (1) and substituting “(1) (b), (c)”.

(2) The *Social Security Act 1947* has effect as if the rate that would, on 1 May 1984, be substituted for the rate specified in paragraph 112 (1) (b) of that Act by virtue of the application of section 112AA of that Act were increased by \$2 per week and, for the purposes of the operation of section 112AA of that Act, that rate as so increased shall be taken to be a substituted rate.

### **Income test**

34. (1) Section 114 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) Where an unemployment benefit or a sickness benefit is payable to a person whose income exceeds \$20 per week, the rate per week of that benefit shall be reduced—

- (a) where the income of the person does not exceed \$70 per week—by one-half of the amount by which that income exceeds \$20 per week; or
- (b) in any other case—by an amount equal to the sum of \$25 and the amount by which that income exceeds \$70 per week.”.

(2) The amendment made by sub-section (1) applies, insofar as it affects instalments of unemployment benefit or sickness benefit under Part VII of the *Social Security Act 1947*, in relation to every instalment of an unemployment benefit or a sickness benefit that falls due on or after 1 March 1984.

### **Waiting period**

35. Section 119 of the Principal Act is amended—

- (a) by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) in the case where the unemployment benefit became payable to him within the period of 12 weeks after the expiration of—

- (i) a period of unemployment in respect of which, by reason of the operation of paragraph (a), unemployment benefit was not payable; or
- (ii) a period of incapacity in respect of which, by reason of the operation of paragraph (2) (a), sickness benefit was not payable,

from and including the day on which he became unemployed or on the day on which he made claim for the unemployment benefit, whichever was the later.”; and

- (b) by omitting paragraph (2) (b) and substituting the following paragraph:

“(b) in the case where the sickness benefit became payable to him within the period of 12 weeks after the expiration of—

- (i) a period of incapacity in respect of which, by reason of the operation of paragraph (a), sickness benefit was not payable; or

- (ii) a period of unemployment in respect of which, by reason of the operation of paragraph (1) (a), unemployment benefit was not payable, from and including the day on which he became incapacitated.”.

#### **Amount of allowance**

36. Section 133J of the Principal Act is amended by omitting “(other than under Division 4A of that Part)” (second occurring) and substituting “(other than an amount calculated in accordance with sub-section 30A (3C))”.

#### **Persons eligible to be paid rehabilitation allowance**

37. (1) Section 135B of the Principal Act is amended by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) is, or becomes, a pensioner, a beneficiary, a person in receipt of an allowance or a claimant for a pension, benefit or allowance,”.

(2) Section 135B of the Principal Act is amended by omitting from sub-section (3) “in sub-section 135U” and substituting “under section 135D or 135U”.

#### **Insertion of new Part**

38. (1) After section 135T of the Principal Act the following Part is inserted:

### **“PART VIIIA—CLAIMS, PAYMENT, NOTIFICATION, REVIEW, CANCELLATION AND RELATED MATTERS**

#### **Claims**

“135TA. (1) The grant or payment of—

- (a) a pension under Part III or IV (not including an allowance under section 26, 30A or 65A);
- (b) a benefit under Part IVAAA or IVA;
- (c) an allowance under Part V or VI;
- (d) a double orphan’s pension under Part VIA;
- (e) a handicapped child’s allowance under Part VIB;
- (f) a benefit under Part VII (not including an allowance under section 112A); or
- (g) a mobility allowance under Part VIIB,

shall not be made except upon the making of a claim for that pension, benefit or allowance.

“(2) The Director-General may require a person who is qualified to receive an allowance under Part VIIA (other than an allowance under section 133JA) to make a claim for the allowance.



“(3) The Director-General shall, subject to this Act, determine claims.

**Making and lodgment of claims, &c.**

“135TB. (1) A claim shall be made in writing in accordance with a form approved by the Director-General and shall be lodged—

- (a) at an office of the Department in Australia; or
- (b) at a place (whether inside or outside Australia), or with a person (whether inside or outside Australia), approved for the purpose by the Director-General.

“(2) Where, on the day on which a claim for—

- (a) a pension under Part III or IV; or
- (b) a benefit under Part IVAAA,

is lodged, the claimant is not qualified to receive the pension or benefit but the claimant becomes qualified to receive the pension or benefit on a day (in this sub-section referred to as the ‘relevant day’) occurring not later than 3 months after that first-mentioned day, the Director-General may determine that the claim be treated as having been lodged on the relevant day, and, upon the making of that determination, the claim shall, for the purposes of section 39, sub-section 68 (1) or section 83AAF, as the case requires, be deemed to have been lodged on the relevant day.

**Manner of payment of pension, benefit or allowance**

“135TC. (1) A pension, benefit or allowance under this Act shall be paid in such manner as the Director-General directs and, subject to sub-section (2), shall be paid to the person to whom the pension, benefit or allowance was granted or was originally payable.

“(2) The Director-General may direct that the whole or a part of the amount of a pension, benefit or allowance under this Act that is payable to a person otherwise than under this sub-section shall be paid to a person on behalf of the first-mentioned person, and payment shall be made accordingly.

“(3) Where the Director-General, by reason of a public holiday or a bank holiday or for any other reason, is satisfied that any amounts of pension, benefit or allowance under this Act that would normally be paid on a particular day cannot be paid on that day, he may direct that any or all of those amounts shall be paid on an earlier day.

**Pension, benefit or allowance may be paid to bank, &c.**

“135TD. (1) In this section, unless the contrary intention appears—

‘account’, in relation to a credit union or building society, means an account maintained by a person with the credit union or building society to which are credited moneys received on deposit by the credit union or building society from that person;

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'building society' means an organization registered as a permanent building society under a law of a State or Territory;

'credit union' means an organization registered as a credit union under a law of a State or Territory;

'pension' means a pension, benefit or allowance under this Act;

'pensioner' means a person to whom a pension is payable, whether on his own behalf or on behalf of another person.

“(2) The Director-General may direct that the whole or a part of the amount of a pension shall be paid, at such intervals as the Director-General directs, to the credit of an account maintained by the pensioner, either alone or jointly or in common with another person, with a bank, credit union or building society, and payment shall be made accordingly.

“(3) Where the amount of a payment under sub-section (2) to the credit of an account exceeds the amount (if any) payable to the pensioner, the Director-General may, within 3 years after the date of the payment, serve on the bank, credit union or building society with which the account is maintained a notice requiring the bank, credit union or building society to pay to the Commonwealth, out of that account, the lesser of—

- (a) the amount specified in the notice, being an amount that is not greater than the amount of that excess or so much of the amount of that excess as has not been repaid to, or recovered by, the Commonwealth; and
- (b) the amount of the balance standing to the credit of that account at the time of the service of the notice.

“(4) A bank, credit union or building society shall comply with a notice served on it under sub-section (3).

Penalty: \$1,000.

“(5) Where the Director-General serves a notice under sub-section (3), he shall serve, personally or by post, a copy of the notice on the pensioner to whom the notice relates.

“(6) A bank, credit union or building society that makes a payment to the Commonwealth in compliance with a notice purporting to be given under sub-section (3) shall be deemed to have made the payment under the authority of, and on behalf of, the pensioner to whom the notice relates.

**Notification and review**

“135TE. (1) The Director-General may give, personally or by post, to any person to whom or on behalf of whom a pension, benefit or allowance is being paid under this Act a notice requiring that person, if an event or change of circumstances specified in the notice occurs or if that person is aware that an event or change of circumstances specified in the notice is likely to occur, to

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notify the Department or to notify the officer specified in the notice, within the period specified in the notice, of the occurrence or likely occurrence of that event or that change of circumstances.

“(2) The Director-General may give, personally or by post, to any person to whom or on behalf of whom a pension, benefit or allowance is being paid under this Act a notice requiring that person to furnish to the Department or to the officer specified in the notice, within the period specified in the notice, a statement, in accordance with a form approved by the Director-General, relating to any matter that might affect the payment to that person of the pension, benefit or allowance.

“(3) An event or change of circumstances shall not be specified in a notice in pursuance of sub-section (1) unless the occurrence of that event or change of circumstances might affect the payment of a pension, benefit or allowance.

“(4) The period for compliance specified in a notice in pursuance of sub-section (1) or (2) shall not be less than 14 days.

“(5) A person shall not—

- (a) refuse or fail to comply with a notice under sub-section (1) or (2) to the extent that the person is capable of complying with it; or
- (b) in purported compliance with such a notice, knowingly furnish information that is false or misleading in a material particular.

Penalty for any contravention of this sub-section: \$500.

**Power to obtain information, &c.**

“135TF. (1) Where the Director-General has reason to believe that a person is capable of furnishing information, producing documents or giving evidence in relation to any matter that might affect, or have affected, the grant or payment of a pension, benefit or allowance under this Act to that person or any other person, the Director-General may, by notice served personally or by post on that person, require that person—

- (a) to furnish, within the period and in the manner specified in the notice, any such information to the officer specified in the notice;
- (b) to produce, within the period and in the manner specified in the notice, any such documents to the officer specified in the notice; or
- (c) to appear, at a time and place specified in the notice, before the officer specified in the notice to give any such evidence, either orally or in writing, and to produce any such documents.

“(2) The officer specified in a notice given in pursuance of paragraph (1) (c) may require any evidence that is to be given to him in compliance with the notice to be given on oath or affirmation and for that purpose he may administer an oath or affirmation.

“(3) A person shall not—

- (a) refuse or fail to comply with a notice under sub-section (1) to the extent that the person is capable of complying with it; or
- (b) in purported compliance with such a notice, knowingly furnish information or give evidence that is false or misleading in material particular.

Penalty: \$1,000 or imprisonment for 6 months.

“(4) This section binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island.

“(5) This section does not require a person to furnish information, produce a document or give evidence to the extent that in doing so he would contravene a law of the Commonwealth (not being a law of a Territory).

### **Self-incrimination**

“135TG. A person is not excused from furnishing information, producing a document or giving evidence in pursuance of section 135TE or 135TF on the ground that the information or evidence, or the production of the document, may tend to incriminate him, but any information furnished, document produced or evidence given in pursuance of section 135TE or 135TF is not admissible in evidence against the person in any criminal proceedings, other than proceedings under, or arising out of, sub-section 135TE (5) or 135TF (3), as the case may be.

### **Furnishing of information**

“135TH. Nothing contained in any law of a State, of a Territory or of Norfolk Island shall operate so as to prevent any person from furnishing any information, producing any documents or giving any evidence to an officer for the purposes of this Act.

### **Cancellation, suspension or variation of pension, &c.**

“135TJ. (1) Subject to sub-section (2), if—

- (a) having regard to any matter that affects the payment of a pension, benefit or allowance under this Act;
- (b) by reason of the refusal or failure of any person to comply with a provision of this Act; or
- (c) for any other reason,

the Director-General determines that a pension, benefit or allowance should be cancelled or suspended, or that the rate of a pension, benefit or allowance is more than it should be, the Director-General may, by determination in writing, cancel or suspend, or decrease the rate of, the pension, benefit or allowance with effect from the date of the determination or such later date as is specified in the determination.

“(2) Where a determination is made under sub-section (1)—

- (a) by reason of the refusal or failure of any person to comply with a provision of this Act, other than—
  - (i) sub-section 135TE (5) in relation to a notice under sub-section 135TE (2); or
  - (ii) sub-section 135TF (3); or
- (b) by reason that an amount has been paid by way of pension, benefit or allowance that, but for the false statement or misrepresentation of any person, would not have been paid,

a date earlier than the date of the determination may be specified in the determination as the date from which the cancellation, suspension or decrease, as the case may be, takes effect.

“(3) If, having regard to any matter that affects the payment of a pension, benefit or allowance under this Act, the Director-General determines that the rate of a pension, benefit or allowance is less than it should be, the Director-General may, by determination in writing, increase the rate of the pension, benefit or allowance with effect from the date of the determination or such earlier or later date as is specified in the determination.

#### **Determination, &c., to be in writing**

“135TK. Every approval, determination and direction by the Director-General under this Part shall be given or made by instrument in writing.

#### **Interpretation**

“135TL. In this Part, unless the contrary intention appears, ‘person’ includes an unincorporated body.”.

(2) Where, immediately before the commencement of this section, a pension, benefit or allowance under the *Social Security Act 1947* was being paid to a person, institution or authority on behalf of another person, payment of that pension, benefit or allowance shall, after the commencement of this section, continue in the same manner as if there were a direction in force under sub-section 135TC (2) of that Act in relation to the first-mentioned person, institution or authority.

(3) A person (other than the Director-General of Social Security) who could, immediately before the commencement of this section, exercise powers under section 16 or 141 of the Principal Act shall, after the commencement of this section, be deemed to be a person to whom the Director-General has, under section 8 of the Principal Act as amended by this Act, delegated his powers under sub-section 135TF (1) of the Principal Act as amended by this Act.

**On death of married person, widow or widower to receive combined pensions for 12 weeks**

**39.** Section 135U of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “Division 4A of that Part” and substituting “that Part and a remote area allowance under Part IIA”;
- (b) by inserting after sub-section (1) the following sub-section:

“(1A) Where—

- (a) a person is receiving a supporting parent’s benefit under Part IVAAA by reason of the person being a person referred to in paragraph (b) of the definition of ‘married person’ in sub-section 83AAA (1);
- (b) the spouse or de facto spouse of the person is in receipt of—
  - (i) a pension under Part III; or
  - (ii) a service pension under Division 5 of Part III of the *Repatriation Act 1920*; and
- (c) the person referred to in paragraph (a) or the spouse or de facto spouse of that person dies,

the widow or widower of the deceased person shall be paid, in addition to the pension or benefit (in this sub-section referred to as the ‘relevant pension or benefit’) payable to the widow or widower, a pension at a rate equal to the difference between the rate of the relevant pension or benefit and an amount equal to the sum of the rates of pension under Part III that would have been payable to the widow or widower and to the deceased person if the deceased person had not died, if both of those persons were qualified to receive such a pension and if they were living together in a matrimonial home.”;

- (c) by omitting from sub-section (3) “the provisions of section 133N,” and substituting “section 133N”;
- (d) by omitting from sub-section (4) “the provisions referred to in that sub-section” and substituting “section 133N or sub-section 135B (3)”;
- (e) by omitting from paragraphs (5) (b) and (6) (b) “the provisions referred to in that sub-section” and substituting “section 133N or sub-section 135B (3)”;
- (f) by inserting in sub-section (6) “(not being a person to whom sub-section (1A) applies)” after “widower”.

**40.** After section 138 of the Principal Act the following section is inserted:

**Indictable offences**

“138A. (1) An offence against sub-section 17 (2) or 138 (1) is an indictable offence and, subject to sub-section (3), is punishable on conviction—

- (a) in the case of an offence against sub-section 17 (2)—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years; or

- (b) in the case of an offence against sub-section 138 (1)—by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months.

“(2) Notwithstanding that an offence referred to in sub-section (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence referred to in sub-section (1), the penalty that the court may impose is a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months.”.

### **Prosecutions for offences**

**41.** Section 139 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Proceedings” and substituting “Subject to sub-section (1A), proceedings”; and
- (b) by inserting after sub-section (1) the following sub-section:

“(1A) Proceedings for an offence against sub-section 138 (1) may be commenced at any time within 5 years after the commission of the offence.”.

### **Recovery of overpayments**

**42.** Section 140 of the Principal Act is amended by omitting sub-section (4).

**43.** Sections 141 and 142 of the Principal Act are repealed and the following section is substituted:

### **Extra-territorial operation of certain provisions**

“141. (1) Sections 115A, 135TE, 135TH and 140 extend—

- (a) to acts, omissions, matters and things outside Australia, whether or not in a foreign country; and
- (b) to all persons, irrespective of their nationality or citizenship.

“(2) Sections 135TF and 138 extend—

- (a) to acts, omissions, matters and things outside Australia, whether or not in a foreign country; and
- (b) to all persons, irrespective of their nationality or citizenship, who are making, or have made, a claim or who are receiving, or have received, a pension, benefit or allowance under this Act.”.

**44.** Section 148 of the Principal Act is repealed and the following section is substituted:

**Annual report**

“148. (1) The Director-General shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report on the administration and operation of this Act during the year that ended on that 30 June.

“(2) The Minister shall cause a copy of a report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.”.

**Notification provisions**

**45.** The Principal Act is amended as set out in Schedule 1.

**Minor and consequential amendments**

**46.** The Principal Act is amended as set out in Schedule 2.

**Formal amendments**

**47.** The Principal Act is amended as set out in Schedule 3.

**Transitional**

**48. (1)** In this section—

“prescribed provision” means section 30B, 45, 65B, 74, 83AAH, 104A, 105E, 105P, 130, 130A or 133L of the Principal Act;

“relevant event” means an event or change of circumstances notice of which is to be given under a prescribed provision.

(2) Anything done under, in pursuance of, or for the purposes of, a provision of the Principal Act amended or repealed by this Part has effect after the amendment or repeal as if it had been done under, in pursuance of, or for the purposes of—

- (a) in the case of an amended provision—the provision as so amended; or
- (b) in the case of a repealed provision—the corresponding provision of the Principal Act as amended by this Act.

(3) Subject to sub-section (5), where the Director-General gives a notice under sub-section 135TE (1) requiring a person to notify the Department or an officer of a relevant event and that person, at the time the notice is given, is not required to give notice of the event under the prescribed provision relating to the event, the prescribed provision shall not apply to that person after that time.

(4) Where the Director-General gives a notice under sub-section 135TE (1) requiring a person to notify the Department or an officer of a relevant event and that person, at the time the notice is given, is required to give notice of the event under the prescribed provision relating to the event, the prescribed provision shall continue to apply to that person in respect of the event, but shall not otherwise apply to that person after that time.



(5) Where the Director-General gives a notice under sub-section 135TE (1) requiring a person to notify the Department or an officer of an increase of that person's income in a period as compared to his income as last specified by him under the Principal Act and that person, if he had such an increase in a period (in this sub-section referred to as the "current period") that includes the time the notice is given, would be required by a prescribed provision to notify an officer of the increase—

- (a) the prescribed provision shall continue to apply in respect of the current period, but shall not otherwise apply to that person after that time; and
- (b) the notice shall apply only in respect of increases of that person's income in periods commencing after the current period.

(6) Nothing in sub-section (3), (4) or (5) affects any liability or penalty incurred by a person under a prescribed provision before the notice under sub-section 135TE (1) is given to that person.

(7) In relation to offences committed after the day on which this Act receives the Royal Assent, each prescribed provision has effect, until it is repealed by this Act, as if "\$40" were omitted and "\$500" were substituted.

(8) Sub-section 139 (1A) of the Principal Act as amended by this Part does not apply in relation to an offence committed before the commencement of that sub-section.

(9) For the purposes of this section, a notice under sub-section 135TE (1) shall be deemed to have been given on the date of the notice.

### **PART III—AMENDMENTS OF THE AGED OR DISABLED PERSONS HOMES ACT 1954**

#### **Principal Act**

49. The *Aged or Disabled Persons Homes Act 1954*<sup>2</sup> is in this Part referred to as the Principal Act.

#### **Interpretation**

50. Section 2 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) A reference in this Act to the Government of a State shall be read as including a reference to the Government of the Northern Territory."

51. (1) After section 4 of the Principal Act the following section is inserted in Part I:

#### **Delegation**

"5. (1) The Director-General may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer of the Department all or any of his powers under this Act, other than this power of delegation.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Director-General.

“(3) A delegation under this section does not prevent the exercise of a power by the Director-General.”.

(2) An instrument of delegation in force under section 10AA or 10H of the Principal Act immediately before the commencement of this section shall, after the commencement of this section, have effect as if it were an instrument of delegation under section 5 of the Principal Act as amended by this Act.

### **Repeal of section 10AA**

52. Section 10AA of the Principal Act is repealed.

### **Heading to Part III**

53. The heading to Part III of the Principal Act is amended by omitting “PERSONAL” and substituting “HOSTEL”.

54. (1) Sections 10A, 10B and 10C of the Principal Act are repealed and the following sections are substituted:

### **Interpretation**

“10A. In this Part—

‘approved organization’ means an organization in relation to which an approval under sub-section 10B (1) is in force;

‘hostel care services’ means accommodation services of a kind in relation to which an approval under sub-section 10B (2) is in force;

‘personal care services’ means daily personal care services of a kind in relation to which an approval under sub-section 10B (3) is in force;

‘prescribed date’ means 17 January 1984 and every twenty-eighth day after that date.

### **Approvals**

“10B. (1) Where, upon application made by an eligible organization, the Director-General is satisfied that the organization is providing adequate hostel care services and adequate personal care services, the Director-General may, by instrument in writing, approve the organization for the purposes of this Part.

“(2) The Minister may, for the purposes of this Part, by notice published in the *Gazette*, approve accommodation services for eligible persons, being accommodation services of a kind specified in the notice.

“(3) The Minister may, for the purposes of this Part, by notice published in the *Gazette*, approve daily personal care services for eligible persons, being personal care services of a kind specified in the notice.

**Payments to approved organizations**

“10C. (1) Subject to this Act, the Director-General may, in his discretion, on behalf of the Commonwealth, authorize the payment to an approved organization of—

- (a) an amount calculated at the rate of \$10 per week in respect of each eligible person who is assessed as requiring hostel care services only and for whom hostel care services are made available on a prescribed date by that approved organization; and
- (b) an amount calculated at the rate of \$50 per week in respect of each eligible person who is assessed as requiring hostel care services and personal care services and for whom hostel care services and personal care services are made available on a prescribed date by that approved organization.

“(2) Payments to an approved organization under this section shall be made in such manner and at such times as the Director-General determines.”.

(2) An approval of an organization in force immediately before the commencement of this section under sub-section 10B (1) of the Principal Act shall, after the commencement of this section, be deemed to be an approval made by the Director-General by instrument in writing under sub-section 10B (1) of the Principal Act as amended by this Act.

**Terms and conditions**

55. Section 10D of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A payment to an approved organization under this Part may be made on such terms and conditions, including terms and conditions relating to all or any of the following matters:

- (a) the provision by the organization of hostel care services and personal care services for eligible persons;
- (b) the manner in which a person is to be assessed as requiring hostel care services or hostel care services and personal care services;
- (c) the amount of the fees, rents or charges payable, or the amount of any entrance donations or loans to be made, to the organization in respect of the provision of services;
- (d) the provision by the organization of information, in such manner as the Director-General thinks fit, relating to the management and day to day administration of the organization,

as the Director-General thinks fit, being terms and conditions that are not inconsistent with this Act.”.

**Repeal**

56. Sections 10E, 10F and 10H of the Principal Act are repealed.

**PART IV—AMENDMENTS OF THE HANDICAPPED PERSONS ASSISTANCE ACT 1974**

**Principal Act**

57. The *Handicapped Persons Assistance Act 1974*<sup>3</sup> is in this Part referred to as the Principal Act.

**Title**

58. The title of the Principal Act is amended by adding at the end thereof “, and to provide for the payment by the Commonwealth of an open employment incentive bonus”.

**Interpretation**

59. Section 3 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) A reference in this Act to the Government of a State shall be read as including a reference to the Government of the Northern Territory.”.

**Interpretation**

60. Section 16 of the Principal Act is amended—

(a) by inserting before the definition of “approved equipment” the following definition:

“ ‘acquire’ includes acquire by way of exchange or purchase or by way of taking on lease, on hire, on hire-purchase or on lease and purchase;”;

(b) by omitting “purchase” from the definition of “cost” and substituting “acquisition”;

(c) by omitting “purchasing” from the definition of “cost” and substituting “acquiring”; and

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

“(2) Nothing in this Part shall be construed as preventing the Minister, in any case where he has made a grant of moneys to an eligible organization as assistance towards meeting the cost of the acquisition by the organization of approved equipment, from making a further grant of moneys in accordance with this Act to that organization as assistance towards meeting the cost of a further acquisition by the organization of that equipment.”.

**Approval of equipment**

61. Section 17 of the Principal Act is amended—

(a) by omitting from sub-section (1) “Subject to sub-section (2), where” and substituting “Where, on or after 1 October 1983”;

(b) by omitting from paragraph (1) (a) “has purchased or proposes to purchase” and substituting “acquires or proposes to acquire”; and

(c) by omitting sub-section (2).

## **Grants**

**62.** Section 18 of the Principal Act is amended—

- (a) by omitting from sub-sections (1), (2) and (3) “purchase” (wherever occurring) and substituting “acquisition”;
- (b) by omitting sub-sections (4) and (5) and substituting the following sub-section:

“(4) For the purposes of sub-section (3), the contribution of an eligible organization towards the cost of the acquisition by the organization of approved equipment shall be deemed to be the sum of the moneys (if any) expended and the moneys that the Minister is satisfied are, or are likely to be, available for expenditure by the organization towards that cost, being moneys that the Minister is satisfied—

- (a) in the case of an organization that is not a local governing body—did not and will not become available as a result of the borrowing of those moneys or any other moneys by the organization, and were not and will not be received by the organization from the Government of the Commonwealth or of a State or from a government authority;
- (b) in the case of an organization that is a local governing body—were not and will not be received by the organization (otherwise than by way of the borrowing of those moneys by the organization) from the Government of the Commonwealth or of a State or from a government authority; and
- (c) in the case of an organization that is not a local governing body but that receives moneys from a local governing body—were not and will not be received by the local governing body (otherwise than by way of the borrowing of those moneys by the local governing body) from the Government of the Commonwealth or of a State or from a government authority.”.

**63.** Section 19 of the Principal Act is repealed and the following section is substituted:

## **Interpretation**

“19. In this Part, unless the contrary intention appears—

‘approved key officer’ means a person in respect of whom a direction is in force under sub-section 20 (2);

‘approved officer’ means a person in respect of whom a direction is in force under sub-section 20 (1).”.

**Approved officers**

**64.** Section 20 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) Where—

- (a) a person is employed by an eligible organization in connexion with the provision by the organization of a prescribed service; and
- (b) the Minister is satisfied that the person performs an essential function in the provision of that service,

the Minister may by writing under his hand direct that the person be regarded as an approved key officer for the purposes of this Part in relation to that prescribed service.

“(3) Where the Minister is satisfied that a person in relation to whom a direction under sub-section (2) is in force is not wholly employed by the eligible organization concerned in connexion with the provision of the prescribed service concerned, the Minister shall set out in the direction the proportion of the remuneration of the person that the Minister considers is attributable to the person’s employment in connexion with the prescribed service.”.

**Financial assistance towards meeting the cost of remuneration**

**65. (1)** Section 21 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the commencement of this Part” and substituting “1 January 1975”;
- (b) by omitting sub-section (2) and substituting the following sub-sections:

“(2) Subject to this section, where an eligible organization employs a person who is an approved key officer in relation to a prescribed service, the Minister may, in his discretion, pay to the organization, by way of financial assistance towards meeting the cost to the organization of the remuneration of that officer for any period commencing after 1 January 1984, an amount that does not exceed 80% of—

- (a) where the direction by reason of which the officer is an approved key officer in relation to that prescribed service sets out the proportion of the remuneration of the officer that the Minister considers is attributable to the officer’s employment by the organization in connexion with that prescribed service—that proportion of the remuneration of the officer in respect of that period; or
- (b) in any other case—the remuneration of the officer in respect of that period.

“(2A) In giving an approval of a person under section 20 in respect of a prescribed service that is to be provided by an eligible organization, the Minister may direct that, with respect to any period ending not

later than 2 years after the eligible organization commenced to provide the service—

- (a) sub-section (1) shall apply in relation to the provision of the service as if the reference to 50% in that sub-section were a reference to such higher percentage, not exceeding 100%, as the Minister determines from time to time; and
- (b) sub-section (2) shall apply in relation to the provision of the service as if the reference to 80% in that sub-section were a reference to such higher percentage, not exceeding 100%, as the Minister determines from time to time.”;
- (c) by inserting in sub-section (3) “or approved key officer” after “approved officer” (wherever occurring); and
- (d) by adding at the end thereof the following sub-section:

“(4) For the purposes of the operation of this section, whether before or after the commencement of this sub-section, a reference in this section to the remuneration of a person includes a reference to any allowance, gratuity or compensation paid in a lump sum to the person in consequence of the retirement, or the termination of employment, of the person, being an allowance, a gratuity or compensation paid in respect of accrued long service leave or other accrued leave.”.

(2) Notwithstanding the amendment made by paragraph (1) (b), a direction by the Minister given pursuant to sub-section 21 (2) of the Principal Act that was in force immediately before the commencement of this section continues in force on and after the commencement of this section as if it had been given pursuant to sub-section 21 (2A) of the Principal Act as amended by this Act.

### **Handicapped children’s benefit**

66. Section 23 of the Principal Act is amended by omitting from sub-section (2) “Division 5A of Part V” and substituting “Part VA”.

### **Training fees**

67. Section 28 of the Principal Act is amended—

- (a) by omitting from paragraphs (1) (a) and (c) “disabled”; and
- (b) by adding at the end thereof the following sub-section:

“(3) The payment of a fee under this section in respect of a particular person shall not be made more than once.”.

### **Claims**

68. Section 29 of the Principal Act is amended—

- (a) by omitting “this section” and substituting “section 28”; and
- (b) by omitting “the Minister” (second occurring) and substituting “the Department”.

69. After Part VIII of the Principal Act the following Part is inserted:

**“PART VIIIA—OPEN EMPLOYMENT INCENTIVE BONUS**

**Interpretation**

“29A. In this Part, ‘normal employment’, in relation to a person, has the same meaning as it has in Part VIII.

**Open employment incentive bonus**

“29B. (1) Where—

- (a) a person who has completed a continuous period of not less than 6 months’ sheltered employment provided by an eligible organization completes, on or after 1 October 1983, a further continuous period of 12 months’ normal employment; and
- (b) the 2 periods are continuous with one another or are separated by an interval that is so short that, in the opinion of the Minister, it is not significant for the purposes of this section,

the Minister may, in his discretion, pay to the person an open employment incentive bonus of \$500.

“(2) The Minister may, by reason of special circumstances, direct that 2 or more periods of normal employment of a person and the intervals that separate them shall, together, be treated, for the purposes of paragraph (1) (a), as one continuous period of normal employment.

“(3) The payment of a bonus under this section to a particular person shall not be made more than once.

**Claims**

“29C. A claim for the payment of a bonus under section 29B shall be in a form approved by the Minister and shall be lodged with the Department within the period of 6 months, or such longer period as the Minister permits, commencing at the expiration of the period of 12 months’ normal employment to which the claim relates.”.

**Interpretation**

70. Section 30 of the Principal Act is amended by omitting “or VIII” and substituting “, VIII or VIIIA”.

**PART V—AMENDMENTS OF THE HOMELESS PERSONS ASSISTANCE ACT 1974**

**Principal Act**

71. The *Homeless Persons Assistance Act 1974*<sup>a</sup> is in this Part referred to as the Principal Act.



**72.** (1) Section 8 of the Principal Act is repealed and the following section is substituted:

**Grants in respect of staff**

“8. (1) Where a person is employed as a social welfare worker by or on behalf of an eligible organization to provide a social welfare service at a homeless persons assistance centre operated by or on behalf of that organization, the Minister may, in his discretion, on behalf of the Commonwealth, pay to that organization—

- (a) in respect of one such person who is so employed—an amount not exceeding the amount necessary to reimburse the organization in respect of the salary or wages paid by or on behalf of that organization to that person for the provision of a social welfare service at the centre during such period or periods after 1 January 1984 as the Minister, in his discretion, thinks fit; and
- (b) in respect of each other such person (if any) who is so employed—an amount not exceeding the amount necessary to reimburse the organization in respect of an amount not exceeding 50% of the salary or wages paid by or on behalf of that organization to the person for the provision by him of a social welfare service at the centre during such period or periods after 1 January 1984 as the Minister, in his discretion, thinks fit.

“(2) A reference in this section to salary or wages paid to a person includes a reference to any allowance, gratuity or compensation paid in a lump sum to the person in consequence of the retirement, or the termination of employment, of the person, being an allowance, a gratuity or compensation paid in respect of accrued long service leave or other accrued leave.”.

(2) Sub-section 8 (2) of the Principal Act as amended by this Act shall be deemed to have applied in relation to the operation of section 8 of the *Homeless Persons Assistance Act 1974* as in force at any time before the commencement of this section.

**73.** Sections 9 and 10 of the Principal Act are repealed and the following sections are substituted:

**Grants in respect of accommodation**

“9. (1) The Minister may, in his discretion, on behalf of the Commonwealth, pay to an eligible organization, in respect of a day (not being a day before 1 January 1984) on which accommodation is provided for homeless persons at a homeless persons assistance centre operated by or on behalf of that organization, not being accommodation provided in exchange for a ticket, voucher or token of the kind referred to in sub-section (2), an amount calculated at the rate of \$1.50, or, if a higher rate is determined by the Minister by notice published in the *Gazette*, at that higher rate, for each homeless person for whom accommodation is so provided on that day.

“(2) A reference in sub-section (1) to accommodation provided at a homeless persons assistance centre operated by or on behalf of an eligible organization includes a reference to the provision by the organization of a ticket, voucher or token that may be exchanged for accommodation provided by another person or organization.

#### **Grants in respect of meals**

“10. (1) The Minister may, in his discretion, on behalf of the Commonwealth, pay to an eligible organization in respect of a day (not being a day before 1 January 1984) on which meals are provided for homeless persons at a homeless persons assistance centre operated by or on behalf of that organization, not being meals provided in exchange for a ticket, voucher or token of the kind referred to in sub-section (2), an amount calculated at the rate of 50 cents, or, if a higher rate is determined by the Minister by notice published in the *Gazette*, at that higher rate, for each meal provided on that day for a homeless person.

“(2) A reference in sub-section (1) to the provision of meals at a homeless persons assistance centre operated by or on behalf of an eligible organization includes a reference to the provision by the organization of a ticket, voucher or token that may be exchanged for meals provided by another person or organization.”.

### **PART VI—AMENDMENT OF THE STATES GRANTS (HOME CARE) ACT 1969**

#### **Principal Act**

74. The *States Grants (Home Care) Act 1969*<sup>s</sup> is in this Part referred to as the Principal Act.

#### **Grant of financial assistance in respect of salaries**

75. Section 10 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) For the purposes of the operation of this section, whether before or after the commencement of this sub-section, a reference to the amount paid to a welfare officer by way of salary shall be taken as including a reference to any allowance, gratuity or compensation paid in a lump sum to the officer in consequence of the retirement, or the termination of employment, of the officer, being an allowance, a gratuity or compensation paid in respect of accrued long service leave, or other accrued leave.”.

**SCHEDULE 1**

**NOTIFICATION PROVISIONS**

Item	Provision	Amendment
1	Section 30B . . . . .	Repeal the section.
2	Heading to Division 9 of Part III . . . . .	Omit the heading.
3	Section 45 . . . . .	Repeal the section.
4	Section 65B . . . . .	Repeal the section.
5	Heading to Division 6 of Part IV . . . . .	Omit the heading.
6	Section 74 . . . . .	Repeal the section.
7	Sub-section 83AAA (6) . . . . .	(a) Add at the end of paragraph (d) "and". (b) Omit from paragraph (e) "and". (c) Omit paragraph (f).
8	Sub-section 83AAG (1) . . . . .	Omit ", 6".
9	Section 83AAH . . . . .	Repeal the section.
10	Section 104A . . . . .	Repeal the section.
11	Section 105E . . . . .	Repeal the section.
12	Section 105P . . . . .	Repeal the section.
13	Heading to Division 7 of Part VII . . . . .	Omit the heading.
14	Section 130 . . . . .	Repeal the section.
15	Section 130A . . . . .	Repeal the section.
16	Section 133L . . . . .	Repeal the section.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE SOCIAL SECURITY ACT 1947

1. The following provisions of the Principal Act are repealed:

16, 26 (3), 30A (5) and (6), Division 7 of Part III, 40, 43, 44, 46, 65A (4) and (5), Division 4 of Part IV, 69, 72, 73, 75, 83AAA (6) (b), 87 (1) and (3), 88 (1) and (2), 90, 91, 92, 98, 99, 100, 105NA, 105QA, 112A (5) and (6), 116, 126, 128, 129, 131, 133F, 133K, 133M, 133R, 133RD, 133RE (1) and (2), 133RF, 133RG, 135BC, 135BD, 135G (3), 135W.

2. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Sub-section 6 (1), definitions of "Assistant Director-General", "Deputy Director-General", "Director" and "Registrar"	Omit the definitions.
Sub-section 17 (2)	Omit "Penalty: \$500."
Paragraph 29 (1) (b)	Omit "this Part, Part VI, Part VIA or Part VIB", substitute "this Act".
Paragraph 64 (b)	Omit "this Part, Part VI, Part VIA or Part VIB", substitute "this Act".
Sub-section 83AAG (1)	(a) Insert ", sub-section 63 (4)" after "Section 61". (b) Omit "4."
Sub-section 83AAG(2)	Omit "section 75", substitute "sub-section 63 (4)".
Section 83AG	Omit "in such manner, at such places and".
Section 83E	Omit "an application", substitute "a claim".
Sub-section 90 (3)	Omit "or (2)".
Sub-section 105D (1)	Omit "a claim for, or the payment of," substitute "the payment of".
Sub-section 112A (4)	Omit ", and continues to be payable until it is cancelled under sub-section (5)".
Sub-section 115A (1)	(a) Omit "a Registrar", substitute "the Department". (b) Omit "Penalty: \$100.", substitute "Penalty: \$500."
Sub-section 115A (2)	(a) Omit "a Registrar", substitute "the Department". (b) Omit "Director-General" (last occurring), substitute "Department".
Sub-section 115C (3)	(a) Omit "a Registrar", substitute "the Department". (b) Omit "Penalty: \$100.", substitute "Penalty: \$500."
Sub-section 115D (4)	(a) Omit "a Registrar", substitute "the Department". (b) Omit "Penalty: \$100.", substitute "Penalty: \$500."
Section 115G	(a) Omit "who holds an office specified", substitute "referred to". (b) Omit "any Registrar" (wherever occurring), substitute "the Department".
Section 123	Repeal the section, substitute the following section: <b>Payment of increase in unemployment or sickness benefit may be made to spouse</b> "123. Where the rate of an unemployment or sickness benefit is increased under sub-section 112 (2), (4B) or (5), the Director-General may direct that the whole or a part of the amount of the increase shall be paid to the spouse in respect of whom the benefit is increased under sub-section 112 (2), and payment shall be made accordingly."
Section 132A	Insert "(otherwise than in accordance with sub-section 135TC (3))" after "advance".
Section 133H	Omit "in such manner,".
Sub-section 133RF (3)	Omit "or (2)".
Sub-section 135BC (3)	Omit "or (2)".
Sub-section 135G (2)	Omit "in such manner,".
Sub-section 135Q (3)	Omit "135BD", substitute "135TJ".
Paragraph 135R (1A) (b)	Omit ", or a delegate of the Director-General," and "or the delegate".
Sub-section 135S (3)	Omit "135BC, 135BD,".
Sub-section 135T (13)	Omit ", 135BB, 135BC and 135BD", substitute "and 135BB".
Sub-section 138 (1)	Omit "Penalty: \$500 or imprisonment for 6 months."

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Provision	Amendment
Sub-section 138 (7) . . . . .	Omit "or a Director".
Sub-section 143 (1) . . . . .	Omit ", Deputy Director-General, Assistant Director-General, Director or Registrar, and of the fact that that person holds or has held that office", substitute "or who is or was an officer, and of the fact that that person holds or has held that office or is or was an officer, as the case may be".
Sub-section 143 (2) . . . . .	Omit "who holds or has held any office specified", substitute "referred to".
Section 145 . . . . .	Omit "with the appropriate officer", substitute "in accordance with this Act".
Section 149 . . . . .	Omit "\$100, or imprisonment for a period not exceeding 6 months.", substitute "\$500".

**SCHEDULE 3**

Section 47

FORMAL AMENDMENTS OF THE SOCIAL SECURITY ACT 1947

Provision	Amendment
Paragraph 4 (1) (d) . . . . .	Omit " <i>Invalid and Old-age Pensions Act 1908-1946</i> ", substitute " <i>Invalid and Old-age Pensions Act 1908</i> ".
Paragraph 4 (1) (i) . . . . .	Omit " <i>Child Endowment Act 1941-1945</i> ", substitute " <i>Child Endowment Act 1941</i> ".
Sub-section 6 (1), definition of "member of the Forces"	(a) Omit " <i>Repatriation Act 1920-1956</i> ", substitute " <i>Repatriation Act 1920</i> ". (b) Omit " <i>Repatriation (Far East Strategic Reserve) Act 1956-1962</i> ", substitute " <i>Repatriation (Far East Strategic Reserve) Act 1956</i> ".
Sub-section 15A (4) . . . . .	Omit "the date of commencement of this section", substitute "12 June 1981".
Section 18, definition of "income"	Omit " <i>Repatriation Act 1920-1954</i> ", substitute " <i>Repatriation Act 1920</i> ".
Sub-paragraph 28 (1A) (a) (iii)	Omit " <i>Repatriation Act 1920-1973</i> ", substitute " <i>Repatriation Act 1920</i> ".
Paragraph 28 (1C) (a) . . . . .	Omit " <i>Repatriation Act 1920-1968</i> ", substitute " <i>Repatriation Act 1920</i> ".
Paragraph 28 (3) (a) . . . . .	Omit " <i>Repatriation Act 1920-1968</i> " (wherever occurring), substitute " <i>Repatriation Act 1920</i> ".
Sub-section 28 (4) . . . . .	Omit " <i>Repatriation Act 1920-1962, the Repatriation (Far East Strategic Reserve) Act 1956-1962</i> ", substitute " <i>Repatriation Act 1920, the Repatriation (Far East Strategic Reserve) Act 1956</i> ".
Paragraph 63 (1C) (a) . . . . .	Omit " <i>Repatriation Act 1920-1968</i> ", substitute " <i>Repatriation Act 1920</i> ".
Paragraph 81 (b) . . . . .	Omit " <i>Repatriation Act 1920-1954</i> ", substitute " <i>Repatriation Act 1920</i> ".
Paragraph 81 (c) . . . . .	Omit " <i>Repatriation (Far East Strategic Reserve) Act 1956-1962</i> ", substitute " <i>Repatriation (Far East Strategic Reserve) Act 1956</i> ".
Paragraph 83B (3) (b) . . . . .	Omit " <i>Repatriation Act 1920-1964</i> ", substitute " <i>Repatriation Act 1920</i> ".
Paragraph 104 (2) (a) . . . . .	Omit " <i>Income Tax Assessment Act 1936-1973</i> ", substitute " <i>Income Tax Assessment Act 1936</i> ".
Sub-section 105B (2) . . . . .	Omit " <i>Repatriation Act 1920-1973</i> ", substitute " <i>Repatriation Act 1920</i> ".
Sub-section 106 (1), definition of "income"	(a) Omit " <i>Repatriation Act 1920-1962</i> ", substitute " <i>Repatriation Act 1920</i> ". (b) Omit " <i>Repatriation (Far East Strategic Reserve) Act 1956-1962</i> ", substitute " <i>Repatriation (Far East Strategic Reserve) Act 1956</i> ". (c) Omit " <i>Seamen's War Pensions and Allowances Act 1940-1946</i> ", substitute " <i>Seamen's War Pensions and Allowances Act 1940</i> ".

**SCHEDULE 3—continued**

Provision	Amendment
Sub-paragraph 112 (6) (b) (v)	Omit “ <i>Repatriation Act 1920-1961</i> ”, substitute “ <i>Repatriation Act 1920</i> ”.
Paragraph 112 (7) (c)	Omit “ <i>Repatriation Act 1920-1973</i> ”, substitute “ <i>Repatriation Act 1920</i> ”.
Paragraph 133P (a)	Omit “ <i>Repatriation Act 1920-1966</i> ”, substitute “ <i>Repatriation Act 1920</i> ”.
Sub-section 135U (1)	Omit “ <i>Repatriation Act 1920-1974</i> ” (wherever occurring), substitute “ <i>Repatriation Act 1920</i> ”.
Paragraph 135U (2) (c)	Omit “ <i>Repatriation Act 1920-1968</i> ”, substitute “ <i>Repatriation Act 1920</i> ”.
Paragraph 135U (6) (c)	Omit “ <i>Repatriation Act 1920-1968</i> ”, substitute “ <i>Repatriation Act 1920</i> ”.
Paragraph 135U (10) (b)	Omit “ <i>Repatriation Act 1920-1970</i> ”, substitute “ <i>Repatriation Act 1920</i> ”.
Sub-section 136 (1)	Omit “ <i>National Welfare Fund Act 1943-1945</i> ”, substitute “ <i>National Welfare Fund Act 1943</i> ”.
Sub-section 143A (3)	Omit “ <i>Repatriation Act 1920-1962, the Repatriation (Far East Strategic Reserve) Act 1956-1962</i> ”, substitute “ <i>Repatriation Act 1920, the Repatriation (Far East Strategic Reserve) Act 1956</i> ”.
Sub-section 144 (2)	Omit “ <i>Income Tax Assessment Act 1936-1973</i> ”, substitute “ <i>Income Tax Assessment Act 1936</i> ”.

**NOTES**

1. No. 26, 1947, as amended. For previous amendments, see 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; 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; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48, 103 and 216, 1973; Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979 (as amended by Nos. 37 and 98, 1982); No. 130, 1980; No. 61, 1981; No. 159, 1981 (as amended by No. 98, 1982); No. 170, 1981; Nos. 37, 98 and 148, 1982; and Nos. 4 and 36, 1983.
2. No. 81, 1954, as amended. For previous amendments, see No. 47, 1957; No. 83, 1967; No. 68, 1969; No. 84, 1972; Nos. 128 and 216, 1973; No. 115, 1974; No. 91, 1976; No. 157, 1980; No. 61, 1981; and No. 98, 1982.
3. No. 134, 1974, as amended. For previous amendments, see No. 105, 1976; and No. 80, 1982.
4. No. 148, 1974, as amended. For previous amendments, see No. 142, 1977; No. 114, 1978; No. 130, 1979; and No. 80, 1982.
5. No. 49, 1969, as amended. For previous amendments, see Nos. 127 and 216, 1973; and No. 113, 1978.