



Social Security and Repatriation Legislation Amendment Act 1985

No. 95 of 1985

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Social Security and Repatriation Legislation Amendment Act 1985

No. 95 of 1985

An Act relating to social security, repatriation and other matters

[Assented to 5 September 1985]

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 and Repatriation Legislation Amendment Act 1985*.

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 27 shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

(3) Part V shall be deemed to have come into operation on 1 October 1984.

(4) Section 40 shall be deemed to have come into operation on 20 December 1976.

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(5) Part XI shall come into operation, or shall be deemed to have come into operation, as the case requires, immediately after the commencement of section 12 of the *Health Legislation Amendment Act 1984*.

(6) Sections 64, 66 and 70 to 75 (inclusive) and Parts XIV, XV, XVI and XVII shall be deemed to have come into operation on 1 January 1985.

(7) Sub-section 67 (1) and sections 68 and 77 shall be deemed to have come into operation on 21 September 1984.

(8) Sub-section 67 (2) shall be deemed to have come into operation on 13 December 1984.

(9) Sub-section 80 (1) shall be deemed to have come into operation on 16 March 1973.

(10) Sub-section 80 (2) shall be deemed to have come into operation on 1 July 1982.

(11) Section 109 shall be deemed to have come into operation on 1 November 1984.

(12) Section 121 shall be deemed to have come into operation on 13 December 1984.

(13) Part XIX shall be deemed to have come into operation on 21 September 1984.

(14) Part XX shall come into operation on the date fixed by Proclamation for the purposes of sub-section 2 (10) of the *Social Security Legislation Amendment Act 1983* as the date on which the amendments made by item 7 of Schedule 1 to that Act are to come into operation.

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

Principal Act

3. The *Aged or Disabled Persons Homes Act 1954*¹ is in this Part referred to as the Principal Act.

Interpretation

4. Section 2 of the Principal Act is amended by omitting from the definition of “Secretary” in sub-section (1) “of” and substituting “to”.

Approval of homes

5. Section 6 of the Principal Act is amended by omitting from sub-section (1) “is or are intended to be used permanently by or on behalf of the organization” and substituting “is not, or are not, intended to be used other than by or on behalf of an eligible organization”.

Terms and conditions of grants

6. Section 8 of the Principal Act is amended by adding at the end the following sub-section:

“(4) Where a grant to an eligible organization under this Part has, in accordance with this section, been made on terms and conditions, the Secretary, with the agreement of the organization, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.”.

7. After section 8 of the Principal Act the following section is inserted:

Agreements may be entered into with transferees of buildings, &c.

“8A. (1) Where—

- (a) a grant to an eligible organization under this Part has, in accordance with section 8, been made on terms and conditions with respect to a building or buildings; and
- (b) the organization has transferred, or proposes to transfer, its interest in the building or in one or more of the buildings to another eligible organization,

the Secretary may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the building or buildings the subject of the transfer.

“(2) Where—

- (a) an eligible organization has entered into an agreement under sub-section (1) or this sub-section under which it is required to comply with certain terms and conditions with respect to a building or buildings; and
- (b) the organization has transferred, or proposes to transfer, its interest in the building, or in one or more of the buildings, to another eligible organization,

the Secretary may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the building or buildings the subject of the transfer.

“(3) Where an agreement under sub-section (1) or (2) between the Secretary and an eligible organization is in force, the Secretary, with the agreement of the organization, may, by writing, vary that agreement.”.

Terms and conditions

8. Section 10D of the Principal Act is amended by adding at the end the following sub-section:

“(3) Where a payment to an approved organization under this Part has, in accordance with this section, been made on terms and conditions, the Secretary, with the agreement of the organization, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.”.

PART III—AMENDMENTS OF THE AGED OR DISABLED PERSONS HOSTELS ACT 1972

Principal Act

9. The *Aged or Disabled Persons Hostels Act 1972*² is in this Part referred to as the Principal Act.

Approval of Hostels

10. Section 5 of the Principal Act is amended by omitting from sub-section (1) “is intended to be used permanently by or on behalf of the organization” and substituting “is not intended to be used other than by or on behalf of a prescribed organization”.

Terms and conditions of grants

11. Section 9 of the Principal Act is amended by inserting after sub-section (4) the following sub-section:

“(4A) Where a grant to a prescribed organization under this Act has, in accordance with this section, been made on terms and conditions, the Secretary, with the agreement of the organization, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (3) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.”.

12. After section 9 of the Principal Act the following section is inserted:

Agreements may be entered into with transferees of buildings, &c.

“9A. (1) Where—

- (a) a grant to a prescribed organization under this Act has, in accordance with section 9, been made on terms and conditions with respect to a building or buildings; and
- (b) the organization has transferred, or proposes to transfer, its interest in the building or in one or more of the buildings to another prescribed organization,

the Secretary may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and

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conditions in so far as they relate to the building or buildings the subject of the transfer.

“(2) Where—

- (a) a prescribed organization has entered into an agreement under sub-section (1) or this sub-section under which it is required to comply with certain terms and conditions with respect to a building or buildings; and
- (b) the organization has transferred, or proposes to transfer, its interest in the building, or in one or more of the buildings, to another prescribed organization,

the Secretary may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the building or buildings the subject of the transfer.

“(3) Where an agreement under sub-section (1) or (2) between the Secretary and a prescribed organization is in force, the Secretary, with the agreement of the organization, may, by writing, vary that agreement.”.

PART IV—AMENDMENTS OF THE CHILD CARE ACT 1972

Principal Act

13. The *Child Care Act 1972*³ is in this Part referred to as the Principal Act.

Title

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

“An Act to provide for assistance by the Commonwealth in respect of places where children all or the majority of whom are under school age may be cared for during the day, in respect of the development of such places and in respect of research in connection with the care of children, and for related purposes”.

Interpretation

15. Section 4 of the Principal Act is amended—

- (a) by omitting “pre-school aged” from the definition of “child care” in sub-section (1);
- (b) by omitting from sub-section (1) the definition of “child care centre” and substituting the following definitions:

“‘child care centre’ means a place that provides child care for children all of whom are residing in their own homes and all or the majority of whom—

- (a) are of pre-school age; and

- (b) attend the place on a regular basis;
'Child Care Standards Committee' means the committee established under section 14;";
- (c) by omitting from sub-section (1) the definition of "the Child Care Standards Committee"; and
- (d) by omitting sub-section (2).

16. Sections 8 and 9 of the Principal Act are repealed and the following sections are substituted:

Interpretation of Division 2

- '8. In this Division, unless the contrary intention appears—
 - 'acquisition' includes acquisition by way of exchange or purchase or by way of taking on lease, on hire, on hire-purchase or on lease and purchase;
 - 'approved equipment' means equipment approved under section 9 or equipment included in a class of equipment approved under that section;
 - 'cost', in relation to the acquisition by an eligible organization of approved equipment, means the sum of the amounts that the Minister is satisfied is the cost of acquiring the equipment and such amount (if any) in respect of altering, adding to or installing the equipment as the Minister determines.

Approval of equipment

"9. The Minister may, by writing signed by the Minister, approve equipment or classes of equipment for the purposes of this Division."

Grants for approved equipment

17. Section 10 of the Principal Act is amended by omitting "purchase" and substituting "acquisition".

Grants in respect of staff

18. Section 11 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:
 - "(1) The Minister may, in the discretion of the Minister, on behalf of the Commonwealth, make, in relation to a quarter, a grant of money to an eligible organization in respect of each child care centre operated by the organization during that quarter, of an amount equal to the amount ascertained in accordance with this section in relation to that quarter.";
- (b) by omitting from sub-section (2) "The rate of a grant payable under this section" and substituting "Subject to sub-section (3), the amount of a grant payable under this section in relation to a quarter";
- (c) by omitting from sub-section (2) "per quarter";
- (d) by omitting from paragraph (2) (a) "the prescribed proportion" and substituting "75%";

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- (e) by inserting in paragraph (2) (a) “the eligible organization that operates” after “specified by”;
- (f) by omitting from paragraph (2) (b) “the prescribed proportion” and substituting “75%”;
- (g) by inserting in paragraph (2) (b) “the eligible organization that operates” after “specified by”;
- (h) by omitting from paragraph (2) (c) all the words from and including “if fifteen” to and including “three years—” and substituting the following:
 - “if the number of places at that child care centre that are filled on the specified day in that quarter by children of or above the age of 3 years exceeds 14 but does not exceed 34—”;
- (j) by omitting from paragraph (2) (c) “the prescribed proportion” and substituting “75%”;
- (k) by inserting in paragraph (2) (c) “the eligible organization that operates” after “specified by”;
- (m) by omitting paragraph (2) (d) and substituting the following paragraphs:
 - “(d) if—
 - (i) the number of places at that child care centre that are filled on the specified day in that quarter by children of or above the age of 3 years exceeds 34 but does not exceed 54; and
 - (ii) the Minister, in the discretion of the Minister, determines that an amount should be payable under this paragraph,
 - an amount equal to 75% of the amount of the salary or wages payable during that quarter to not more than 2 teachers employed at that child care centre and specified by the eligible organization that operates that child care centre for the purposes of this paragraph;
 - (e) if—
 - (i) the number of places at that child care centre that are filled on the specified day in that quarter by children of or above the age of 3 years exceeds 54; and
 - (ii) the Minister, in the discretion of the Minister, determines that an amount should be payable under this paragraph,
 - an amount equal to 75% of the amount of salary or wages payable during that quarter to such number of teachers, not exceeding 3, employed at that child care centre and specified by the eligible organization that operates that child care centre for the purposes of this paragraph.”;

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- (n) by omitting sub-section (3) and substituting the following sub-section:
- “(3) For the purposes of calculating an amount under sub-section (2) in relation to a quarter, the salary or wages payable to a particular nurse or teacher shall not be taken into account more than once in respect of that quarter.”;
- (p) by adding at the end of sub-section (4) “, but where the number so calculated is a whole number and a fraction, the number so calculated shall be taken to be the next higher whole number”;
- (q) by omitting from sub-section (5) the definition of “nurse” and substituting the following definition:
- “ ‘nurse’ means a person who has such qualifications and experience as are determined by the Minister as being sufficient for a nurse providing child care;” and
- (r) by omitting from sub-section (5) the definitions of “teacher” and “the specified day” and substituting the following definitions:
- “ ‘specified day’, in relation to a quarter, means a day in that quarter specified, in writing, by the Minister, not being a day that is a public holiday or a school holiday;
- ‘teacher’ means a person who has such qualifications and experience as are recognized by the Australian Early Childhood Association Incorporated as being sufficient for a teacher in a child care centre.”.

19. Section 12 of the Principal Act is repealed and the following sections are substituted:

Grants to new child care centres

“12. (1) Where, during the period of 6 weeks immediately before a child care centre that is operated by an eligible organization first commenced to provide child care, a person was employed by the organization for the purpose of establishing the proposed child care centre, the Minister may, in the discretion of the Minister, on behalf of the Commonwealth, make a grant to the organization of an amount not exceeding the amount of the salary or wages paid to the person in respect of that period by the organization.

“(2) The Minister may, in the discretion of the Minister, authorize the payment to an eligible organization of an advance or advances in respect of a grant that may become payable to the organization under sub-section (1).

“(3) In this section ‘salary or wages’ in relation to a person referred to in sub-section (1), means salary or wages at the rate fixed by an award, order, determination or agreement made, or having effect under, a law of the Commonwealth, of a State or of a Territory, or if no such rate is applicable, the rate of salary or wages determined by the Minister.

Grants in respect of fee relief

“12A. (1) The Minister may, at any time, by writing signed by the Minister—

- (a) specify guidelines to be observed—
 - (i) in identifying children receiving child care at a child care centre operated by an eligible organization as children in economic need; and
 - (ii) in calculating the maximum amount payable under this section in relation to a particular period of time to an eligible organization in respect of a child care centre;
- (b) vary guidelines specified by the Minister under this sub-section (including guidelines varied by virtue of a previous application or previous applications of this paragraph); and
- (c) revoke guidelines specified by the Minister under this sub-section (including guidelines varied by virtue of a previous application or previous applications of paragraph (b)).

“(2) Where a child care centre operated by an eligible organization provides child care to a child who is, or to a number of children each of whom is, in accordance with guidelines specified under sub-section (1), identified as a child in economic need, the Minister may, in the discretion of the Minister, on behalf of the Commonwealth, for the purpose of enabling the eligible organization to allow fee relief in respect of that child or those children, make, in relation to a particular period of time, a grant of money to the eligible organization in respect of that child care centre not exceeding the amount ascertained in accordance with guidelines specified under sub-section (1) as the maximum amount payable to the eligible organization in respect of child care provided to that child, or to those children, by that child care centre in relation to that period of time.”.

Grants for research, &c.

20. Section 13 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) In sub-section (1), ‘child care’ includes the care in any circumstances of children.”.

21. After Part IV of the Principal Act the following Part is inserted:

“PART IVA—GRANTS IN RESPECT OF THE DEVELOPMENT OF CHILD CARE CENTRES

Interpretation

“13A. In this Part, unless the contrary intention appears—

‘approved project’ means a project approved by the Minister under section 13B;

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'child care centre' means a place that provides child care for children all of whom are residing in their own homes and all or the majority of whom are of pre-school age, whether or not all or the majority of those children attend the place on a regular basis;

'State' includes the Northern Territory.

Approval of projects related to the development of child care centres

"13B. The Minister may, in the discretion of the Minister, approve, for the purposes of this Part, projects for the development of child care centres that are being carried out, or are proposed to be carried out, in a State.

Grants for projects related to the development of child care centres

"13C. The Minister may, in the discretion of the Minister, make a grant of money to a State, by way of financial assistance to the State, in respect of an approved project, or approved projects, that is, or are, being carried out in the State, or that is, or are, proposed to be carried out in the State."

22. Section 15 of the Principal Act is repealed and the following section is substituted:

Convenor of Child Care Standards Committee

"15. The Minister shall appoint one of the members of the Child Care Standards Committee to be Convenor of the Committee."

Appointment of members of committees

23. Section 18 of the Principal Act is amended by inserting "as a part-time member" after "Minister".

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

Remuneration and allowances of members of committees

"19. (1) A member of a committee shall be paid such remuneration as is determined by the Remuneration Tribunal.

"(2) A member of a committee shall be paid such allowances as are prescribed.

"(3) This section has effect subject to the *Remuneration Tribunals Act 1973*."

Conditions relating to grants

25. Section 20 of the Principal Act is amended—

(a) by omitting paragraph (4) (a) and substituting the following paragraph:

"(a) shall accept applications for the enrolment of children whose circumstances are such that, in the opinion of the Minister, the children are in special need of child care, in priority to applications relating to other children; and"; and

(b) by adding at the end the following sub-sections:

“(5) Where a grant under this Act has, in accordance with this section, been made on terms and conditions, the Minister, with the agreement of the grantee, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.

“(6) In this section, ‘grant’ includes an advance on account of grant under sub-section 12 (2).”.

26. After section 20 of the Principal Act the following section is inserted:

Agreements may be entered into with transferees of buildings, &c.

“20A. (1) Where—

(a) a grant under Division 1 of Part II has, in accordance with section 20, been made on terms and conditions with respect to land, or to a building or buildings; and

(b) the grantee has transferred, or proposes to transfer, its interest in the land, or in the building or in one or more of the buildings, to another person or body (in this sub-section referred to as the ‘transferee’),

the Minister may enter into an agreement with the transferee under which—

(c) the transferee is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the land, or to the building or buildings, the subject of the transfer; and

(d) in a case where—

(i) the grantee has transferred, or proposes to transfer, to the transferee the interest of the grantee in equipment that is used by the transferee in connection with the land, or the building or buildings, the subject of the transfer, or proposed transfer, referred to in paragraph (b); and

(ii) a grant under Division 2 of Part II has, in accordance with section 20, been made on terms and conditions with respect to some or all of that equipment,

the transferee is required to comply, or will, upon the transfer of the equipment being effected, be required to comply, with some or all of the terms and conditions referred to in sub-paragraph (ii) in so far as they relate to the equipment the subject of the transfer.

“(2) Where—

(a) a person or body (in this sub-section referred to as the ‘transferor’) has entered into an agreement under sub-section (1) or this sub-section under which the transferor is required to comply with certain terms and conditions with respect to land, or to a building or buildings; and

(b) the transferor has transferred, or proposes to transfer, its interest in the land, or in the building or in one or more of the buildings, to

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another person or body (in this sub-section referred to as the 'transferee'),

the Minister may enter into an agreement with the transferee under which—

- (c) the transferee is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the land, or to the building or buildings, the subject of the transfer; and
- (d) in a case where—
 - (i) the agreement referred to in paragraph (a) requires the transferor to comply with certain terms and conditions with respect to certain equipment; and
 - (ii) the transferor has transferred, or proposes to transfer, to the transferee the interest of the transferor in some or all of that equipment (being equipment that is used by the transferor in connection with the land, or the building or buildings, the subject of the transfer, or proposed transfer, referred to in paragraph (b)),

the transferee is required to comply, or will, upon the transfer of the equipment being effected, be required to comply, with some or all of the terms and conditions referred to in sub-paragraph (i) in so far as they relate to the equipment the subject of the transfer.

“(3) Where an agreement under sub-section (1) or (2) between the Minister and a person or body is in force, the Minister, with the agreement of the person or body, may, by writing, vary that agreement.”.

Delegation

27. Section 21 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the Secretary of the Department of Social Security” and substituting “an officer of the Department”;
- (b) by omitting sub-section (2) and substituting the following sub-section:

“(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 Minister.”; and
- (c) by omitting sub-section (4).

28. Section 24 of the Principal Act is repealed and the following section is substituted:

Money to be appropriated

“24. Grants under this Act and advances on account of grants under sub-section 12 (2) are payable out of money appropriated by the Parliament for the purposes of this Act.”.

Formal amendments

29. The Principal Act is further amended as set out in Schedule 1.

Saving

30. Where, immediately before the commencement of this section, equipment was approved equipment by virtue of an approval under section 9 of the Principal Act as in force before the commencement of this section, that equipment shall, after the commencement of this section, be deemed to have been approved by the Minister in accordance with section 9 of the Principal Act as amended and in force after the commencement of this section.

PART V—AMENDMENT OF THE CHRISTMAS ISLAND ADMINISTRATION (MISCELLANEOUS AMENDMENTS) ACT 1984

Principal Act

31. The *Christmas Island Administration (Miscellaneous Amendments) Act 1984*⁴ is in this Part referred to as the Principal Act.

Interpretation

32. Section 30 of the Principal Act is amended by omitting “17” and substituting “17B”.

PART VI—AMENDMENTS OF THE COMPENSATION (COMMONWEALTH GOVERNMENT EMPLOYEES) ACT 1971

Principal Act

33. The *Compensation (Commonwealth Government Employees) Act 1971*⁵ is in this Part referred to as the Principal Act.

Interpretation

34. Section 5 of the Principal Act is amended—

- (a) by omitting “or masseur” from paragraph (d) of the definition of “medical treatment” in sub-section (1) and substituting “, masseur or chiropractor”; and
- (b) by omitting “or masseurs” from paragraph (d) of the definition of “medical treatment” in sub-section (1) and substituting “, masseurs or chiropractors”.

35. Section 26 of the Principal Act is repealed and the following section is substituted:

Partially incapacitated employees unable to obtain suitable employment

“26. (1) Where—

- (a) an employee who is partially incapacitated for work as a result of an injury has taken all reasonable steps to obtain, but has failed to obtain, suitable employment; and

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- (b) the employee is receiving vocational training in pursuance of section 38,

section 38 applies to the employee as if the employee were totally incapacitated for work.

“(2) Subject to sub-section (4), where—

- (a) an employee who is partially incapacitated for work as a result of an injury has taken all reasonable steps to obtain, but has failed to obtain, suitable employment; and
- (b) but for this sub-section, compensation in accordance with section 46 would be payable to the employee in respect of that injury,

then—

- (c) compensation in respect of that injury is payable to the employee in accordance with section 45 as if the employee were totally incapacitated for work as a result of that injury; and
- (d) compensation in accordance with section 46 in respect of that injury is not payable to the employee.

“(3) Subject to sub-section (4), where—

- (a) an employee who is partially incapacitated for work as a result of an injury has taken all reasonable steps to obtain, but has failed to obtain, suitable employment; and
- (b) that injury is an injury in respect of which a lump sum was paid to the employee in pursuance of section 39 or 49,

section 50 applies to the employee as if the employee were totally incapacitated for work.

“(4) Sub-sections (2) and (3) do not apply to an employee who—

- (a) where the Secretary to the Department of Community Services has agreed to provide, or arrange for the provision of, vocational training under Part VIII of the *Social Security Act 1947* for the employee—has unreasonably refused to undertake that training; or
- (b) where the Commonwealth has agreed to provide, or arrange for the provision of, training for the employee, being training equivalent to training referred to in paragraph (a)—has unreasonably refused to undertake that equivalent training.

“(5) In determining for the purposes of this section whether an employee has taken all reasonable steps to obtain suitable employment, regard shall be had to—

- (a) the state of the labour-market at the relevant time;
- (b) where there are disadvantages in the employee having to change his or her town or other place of residence in order to obtain suitable employment—those disadvantages; and
- (c) any other relevant matter.”.

Provision of vocational training

36. Section 38 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Director-General of Social Services” and substituting “Secretary to the Department of Community Services”;
- (b) by omitting from sub-section (1) “*Social Services Act 1947-1971*” and substituting “*Social Security Act 1947*”;
- (c) by omitting sub-section (2) and substituting the following sub-section:
 - “(2) This section does not apply in relation to—
 - (a) a person referred to in sub-paragraph 135 (1) (a) (i), (ii), (iii) or (iv) of the *Social Security Act 1947*; or
 - (b) a person who, by virtue of sub-section 135A (2) of that Act, is not eligible to receive treatment or training under Part VIII of that Act.”; and
- (d) by omitting sub-section (3) and substituting the following sub-section:

“(3) Part VIII of the *Social Security Act 1947* applies, so far as it is capable of application, in relation to a person who is receiving vocational training in pursuance of this section as if the person were a person in receipt of an invalid pension under that Act and a person referred to in paragraph 135 (1) (a) of that Act, but the person is not entitled to receive, during a period commencing on a day that is a pension pay-day for the purposes of that Act and ending immediately before the commencement on the next succeeding day that is a pension pay-day for the purposes of that Act, an amount, or amounts, under that Part except to the extent that that amount, or the sum of those amounts, exceeds the amount of compensation payable to the person under sub-section (5) during that period.”.

Compensation in respect of loss of sexual organs, &c.

37. Section 40 of the Principal Act is amended by inserting after sub-section (1) the following sub-sections:

“(1A) The compensation payable under this Act in respect of an injury that results in the partial loss of the genitals but not the total and permanent loss of the capacity to engage in sexual intercourse is an amount equal to 50% of the amount of compensation payable under sub-section (1) and is payable to the employee.

“(1B) The compensation payable under this Act in respect of an injury suffered by a female employee that results in the loss by her of one breast shall be an amount equal to 50% of the amount of compensation payable under sub-section (1) and is payable to the employee.

“(1C) The compensation payable under this Act in respect of an injury suffered by a female employee that results in the loss by her of both breasts shall be an amount equal to the amount of compensation payable under sub-section (1) and is payable to the employee.”.

Compensation payable in respect of injuries resulting in death

38. Section 43 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-section:

“(6) Compensation under sub-section (5) in relation to a child is not payable in respect of—

- (a) any period during which the child is not a child in relation to whom this Act applies; and
- (b) in the case of a child referred to in paragraph (5) (c)—any period during which, if the employee had not died, the child would not have been wholly or mainly dependent upon the employee.”.

Compensation payable in respect of injuries resulting in total incapacity

39. Section 45 of the Principal Act is amended by omitting sub-section (5) and substituting the following sub-section:

“(5) If a child in relation to whom this Act applies is—

- (a) a prescribed person in relation to the employee; and
- (b) is the only prescribed person who is wholly or mainly dependent upon the employee,

sub-section (4) does not apply in relation to that child.”.

Reduction of compensation in certain cases

40. Section 52 of the Principal Act is amended by omitting paragraph (4) (a) and substituting the following paragraph:

- “(a) an amount by way of pay in respect of a period of leave of absence granted, or in lieu of the grant of a period of leave of absence, under section 16 or 17 of the *Long Service Leave (Commonwealth Employees) Act 1976*, under section 73 or 74 of the *Public Service Act 1922* as in force before 20 December 1976 or under section 7 or 8 of the *Commonwealth Employees' Furlough Act 1943* as in force before that day;”.

Certain persons may request cessation of compensation payments

41. Section 98A of the Principal Act is amended by omitting from sub-section (1) all the words after “Commissioner” and substituting “that an amount of compensation under this Act that the person is, or may become, entitled to, not be paid to, or for the benefit of, the person”.

Compensation payable to locally engaged overseas employees

42. Section 120 of the Principal Act is amended—

- (a) by omitting from sub-section (3) “, subject to the next succeeding sub-section,”;
- (b) by omitting sub-section (4);
- (c) by omitting from sub-section (5) “, subject to the next succeeding sub-section,”; and
- (d) by omitting sub-sections (6), (7) and (8).

43. After section 121A of the Principal Act the following section is inserted:

Notice of departure from Australia, &c.

“121B. (1) This section applies to a person to whom payments of compensation under section 45 or 46 are being made and have been made for a period of 3 months or longer.

“(2) A person to whom this section applies who leaves Australia (whether or not the person intends to return to Australia), other than a person who, before leaving Australia, gave the Commissioner a notice in writing that stated that the person proposes to leave Australia and specified the day on which the person proposed to do so, shall, within 7 days after the day on which the person leaves Australia, give the Commissioner notice in writing stating that the person has left Australia and specifying the day on which the person did so.

“(3) Where a person to whom this section applies is absent from Australia for a period that exceeds 3 months, the person shall—

(a) within 7 days after the expiration of the period of 3 months commencing on the day on which the person left Australia; and

(b) within 7 days after the expiration of each successive period of 3 months (if any) ending while the person is still absent from Australia,

give the Commissioner a notice in writing setting out particulars of the residential address of the person on the day on which the notice is given.

Penalty: \$500.”

Minor amendments

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

Application

45. The amendments made by sections 34, 35 and 37 apply only in relation to an injury sustained by a person on or after the commencement of this section.

**PART VII—AMENDMENTS OF THE DELIVERED MEALS
SUBSIDY ACT 1970**

Principal Act

46. The *Delivered Meals Subsidy Act 1970*⁶ is in this Part referred to as the Principal Act.

Interpretation

47. Section 3 of the Principal Act is amended by omitting “of Social Security” from the definition of “Secretary” in sub-section (1).

Terms and conditions

48. Section 9 of the Principal Act is amended by adding at the end the following sub-section:

“(3) Where a payment to an approved organization under this Act has, in accordance with this section, been made on terms and conditions, the Secretary, with the agreement of the organization, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.”.

Delegation

49. Section 11 of the Principal Act is amended by omitting from sub-section (1) “of Social Security”.

PART VIII—AMENDMENTS OF THE HANDICAPPED PERSONS ASSISTANCE ACT 1974

Principal Act

50. The *Handicapped Persons Assistance Act 1974* is in this Part referred to as the Principal Act.

Terms and conditions of grants

51. Section 31 of the Principal Act is amended by adding at the end the following sub-section:

“(4) Where a grant to an eligible organization has, in accordance with this section, been made on terms and conditions, the Minister, with the agreement of the organization, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.”.

52. After section 31 of the Principal Act the following section is inserted:

Agreements may be entered into with transferees of buildings, &c.

“31A. (1) Where—

- (a) a grant to an eligible organization under section 10 has, in accordance with section 31, been made on terms and conditions with respect to land, or to a building or buildings; and
- (b) the organization has transferred, or proposes to transfer, its interest in the land, or in the building or in one or more of the buildings, to another eligible organization,

the Minister may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the land, or the building or buildings, the subject of the transfer.

“(2) Where—

- (a) an eligible organization has entered into an agreement under sub-section (1) or this sub-section under which it is required to comply

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with certain terms and conditions with respect to land, or to a building or buildings; and

- (b) the organization has transferred, or proposes to transfer, its interest in the land, or in the building or in one or more of the buildings, to another eligible organization,

the Minister may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the land, or to the building or buildings, the subject of the transfer.

“(3) Where an agreement under sub-section (1) or (2) between the Minister and an eligible organization is in force, the Minister, with the agreement of the organization, may, by writing, vary that agreement.”.

Repealed Parts of the Sheltered Employment (Assistance) Act to continue in force, &c.

53. Section 37 of the Principal Act is amended by omitting from paragraph (1) (a) “of the Department” and substituting “to the Department”.

Certain projects approved under repealed provisions to be approved projects under this Act, &c.

54. Section 38 of the Principal Act is amended by omitting “of the Department” and substituting “to the Department”.

**PART IX—AMENDMENT OF THE HEALTH INSURANCE ACT
1973**

Principal Act

55. The *Health Insurance Act 1973*⁸ is in this Part referred to as the Principal Act.

Disadvantaged persons, being persons on low incomes

56. Section 5B of the Principal Act is amended by omitting from sub-section (12) the definition of “income” and substituting the following definition:

“‘income’, in relation to a person, means income that would, if Part VII of the *Social Security Act 1947* applied to the person, be income of the person for the purposes of that Part and includes—

- (a) a payment under that Act (other than a payment of an allowance under Part IIA, V, VI, VIB or VIIB of that Act, a benefit under Part IVA of that Act or a pension under Part VIA of that Act);
- (b) a pension payable under the *Repatriation Act 1920*, the *Repatriation (Far East Strategic Reserve) Act 1956* or the *Repatriation (Special Overseas Service) Act 1962*;

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- (c) a pension payable by a foreign country, being a pension that, in the opinion of the Secretary to the Department of Social Security, is similar in character to a pension specified in paragraph (b);
- (d) a pension under the *Seamen's War Pensions and Allowances Act 1940*; and
- (e) a payment under the scheme known as the New Enterprise Incentive Scheme;”.

PART X—AMENDMENTS OF THE HOMELESS PERSONS ASSISTANCE ACT 1974

Principal Act

57. The *Homeless Persons Assistance Act 1974*⁹ is in this Part referred to as the Principal Act.

Conditions relating to payments, &c.

58. Section 13 of the Principal Act is amended by adding at the end the following sub-section:

“(4) Where a payment or advance under this Act to an eligible organization has, in accordance with this section, been made on terms and conditions, the Minister, with the agreement of the organization, may, by writing, vary those terms and conditions and, where there is an agreement under sub-section (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.”.

59. After section 13 of the Principal Act the following section is inserted:

Agreements may be entered into with transferees of buildings, &c.

“13A. (1) Where—

- (a) a payment or advance to an eligible organization under this Act has, in accordance with section 13, been made on terms and conditions with respect to land, or to a building or buildings; and
- (b) the organization has transferred, or proposes to transfer, its interest in the land, or in the building or in one or more of the buildings, to another eligible organization,

the Minister may enter into an agreement with that other organization under which that other organization is required to comply or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the land, or the building or buildings, the subject of the transfer.

“(2) Where—

- (a) an eligible organization has entered into an agreement under sub-section (1) or this sub-section under which it is required to comply with certain terms and conditions with respect to land, or to a building or buildings; and

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- (b) the organization has transferred, or proposes to transfer, its interest in the land, or in the building or in one or more of the buildings, to another eligible organization,

the Minister may enter into an agreement with that other organization under which that other organization is required to comply, or will, upon the transfer being effected, be required to comply, with some or all of those terms and conditions in so far as they relate to the land, or to the building or buildings, the subject of the transfer.

“(3) Where an agreement under sub-section (1) or (2) between the Minister and an eligible organization is in force, the Minister, with the agreement of the organization, may, by writing, vary that agreement.”

**PART XI—AMENDMENTS OF THE NATIONAL HEALTH ACT
1953**

Principal Act

60. The *National Health Act 1953*¹⁰ is in this Part referred to as the Principal Act.

Recognized days of absence of qualified nursing home patients, &c.

61. Section 4AA of the Principal Act is amended—

- (a) by inserting after sub-section (5) the following sub-section:

“(5A) For the purposes of this section—

- (a) a qualified nursing home patient shall be taken to be absent from an approved nursing home on the day on which the patient leaves the nursing home to commence an absence from the nursing home pursuant to an agreement made under sub-section (2); and
- (b) a qualified nursing home patient shall not be taken to be absent from an approved nursing home on the day on which the patient returns to the nursing home after an absence from the nursing home pursuant to an agreement made under sub-section (2) or, if the patient dies while he or she is absent from the nursing home pursuant to such an agreement, on the day on which he or she dies.”; and

- (b) by omitting sub-sections (7) and (8) and substituting the following sub-section:

“(7) In this section, ‘relevant period’, in relation to a qualified nursing home patient, means the year commencing on the day on which this section came into operation and each subsequent year.”

Approval of nursing home

62. Section 40AA of the Principal Act is amended—

- (a) by inserting in sub-paragraph (6) (c) (i) “or a Repatriation nursing home patient” after “a qualified nursing home patient”;

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- (b) by omitting from sub-paragraph (6) (c) (i) “Permanent Head in relation to the nursing home” and substituting “Secretary in relation to the nursing home, and in the computation of the fees charged in respect of that care of the patient the day of admission of the patient to the nursing home and the day of discharge of the patient from the nursing home or, if the patient dies without having been discharged from the nursing home, the day on which the patient dies, shall be counted together as one day”;
- (c) by omitting from sub-paragraph (6) (c) (ii) “a qualified nursing patient or a short-term respite care patient in the nursing-home” and substituting “a qualified nursing home patient, a short-term respite care patient or a Repatriation nursing home patient in the nursing home”;
- (d) by omitting from paragraph (6) (ca) “nursing-home” (wherever occurring) and substituting “nursing home”; and
- (e) by omitting from paragraph (6) (ca) “or a short-term respite care patient” and substituting “, a short-term respite care patient or a Repatriation nursing home patient”.

PART XII—AMENDMENTS OF THE REPATRIATION ACT 1920

Principal Act

63. The *Repatriation Act 1920*¹¹ is in this Part referred to as the Principal Act.

Delegation by Commission

64. Section 12 of the Principal Act is amended by omitting from sub-section (1) “Department” and substituting “Australian Public Service”.

Repeal of section 21

65. Section 21 of the Principal Act is repealed.

Reasons for decisions to be given

66. Section 47A of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “or” (last occurring);
- (b) by inserting after paragraph (1) (a) the following paragraph:
 - “(aa) for the purposes of sub-section 29 (1); or”;
- (c) by omitting from paragraph (2) (a) “or” (last occurring);
- (d) by inserting after paragraph (2) (a) the following paragraph:
 - “(aa) in the case of a decision for the purposes of sub-section 29 (1)—on the person affected by the decision; or”;and
- (e) by adding at the end the following sub-section:
 - “(4) In this section, ‘decision’ includes a determination and an assessment.”.

Interpretation

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

(a) by inserting after paragraph (3) (e) the following paragraph:

“(ea) the reference in sub-section 6AB (4) of that Act to the first pension pay day after the request is lodged shall be read as a reference to the day on which the request is lodged;”;

(b) by inserting after paragraph (3) (f) the following paragraph:

“(fa) the reference in paragraph 6AC (13) (c) to the pay day on which the pension, benefit or allowance first became payable shall be read as a reference to the day as from which the service pension became payable;”.

(2) Section 83 of the Principal Act is amended by omitting from paragraph

(3) (a) “Director-General” and substituting “Secretary”.

(3) Section 83 of the Principal Act is amended—

(a) by omitting from paragraph (3) (ea) “pension pay day” and substituting “pension pay-day”;

(b) by omitting from paragraph (3) (fa) “pay day” and substituting “pension pay-day”; and

(c) by adding at the end the following sub-sections:

“(6) Notwithstanding any other provision of this Act, a child shall not be treated, for the purposes of this Division, as a child in relation to a person who is claiming or receiving a service pension, unless—

(a) the child is living in Australia, whether or not the child is temporarily absent from Australia;

(b) the child is living outside Australia, the person is living in Australia, the day that is the relevant day in relation to the person in respect of the child has not occurred and the Commission is satisfied that it is likely that the person will bring the child to live in Australia on or before that day; or

(c) where the person is receiving a service pension—the child is living with the person outside Australia.

“(7) Subject to sub-section (8), the relevant day, for the purposes of sub-section (6), in relation to a person in respect of a child, is the day that falls on the fourth anniversary of the earliest day that was a day on which—

(a) the person was living in Australia;

(b) the child was living outside Australia; and

(c) the child was a child of the person.

“(8) Where, for any special reason in any particular case, the Commission is of the opinion that, for the purposes of sub-section (6), the relevant day in relation to a person in respect of a child should be a later day than the day that would, but for this sub-section, be that relevant day, the Commission may determine that, for the purposes of

that sub-section, that later day is the relevant day in relation to that person in respect of that child.”.

(4) Notwithstanding sub-section 83 (6) of the Principal Act as amended and in force after the commencement of this sub-section, a child living outside Australia who is a child of a person who is in receipt of, or who is a claimant for, a pension under Division 5 of Part III of the Principal Act as amended and in force after that commencement, shall be treated, for the purposes of that Division as so amended and in force, as a child of the person if, on the day immediately before the day on which this sub-section comes into operation, the child was treated, for the purposes of that Division as then in force, as a child of that person.

Variation of rate of service pension

68. Section 87 of the Principal Act is amended by inserting after sub-section (3A) the following sub-section:

“(3B) For the purposes of this Division (other than sub-sections 87 (1B) and (1C)), where a child is dependent on a member of the Forces, the income of the member shall be reduced by—

- (a) if the member is an unmarried person or a married person whose spouse is not in receipt of a service pension under this Act, a pension, benefit or allowance under Part III, IVAAA or VIIA of the *Social Security Act 1947*, or a rehabilitation allowance under Part VIII of that Act—\$312 per annum less the annual amount of any payment (not being a payment under this Act, under the *Social Security Act 1947* or under the *Tuberculosis Act 1948*) received by the member or the spouse of the member for or in respect of the child; or
- (b) if the member is a married person whose spouse is in receipt of a pension, benefit or allowance referred to in paragraph (a)—\$156 per annum less one-half of the annual amount of any payment (not being a payment under this Act, under the *Social Security Act 1947* or under the *Tuberculosis Act 1948*) received by the member or the spouse of the member for or in respect of the child.”.

69. After section 96A of the Principal Act, the following sections are inserted:

Payments received under the New Enterprise Incentive Scheme—effect where recipient is in receipt of a service pension and spouse of recipient is not in receipt of a pension by reason of being the spouse of the recipient

“97. (1) This section applies to a person in respect of a period that is a pension period in relation to the person if—

- (a) the person is entitled to receive, during that pension period—
 - (i) a payment of a service pension; and
 - (ii) a payment under the scheme known as the New Enterprise Incentive Scheme; and

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- (b) in a case where the person is a married person, the spouse of the person is not entitled to receive, during that pension period—
 - (i) if the person is a man—a service pension under section 85 by reason of being the wife of the man; or
 - (ii) if the person is a woman—a service pension under section 85AA.

“(2) Where this section applies to a person in respect of a period that is a pension period in relation to the person, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in sub-paragraph (1) (a) (i) that the person is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount of the payment referred to in sub-paragraph (1) (a) (ii) that the person is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount of the second payment; or
- (b) in any other case—the amount of the first payment shall be reduced to nil.

“(3) In this section, ‘pension period’ in relation to a person, means a period of 2 weeks commencing on the day immediately following a day on which the person receives a payment of a service pension.

Payments received under New Enterprise Incentive Scheme—effect where spouse of recipient is in receipt of a pension by reason of being the spouse of the recipient

“97A. (1) This section applies to a man and the wife of the man, in relation to a period that is a pension period in relation to the man, if—

- (a) the man is entitled to receive, during that pension period—
 - (i) a payment of a service pension; and
 - (ii) a payment under the scheme known as the New Enterprise Incentive Scheme; and
- (b) the wife is entitled to receive, during that pension period, a payment of a service pension under section 85 by reason of being the wife of the man.

“(2) This section applies to a woman and to the husband of the woman, in relation to a period that is a pension period in relation to the woman, if—

- (a) the woman is entitled to receive, during that pension period—
 - (i) a payment of a service pension; and
 - (ii) a payment under the scheme known as the New Enterprise Incentive Scheme; and
- (b) the husband is entitled to receive, during that pension period, a payment of a service pension under section 85AA.

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“(3) Where, by virtue of sub-section (1), this section applies to a man in respect of a period that is a pension period in relation to the man, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in sub-paragraph (1) (a) (i) that the man is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (1) (a) (ii) that the man is entitled to receive during the period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or
- (b) in any other case—the first payment shall be reduced to nil.

“(4) Where, by virtue of sub-section (1), this section applies to a wife of a man in respect of a period that is a pension period in relation to the man, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in paragraph (1) (b) that the wife is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (1) (a) (ii) that the man is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or
- (b) in any other case—the first payment shall be reduced to nil.

“(5) Where, by virtue of sub-section (2), this section applies to a woman in respect of a period that is a pension period in relation to the woman, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in sub-paragraph (2) (a) (i) that the woman is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (2) (a) (ii) that the woman is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or
- (b) in any other case—the first payment shall be reduced to nil.

“(6) Where, by virtue of sub-section (2), this section applies to a husband of a woman in respect of a period that is a pension period in relation to the woman, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in paragraph (2) (b) that the husband is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (2) (a) (ii) that the woman is entitled to receive during that period (in

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this sub-section referred to as the 'second payment')—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or

(b) in any other case—the first payment shall be reduced to nil.

“(7) In this section ‘pension period’ has the same meaning as in section 97.”.

Review of decisions in respect of pensions

70. Section 107VC of the Principal Act is amended—

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

“(2A) A person may make application to the Board for the review of a decision of the Commission for the purposes of sub-section 29 (1).”;

(b) by omitting from sub-section (3) “or (2)” and substituting “, (2) or (2A)”;

(c) by omitting from sub-section (4) “or (2)” and substituting “, (2) or (2A)”.

Secretary to prepare report

71. Section 107VE of the Principal Act is amended by omitting from sub-section (1) “or (2)” and substituting “, (2) or (2A)”.

Dates that may be specified

72. Section 107VZB of the Principal Act is amended by inserting after sub-section (2) the following sub-section:

“(2A) Where the Board, upon its review of a decision of the Commission to suspend or cancel a pension, or to vary a rate of pension, sets aside that decision and makes a decision in substitution for the decision so set aside, the Board may fix, as the date from which its decision is to operate, a date not earlier than the date as from which the decision of the Commission would have had effect had it not been set aside.”.

Applications for review

73. Section 107VZW of the Principal Act is amended by omitting from sub-section (1) “under section 29A or 31” and substituting “for the purposes of sub-section 29 (1), or under section 29A or 31,”.

Application of Administrative Appeals Tribunal Act

74. Section 107VZX of the Principal Act is amended by omitting from sub-section (2) “under section 29A or 31” and substituting “for the purposes of sub-section 29 (1), or under section 29A or 31,”.

Effective dates of payment of pension, &c.

75. Section 107VZY of the Principal Act is amended—

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

“(2A) Where the Administrative Appeals Tribunal, upon application made under sub-section 107VZW (1) for a review of a decision of the Commission, or of the Board, to suspend or cancel a pension, or to vary a rate of pension, sets aside that decision and makes a decision in substitution for the decision so set aside, the Tribunal may fix, as the date from which its decision is to operate, a date not earlier than the date as from which the decision of the Commission, or of the Board, as the case may be, would have had effect had it not been set aside.”; and

(b) by omitting from paragraph (3) (b) “107VZW (1)” and substituting “107VZW (2)”.

Notification and review

76. Section 121 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) The Secretary may give a notice in writing to—

- (a) a person to whom a pension or allowance is being paid under this Act, including a person to whom a pension or allowance is being paid under this Act on behalf of, or as trustee for, another person; or
- (b) a person on behalf of whom a pension or allowance is being paid under this Act to another person,

requiring the person, if an event or change of circumstances specified in the notice is likely to occur, to notify the Secretary 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 Secretary may give a notice in writing to—

- (a) a person to whom a pension or allowance is being paid under this Act, including a person to whom a pension or allowance is being paid under this Act on behalf of, or as trustee for, another person; or
- (b) a person on behalf of whom a pension or allowance is being paid under this Act to another person,

requiring the person to provide to the Secretary, 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 Commission, relating to any matter that might affect the payment of that pension or allowance.”.

Prescribed persons

77. Section 123AB of the Principal Act is amended by omitting the definition of “income” from sub-section (6) and substituting the following definition:

“ ‘income’ means—

- (a) in relation to a person who is a service pensioner—income calculated in relation to the person for the purposes of the operation of section 87; or
- (b) in relation to a person other than a service pensioner—income equal to the income that would be calculated in relation to the person for the purposes of the operation of section 87 if the person were a service pensioner;”.

Minor amendments

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

PART XIII—AMENDMENTS OF THE REPATRIATION ACT 1973

Principal Act

79. The *Repatriation Act 1973*¹² is in this Part referred to as the Principal Act.

Restriction as to dual pensions

80. (1) Section 9 of the Principal Act is amended—

- (a) by inserting in sub-section (2) “, or a pension under Part III or IV of the *Social Services Act 1947-1973*,” after “service pension”;
- (b) by inserting in sub-section (2) “is a service pension that” after “unless that pension”; and
- (c) by adding at the end the following sub-sections:

“(3) Where—

- (a) a person is entitled to receive a service pension; and
 - (b) a pension under Part III or IV of the *Social Services Act 1947-1973* is payable to the person by virtue of sub-section (2),
- the pension referred to in paragraph (b) ceases to be payable to the person upon the person ceasing to be entitled to receive that service pension.

“(4) Where—

- (a) a person is entitled to receive a pension under Part III or IV of the *Social Services Act 1947-1973*; and
- (b) a service pension is payable to the person by virtue of sub-section (2),

that service pension ceases to be payable to the person upon the person ceasing to be entitled to receive the pension referred to in paragraph (a).

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“(5) Where a provision of the *Social Services Act 1947-1973* contains a reference to income in relation to a person, then, in the application of that provision to a person to whom a service pension continues to be payable by virtue of sub-section (2), that pension shall, notwithstanding anything to the contrary contained in that Act, be taken to be income of the person.

“(6) Where a provision of the Principal Act contains a reference to income in relation to a person, then, in the application of that provision to a person to whom a pension under Part III or IV of the *Social Services Act 1947-1973* continues to be payable by virtue of sub-section (2), that pension shall, notwithstanding anything to the contrary contained in the Principal Act, be taken to be income of the person.”.

(2) Section 9 of the Principal Act is amended by omitting from sub-sections (3), (4), (5) and (6) “*Social Services Act 1947-1973*” and substituting “*Social Security Act 1947*”.

Rate of saved pensions

81. Where a service pension under the *Repatriation Act 1920*, or a pension under Part III or IV of the *Social Security Act 1947*, that is payable to a person by virtue of sub-section 9 (2) of the Principal Act, continues to be payable to the person after the commencement of this section, the rate at which that pension is payable to the person after that commencement is the same rate as the rate at which that pension was being paid immediately before that commencement.

PART XIV—AMENDMENT OF THE REPATRIATION (FAR EAST STRATEGIC RESERVE) ACT 1956

Principal Act

82. The *Repatriation (Far East Strategic Reserve) Act 1956*¹³ is in this Part referred to as the Principal Act.

Delegation

83. Section 12 of the Principal Act is amended by omitting from sub-section (1) “Department” and substituting “Australian Public Service”.

PART XV—AMENDMENTS OF THE REPATRIATION LEGISLATION AMENDMENT ACT 1984

Principal Act

84. The *Repatriation Legislation Amendment Act 1984*¹⁴ is in this Part referred to as the Principal Act.

Amendment of section 5

85. Section 5 of the Principal Act is amended by inserting in sub-section (2) “, or under regulation 182 of the Repatriation Regulations in force under the Principal Act,” after “Principal Act” (first occurring).

Application of Parts IIIA and IIIB of Repatriation Act

86. Section 25 of the Principal Act is amended by omitting “Part IIIA” and substituting “Parts IIIA”.

Amendment of section 30

87. Section 30 of the Principal Act is amended by inserting in sub-section (2) “, or under regulation 75 of the Repatriation (Far East Strategic Reserve) Regulations in force under the Principal Act,” after “Principal Act” (first occurring)”.

Amendment of section 36

88. Section 36 of the Principal Act is amended by inserting in sub-section (2) “, or under regulation 75 of the Repatriation (Special Overseas Service) Regulations in force under the Principal Act,” after “Principal Act” (first occurring).

Amendment of section 47

89. Section 47 of the Principal Act is amended by inserting in sub-section (3) “, or under regulation 42A of the Seamen’s War Pensions and Allowances Regulations in force under the Principal Act,” after “Principal Act” (first occurring).

Appeals under section 28 of Repatriation Act

90. (1) Section 52 of the Principal Act is amended by adding at the end the following sub-sections:

“(2) Where a person would, but for the repeal of section 28 of the Repatriation Act, have had, on or after the commencing day, a right to appeal under that section to the Commission from a decision of a Repatriation Board under Part III of that Act made before that day, application may, subject to sub-sections (3) and (4) of this section, be made under section 107VC of the Repatriation Act as amended by this Act to the Veterans’ Review Board for a review of that decision.

“(3) An application under sub-section (2) for a review of a decision of a Repatriation Board, being a decision—

- (a) assessing a rate of pension or increased rate of pension;
- (b) refusing to grant a pension on the ground that the extent of the incapacity of the applicant is insufficient to justify the grant of a pension;
- (c) refusing to increase the rate of a pension; or
- (d) reducing the rate of a pension,

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may be made on a day not later than—

- (e) the day that occurs 3 months after the day on which a copy of that decision was served on the applicant; or
- (f) the day that occurs 3 months after the day on which the *Social Security and Repatriation Legislation Amendment Act 1985* receives the Royal Assent,

whichever occurs last, but not otherwise.

“(4) Sub-section (2) does not apply to a decision of a Repatriation Board if an appeal to the Commission against that decision had been instituted before the commencing day.

“(5) Sub-section 107VC (3) of the Repatriation Act, as amended by this Act, does not apply to or in relation to an application to which sub-section (1) or (2) of this section applies.

“(6) Where—

- (a) in accordance with sub-section (1), an appeal in respect of a decision of a Repatriation Board has been treated as an application duly made to the Veterans’ Review Board under section 107VC of the Repatriation Act as amended by this Act; and
- (b) the decision of the Repatriation Board has been reviewed by the Veterans’ Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans’ Review Board in substitution for the decision so set aside,

as the case may be.

“(7) Where—

- (a) a person has made application under section 107VC of the Repatriation Act as amended by this Act for the review by the Veterans’ Review Board of a decision of a Repatriation Board to which sub-section (2) applies; and
- (b) the decision of the Repatriation Board has been reviewed by the Veterans’ Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans’ Review Board in substitution for the decision so set aside,

as the case may be.”.

(2) Where, after the commencement of this section and within 3 months after the day on which this Act receives the Royal Assent, a person makes an

application to the Veterans' Review Board for a review of a decision of a Repatriation Board to which sub-section 52 (2) of the Principal Act as amended and in force after the commencement of this section applies, the person shall, for the purposes of section 107VZB of the *Repatriation Act 1920*, be deemed to have made that application for review within 3 months after the service on the person of a copy of that decision.

(3) In sub-section (2), the expressions "decision", "Repatriation Board" and "Veterans' Review Board" have the same respective meanings as in Part VII of the Principal Act.

Applications to the Tribunal

91. Section 55 of the Principal Act is amended—

- (a) by omitting from sub-section (5) "Sub-sections 107VC (3) and (4) of the Repatriation Act, as amended by this Act, do" and substituting "Sub-section 107VC (3) of the Repatriation Act, as amended by this Act, does"; and
- (b) by adding at the end the following sub-sections:

“(8) Where—

- (a) in accordance with sub-section (1), an application under section 107VC of the Repatriation Act in respect of a decision of the Commission, or under section 107VD of that Act in respect of a decision of the Commission or of a Repatriation Board, has been treated as an application duly made to the Veterans' Review Board under section 107VC of the Repatriation Act as amended by this Act; and
- (b) the decision of the Commission, or of the Repatriation Board, as the case may be, has been reviewed by the Veterans' Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,

as the case may be.

“(9) Where—

- (a) a person has made an application under section 107VC of the Repatriation Act as amended by this Act for the review by the Veterans' Review Board of a decision of the Commission to which sub-section (2) applies; and
- (b) the decision of the Commission has been reviewed by the Veterans' Review Board and affirmed or set aside,

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then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
 - (d) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,
- as the case may be.”.

Matters under section 107VM of Repatriation Act

92. Section 57 of the Principal Act is amended by adding at the end the following sub-sections:

“(3) Where—

- (a) before the commencing day, the Tribunal affirmed a decision of the Commission to refuse to grant a claim;
- (b) in accordance with sub-section (1), the claim has been dealt with as if an application had been duly made under Part IIIA of the Repatriation Act as amended by this Act to the Veterans' Review Board for a review of the claim; and
- (c) the decision of the Tribunal to affirm the decision of the Commission has been reviewed by the Veterans' Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (d) of the decision that was so affirmed; or
- (e) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,

as the case may be.

“(4) Where—

- (a) a person has made application under section 107VC of the Repatriation Act as amended by this Act for the review of a decision of the Commission to which sub-section (2) applies; and
- (b) the decision of the Commission has been reviewed by the Veterans' Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,

as the case may be.”.

Seamen's War Pensions and Allowances Act

93. Section 60 of the Principal Act is amended by adding at the end the following sub-sections:

“(9) Where—

- (a) in accordance with sub-section (1), an appeal under section 7 of the Seamen's War Pensions and Allowances Act in respect of a decision of a Pensions Committee has been treated as an application duly made to the Veterans' Review Board under section 35 of that Act as amended by this Act to review that decision; and
- (b) the decision of the Pensions Committee has been reviewed by the Veterans' Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,

as the case may be.

“(10) Where—

- (a) in accordance with sub-section (3), an application under Part IV of the Seamen's War Pensions and Allowances Act in respect of a decision of the Commission or of a Pensions Committee has been treated as an application duly made to the Veterans' Review Board under section 35 of that Act as amended by this Act to review that decision; and
- (b) the decision of the Commission, or of the Pensions Committee, as the case may be, has been reviewed by the Veterans' Review Board and affirmed or set aside,

then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,

as the case may be.

“(11) Where—

- (a) a person has made an application under section 35 of the Seamen's War Pensions and Allowances Act as amended by this Act for the review by the Veterans' Review Board of a decision of the Commission or of a Pensions Committee to which sub-section (4) applies; and
- (b) the decision of the Commission, or of the Pensions Committee, as the case may be, has been reviewed by the Veterans' Review Board and affirmed or set aside,

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then, subject to section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review—

- (c) of the decision that was so affirmed; or
- (d) of the decision made by the Veterans' Review Board in substitution for the decision so set aside,

as the case may be.”.

Service of copy of decision

94. Section 61 of the Principal Act is amended by omitting sub-section (3).

PART XVI—AMENDMENT OF THE REPATRIATION (SPECIAL OVERSEAS SERVICE) ACT 1962

Principal Act

95. The *Repatriation (Special Overseas Service) Act 1962*¹⁵ is in this Part referred to as the Principal Act.

Delegation

96. Section 13 of the Principal Act is amended by omitting from sub-section (1) “Department” and substituting “Australian Public Service”.

PART XVII—AMENDMENTS OF THE SEAMEN'S WAR PENSIONS AND ALLOWANCES ACT 1940

Principal Act

97. The *Seamen's War Pensions and Allowances Act 1940*¹⁶ is in this Part referred to as the Principal Act.

Application of certain provisions of Part IIIA of Repatriation Act

98. Section 37 of the Principal Act is amended by omitting from sub-section (1) “, section 107VG and sub-section 107VJ (2)” and substituting “and section 107VG”.

Delegation by Commission

99. Section 57A of the Principal Act is amended by omitting from sub-section (1) “Department” and substituting “Australian Public Service”.

PART XVIII—AMENDMENTS OF THE SOCIAL SECURITY ACT 1947

Principal Act

100. The *Social Security Act 1947*¹⁷ is in this Part referred to as the Principal Act.

Interpretation

101. Section 6 of the Principal Act is amended—

(a) by inserting after the definition of “benevolent home” in sub-section (1) the following definition:

“ ‘child’ means a person who—

(a) is under the age of 16 years; or

(b) is a student child;”;

(b) by inserting after the definition of “de facto spouse” in sub-section (1) the following definition:

“ ‘dependent child’, in relation to a person means—

(a) a child under the age of 16 years who—

(i) is in the custody, care and control of the person;
or

(ii) where no other person has the custody, care and control of the child—is wholly or substantially in the care and control of the person; or

(b) a student child, not being the spouse of the person, who is wholly or substantially dependent upon the person;”;

(c) by omitting “a child of whom the person has the custody, care and control” from paragraph (g) of the definition of “income” in sub-section (1) and substituting “a dependent child of the person”;

(d) by omitting from paragraph (m) of the definition of “income” in sub-section (1) all the words after “Programs,” and substituting the following:

“to the extent that the payment includes one or more of the following amounts:

(i) an amount calculated by reference to a rate of unemployment benefit under Part VII;

(ii) an amount known as the training component;

(iii) an amount by way of a living away from home allowance;”;

(e) by inserting after paragraph (m) of the definition of “income” in sub-section (1) the following paragraph:

“(ma) a payment received by the person under the scheme known as the New Enterprise Incentive Scheme;”;

(f) by inserting after the definition of “spouse” in sub-section 6 (1) the following definitions:

“ ‘spouse carer’s pension’ means a pension under Division 6 of Part III;

‘student child’ means a person who—

(a) has attained the age of 16 years but who has not attained the age of 25 years; and

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

‘supporting parent’s benefit’ means a benefit under Part IVAAA;”;

(g) by inserting after sub-section (1) the following sub-section:

“(1A) For the purposes of the definition of ‘dependent child’ in sub-section (1), a person shall not be taken to have the custody of a child unless the person, whether alone or jointly with another person, has the right to have, and to make decisions concerning, the daily care and control of the child.”; and

(h) by adding at the end the following sub-sections:

“(5) For the purposes of this Act, the Thursday that fell on 10 January 1985 and each succeeding alternate Thursday are pension pay-days.

“(6) Notwithstanding any other provision of this Act, a child shall not be treated, for the purposes of Part III, IV, IVAAA or VII, as a dependent child in relation to a person who is claiming or receiving a pension under Part III or IV, a benefit under Part IVAAA or VII or an allowance under Part VIIA or VIII, as the case may be, unless—

- (a) the child is living in Australia, whether or not the child is temporarily absent from Australia;
- (b) the child is living outside Australia, the person is living in Australia, the day that is the relevant day in relation to the person in respect of the child has not occurred and the Secretary is satisfied that it is likely that the person will bring the child to live in Australia on or before that day; or
- (c) where the person is claiming or receiving a pension under Part III or IV, a benefit under Part IVAAA or an allowance under Part VIIA or VIII—the child is living with the person outside Australia.

“(7) Subject to sub-section (8), the relevant day, for the purposes of sub-section (6), in relation to a person in respect of a child, is the day that falls on the fourth anniversary of the earliest day that was a day on which—

- (a) the person was living in Australia;
- (b) the child was living outside Australia; and
- (c) the child was a dependent child of the person.

“(8) Where, for any special reason in any particular case, the Secretary is of the opinion that, for the purposes of sub-section (6), the relevant day in relation to a person in respect of a child should be a later day than the day that would, but for this sub-section, be that relevant day, the Secretary may, by writing, determine that, for the purposes of that sub-section, that later day is the relevant day in relation to that person in respect of that child.”.

Qualifications for age pension

102. Section 21 of the Principal Act is amended by omitting from sub-section (2) all the words from and including “the period” to and including “excess” and substituting “the person shall, for the purposes of sub-section (1), be taken to have been continuously resident in Australia for a period of 10 years”.

Conditions of grant of invalid pension

103. Section 25 of the Principal Act is amended by omitting from sub-section (2A) all the words from and including “the period” to and including “excess” and substituting “the person shall, for the purposes of sub-section (2), be taken to have been continuously resident in Australia for a period of 10 years”.

Rate of age or invalid pension

104. Section 28 of the Principal Act is amended—

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

“(b) if the person would be so eligible to receive an invalid pension, the maximum rate of age or invalid pension that is payable to the person shall not be increased by an amount under sub-section (1AA), or by an amount under sub-section (1B), that exceeds the amount that would, if the person were not permanently blind, be the amount (if any) of the increase by virtue of sub-section (1AA), or sub-section (1B), as the case may be, that would, in accordance with sub-section (2AAA), be taken to be included in, or to make up, the annual rate of the person’s age or invalid pension as reduced in accordance with sub-section (2).”; and

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

“(2AAA) Where—

(a) the maximum rate of age or invalid pension that is payable to a person is increased under sub-section (1B), or if sub-sections (1AA) and (1B) apply to the person, under both of those sub-sections; and

(b) the annual rate of that pension is reduced by an amount in accordance with sub-section (2),

the annual rate as so reduced (in this sub-section called the ‘reduced rate’) shall be taken to include, or to be made up of, as the case requires—

(c) if the maximum rate is so increased under sub-section (1B) only and the amount of that increase is less than or equal to the amount of the reduced rate—an amount by virtue of sub-section (1B) that is equal to the amount of the increase under sub-section (1B);

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- (d) if the maximum rate is so increased under sub-section (1B) only and the amount of that increase exceeds the amount of the reduced rate—an amount by virtue of sub-section (1B) that is equal to the amount of the reduced rate;
- (e) if the maximum rate is so increased under both sub-sections (1AA) and (1B) and the total of those increases is less than or equal to the amount of the reduced rate—an amount by virtue of sub-section (1AA) that is equal to the amount of the increase under sub-section (1AA) and an amount by virtue of sub-section (1B) that is equal to the amount of the increase under sub-section (1B);
- (f) if the maximum rate is so increased under both sub-sections (1AA) and (1B), the total of those increases exceeds the amount of the reduced rate and the amount of the increase under sub-section (1B) is less than or equal to the amount of the reduced rate—an amount by virtue of sub-section (1B) that is equal to the amount of the increase under sub-section (1B) and an amount by virtue of sub-section (1AA) that is equal to the amount (if any) by which the amount of the reduced rate exceeds the amount of the increase under sub-section (1B); or
- (g) if the maximum rate is so increased under sub-sections (1AA) and (1B), the total of those increases exceeds the amount of the reduced rate and the amount of the increase under sub-section (1B) exceeds the amount of the reduced rate—an amount by virtue of sub-section (1B) that is equal to the amount of the reduced rate.”.

Payment of allowance

105. Section 88 of the Principal Act is amended by inserting in sub-section (6) “, or the person’s spouse,” after “the person”.

Qualification for family allowance

106. Section 96 of the Principal Act is amended—

- (a) by omitting sub-section (2) and substituting the following sub-sections:

“(2) Where the Secretary is satisfied that a claimant is likely to remain permanently in Australia, sub-paragraph (1) (a) (ii) does not apply to the claimant’s claim for family allowance.

“(2A) Where the Secretary is satisfied that a child in respect of whom a claim for family allowance has been made is likely to remain permanently in Australia, sub-paragraph (1) (b) (ii) does not apply to the claim for family allowance.

“(2B) Where a claim for a family allowance relates to a child who is a dependent child of a member, or the spouse of a member, of the Naval, Military or Air Forces of the United Kingdom who is serving with the Defence Force, sub-paragraphs (1) (a) (ii) and (b) (ii) do not apply to the claim for family allowance.”;

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(b) by omitting sub-section (5) and substituting the following sub-section:

“(5) Where—

- (a) a person makes a claim for a family allowance that relates to a dependent child who is living outside Australia;
- (b) the day that is the relevant day in relation to the person in respect of the child has not occurred; and
- (c) the Secretary is satisfied that it is likely that the person will bring the child to live in Australia on or before that day,

paragraph (1) (b) does not apply to the claim for family allowance.”;

and

(c) by adding at the end the following sub-sections:

“(7) Subject to sub-section (8), the relevant day, for the purposes of sub-section (5), in relation to a person in respect of a child, is the day that falls on the fourth anniversary of the earliest day that was a day on which—

- (a) the person was living in Australia;
- (b) the child was living outside Australia; and
- (c) the child was a dependent child of the person.

“(8) Where, for any special reason in any particular case, the Secretary is of the opinion that, for the purposes of sub-section (5), the relevant day in relation to a person in respect of a child should be a later day than the day that would, but for this sub-section, be that relevant day, the Secretary may determine that, for the purposes of that sub-section, that later day is the relevant day in relation to that person in respect of that child.”.

Family allowance to cease in certain circumstances

107. Section 103 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

“(3) Where a family allowance is payable to a person in respect of a child who is living outside Australia by virtue of sub-section 96 (5) and—

- (a) the child has not, on or before the day that is the relevant day for the purposes of that sub-section in relation to that person in respect of that child, been brought to live in Australia; or
- (b) at any time before that day the Secretary becomes satisfied that it is not likely that the person will bring the child to live in Australia on or before that day,

the family allowance ceases to be payable.”.

Rate of unemployment and sickness benefit

108. Section 112 of the Principal Act is amended—

- (a) by omitting from sub-paragraph (1) (aa) (ii) “or”;

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- (b) by omitting sub-paragraph (1) (aa) (iii) and substituting the following sub-paragraphs:
 - “(iii) was a person in continuous full-time training under a program included in the programs known as the Labour Force Programs and who received payments by way of remuneration in respect of that training;
 - (iv) was a person who received payments under the program known as the Adult Migrant Education Program; or
 - (v) was a person to whom 2 or more of the preceding paragraphs applied successively,”; and
- (c) by omitting from paragraph 112 (1) (aa) “neither sub-paragraph (i) nor (ii) applied” and substituting “neither sub-paragraph (i), (ii), (iii) nor (iv) applied”.

Rent assistance

109. Section 112A of the Principal Act is amended by omitting sub-paragraphs (b) (i) and (ii) of the definition of “prescribed period” in sub-section (1) and substituting the following sub-paragraphs:

- “(i) an allowance under section 26, 30A, 65A (including that section as applied for the purposes of Part IVAAA) or 133JA;
- (ii) a rehabilitation allowance under Part VIII the amount of which was calculated by reference to an allowance referred to in sub-paragraph (i); or
- (iii) an allowance under section 9 of the *Tuberculosis Act 1948* the amount of which was calculated by reference to the amount of rent paid by the person.”

Limitation of amount payable as sickness benefit

110. Section 113 of the Principal Act is amended by adding at the end the following sub-section:

“(2) For the purposes of this section, ‘income’ includes a payment received by a person under the scheme known as the New Enterprise Incentive Scheme.”

Persons eligible to be paid rehabilitation allowance

111. (1) Section 135B of the Principal Act is amended—

- (a) by inserting in sub-section (1) “(not being an unmarried person under the age of 16 years)” after “person” (first occurring); and
- (b) by omitting from sub-section (3) “, supplementary assistance or supplementary allowance” and substituting “or an allowance by way of rent assistance”.

(2) Where, immediately before the commencement of this section, a person was receiving a rehabilitation allowance under Part VIII of the Principal Act as then in force, the person shall, notwithstanding the amendment made by sub-section (1), continue to be eligible to receive that allowance after that

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commencement for so long as the allowance would have continued without interruption to be payable to the person had that amendment not been made.

Making and lodgment of claims, &c.

112. Section 135TB of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:

“(2) Where—

- (a) a claim is lodged for the payment to a person of a pension under Part III or IV or of a benefit under Part IVAAA;
- (b) on the day on which the claim is lodged, the person is not qualified to receive the pension or benefit; and
- (c) during the period of 3 months commencing immediately after the day on which the claim is lodged, there occurs a later day on which, if the claim had been lodged on the later day, the person would have been qualified to receive that pension or benefit, or there occur 2 or more such later days,

the claim shall, for the purposes of this Act, be deemed to have been lodged on that later day or on the earlier or earliest of those later days.

“(3) Where—

- (a) a claim is lodged for the payment to a woman of a pension under Part IV;
- (b) the day on which the claim is lodged occurs within a period of 3 months commencing immediately after the day on which—
 - (i) the woman’s husband, or the man in respect of whom the woman was a dependent female, died; or
 - (ii) the woman, being a widow, gave birth to a child; and
- (c) during that period, there occurred a previous day on which, if the claim had been lodged on the previous day, the woman would have been qualified to receive that pension, or there occurred 2 or more such previous days,

the claim shall, for the purposes of this Act, be deemed to have been lodged on that previous day or on the earlier or earliest of those previous days.

“(4) Where—

- (a) a claim is lodged for the payment to a woman who is a class C widow of a pension under Part IV; and
- (b) the day on which the claim is lodged occurs—
 - (i) after the expiration of the period of 3 months commencing immediately after the day on which the woman’s husband, or the man in respect of whom the woman was a dependant female, died; and

- (ii) before the expiration of the period of 3 months commencing immediately after the day on which the woman became a class C widow,

the claim shall, for the purposes of this Act, be deemed to have been lodged on the day on which the woman became a class C widow.

“(5) Where—

- (a) a claim is made for the payment to a person of a pension, allowance, benefit or other payment under this Act, under another Act or under a program administered by the Commonwealth; and
- (b) the Secretary considers it reasonable that the claim should be treated as if it were a claim for the payment to the person of some other pension, allowance or benefit (being a pension, allowance or benefit under this Act that is similar in character to the pension, allowance, benefit or other payment to which the claim relates and for which the person, in the circumstances, might properly have made a claim),

the Secretary may, if a claim is lodged for the payment to the person of that other pension, allowance or benefit, treat the first-mentioned claim as if it were a claim for that other pension, allowance or benefit, and, where the Secretary does so, the first-mentioned claim shall be deemed to be a claim, made and lodged in accordance with the requirements of this Act and containing the particulars set out in the second-mentioned claim, for the payment to the person of that other pension, allowance or benefit.

“(6) In this section, the expressions ‘class C widow’, ‘dependent female’, ‘husband’ and ‘widow’ have the same respective meanings as in Part IV.”.

113. After section 135TB of the Principal Act the following section is inserted:

Payment and calculation of instalments of certain pensions, &c.

“135TBA. (1) In this section—

‘allowance’ means an allowance under section 26, 30A or 65A or under Part VIIA or VIII;

‘pension’ means a pension under Part III or IV or a benefit under Part IVAAA;

‘relevant combination of instalments’ means—

- (a) an instalment of a pension under Part III and an instalment of an allowance under section 26 or 30A;
- (b) an instalment of a pension under Part IV and an instalment of an allowance under section 65A; or
- (c) an instalment of a benefit under Part IVAAA and an instalment of an allowance under section 65A as applied for the purposes of that Part;

‘war pension’ means a pension (other than a service pension), an amount and an allowance (other than an allowance for an attendant) payable under the *Repatriation Act 1920*, the *Repatriation (Far East*

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Strategic Reserve) Act 1956 or the Repatriation (Special Overseas Service) Act 1962.

“(2) Where a person who is entitled to receive a pension is in Australia, an instalment of the pension is, subject to sub-section (3), payable to the person on each pension pay-day on which the person is so entitled.

“(3) Where a person became entitled to receive a pension on a pension pay-day or pension pay-days that occurred before the day (in this sub-section referred to as the ‘relevant day’) on which, but for the operation of section 135TB, the person would have become entitled to receive that pension, any instalment of that pension that, but for this sub-section, would be payable to the person on that pension pay-day or those pension pay-days is payable to the person—

- (a) if the relevant day is a pension pay-day—on the relevant day; or
- (b) in any other case—on the first pension pay-day occurring after the relevant day.

“(4) For the purposes of this Act, a person shall be taken to be in receipt of a pension or an allowance from the earliest day on which the person is entitled to be paid the pension or allowance notwithstanding that the first instalment of the pension or allowance may not be paid until a later day.

“(5) An allowance is payable from a day (being a pension pay-day) determined by the Secretary, which may be a day before the day on which the determination is made.

“(6) Where a person who is entitled to receive an allowance is in Australia, an instalment of the allowance is, subject to sub-section (7), payable to the person on the day determined by the Secretary under sub-section (5) as the day from which the allowance is payable and on each succeeding pension pay-day on which the person is so entitled.

“(7) Where the day determined by the Secretary under sub-section (5) as the day from which an allowance is payable to a person is a day before the day on which the determination was made (in this sub-section referred to as the ‘determination day’), any instalment of the allowance that, but for this sub-section, would be payable to the person on a pension pay-day that occurred before the determination day is payable to the person—

- (a) if the determination day is a pension pay-day—on the determination day; or
- (b) in any other case—on the first pension pay-day occurring after the determination day.

“(8) Where a person who is entitled to receive a pension, or an allowance under Part VIII, is outside Australia, an instalment of the pension or allowance is payable to the person—

- (a) in the case of a pension—in respect of each pension pay-day on which the person is entitled to receive the pension; or

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- (b) in the case of an allowance under Part VIII—in respect of the day determined by the Secretary under sub-section (5) in relation to the payment to the person of the allowance and in respect of each succeeding pension pay-day on which the person is entitled to receive the allowance,

and payment of instalments of a pension, or of an allowance under that Part, that are so payable to a person who is outside Australia shall be made on such pension pay-days as the Secretary determines for the purposes of this sub-section.

“(9) Subject to sub-section (10), the amount of an instalment of a pension or an allowance under section 30A or 65A shall be ascertained by dividing the amount of the annual rate of the pension or allowance by 26.

“(10) If the amount, calculated in accordance with sub-section (9), of an instalment of an age or invalid pension that is payable on a pension pay-day to a person who is permanently blind (other than a person who has attained the age of 70 years and is in receipt of, or is qualified to receive, an age pension) and is receiving a war pension, exceeds the greater of—

- (a) the amount that would be the amount so calculated if the person were not a permanently blind person but were permanently incapacitated for work; and
- (b) the amount that is—
 - (i) in the case of an unmarried person—
 - (A) where sub-sub-paragraph (B) does not apply—the amount by which the amount of the rate per fortnight of the person’s war pension is less than the amount of the rate per fortnight specified in Schedule 2 to the *Repatriation Act 1920* as the rate for special pensions; or
 - (B) where the person has at least one dependent child—the amount by which the amount of the rate per fortnight of the person’s war pension is less than the sum of the amount of the rate per fortnight specified in Schedule 2 to the *Repatriation Act 1920* as the rate for special pensions and \$28; or
 - (ii) in the case of a married person—
 - (A) where sub-sub-paragraph (B) does not apply—25% of the amount by which the sum of the amount of the rate per fortnight of the person’s war pension and the amount of the rate per fortnight of the war pension (if

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any) payable to the person's spouse is less than the amount calculated in accordance with the formula—

$$\frac{2(2P + \$1,300)}{26},$$

where **P** is the amount of the rate per annum of age or invalid pension specified in sub-section 28 (1A) that is applicable to the person; or

- (B) where the person has at least one dependent child—25% of the amount by which the sum of the amount of the rate per fortnight of the person's war pension and the amount of the rate per fortnight of the war pension (if any) payable to the person's spouse is less than the amount calculated in accordance with the formula—

$$\frac{2(2P + \$2,028)}{26},$$

where **P** is the amount of the rate per annum of age or invalid pension specified in sub-section 28 (1A) that is applicable to the person,

the amount of the instalment of age or invalid pension that is payable to the person on that pension pay-day is the greater of the amounts referred to in paragraphs (a) and (b).

“(11) The amount of an instalment of an allowance under section 26, 133JA or 135D is twice the amount of the weekly rate of the allowance.

“(12) Where a relevant combination of instalments is payable to a person on a pension pay-day, there is payable to that person on that pension pay-day, in lieu of the instalments that make up that combination, an amount equal to the sum of those instalments.

“(13) Where an amount, being—

- (a) an amount that is payable to a person on a pension pay-day in accordance with sub-section (12); or
- (b) an amount that is an instalment of a pension or allowance (other than an instalment that is included in a relevant combination of instalments to which that sub-section applies) that is payable to a person on a pension pay-day,

is not a multiple of 10 cents, the amount shall be increased or decreased to the nearest multiple of 10 cents, except where the amount is a multiple of 5 cents in which case it shall be increased by 5 cents.

“(14) If an amount of a kind referred to in paragraph (13) (a) or (b) (including such an amount as increased or decreased in accordance with sub-section (13)), is less than \$1, the amount shall be increased to \$1.”

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

114. Section 135TD of the Principal Act is amended—

(a) by inserting after the definition of “credit union” in sub-section (1) the following definition:

“ ‘garnishee order’ means an order of a court in the nature of a garnishee order or an order for attachment; ”; and

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

“(7) Where—

(a) a garnishee order is in force in respect of an account maintained by a pensioner, whether alone or jointly or in common with another person, with a bank, credit union or building society, being an account to which moneys received on deposit are credited; and

(b) a direction under sub-section (2) is in force under which the whole or a part of a pension is to be paid to the credit of that account,

then, at any particular time at which that order is in force in respect of that account, an amount equal to the sum of the amounts paid to the credit of that account pursuant to that direction during the period commencing at the time at which the order first came into force in respect of that account, or the time at which this sub-section commences, whichever is the later, and ending at that particular time, reduced by an amount equal to the sum of the amounts (if any) withdrawn from the account (other than pursuant to that order) during the period commencing immediately after the time at which the first of those amounts was so paid and ending at that particular time, shall be deemed, for the purposes of the garnishee order, not to constitute a debt owing by the bank, credit union or building society to the pensioner, or, if that account is maintained by the pensioner jointly or in common with another person, to the pensioner and that other person.”.

Power to obtain information, &c.

115. Section 135TF of the Principal Act is amended by inserting in sub-section (1) “or the liability of that person or any other person to pay an amount to the Secretary under section 135R, or to the Commonwealth under sub-section 115B (3), 115C (5) or (6) or 115D (6),” after “any other person,”.

Payment of pension, benefit, &c., during term of imprisonment, &c.

116. Section 135THA of the Principal Act is amended—

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

“(b) the person is—

(i) imprisoned in connection with his or her conviction for an offence; or

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- (ii) confined in a psychiatric institution, whether by order of a court or otherwise, in consequence of having been charged with the commission of an offence; and”;
- (b) by inserting in paragraph (2) (c) “or confinement” after “imprisonment”;
- (c) by omitting paragraph (4) (b) and substituting the following paragraph:
 - “(b) the person is—
 - (i) imprisoned in connection with his or her conviction for an offence; or
 - (ii) confined in a psychiatric institution, whether by order of a court or otherwise, in consequence of having been charged with the commission of an offence.”;
- (d) by inserting in sub-section (4) “or confined” after “imprisoned” (last occurring);
- (e) by omitting paragraph (5) (a) and substituting the following paragraph:
 - “(a) a person would be eligible to be paid an allowance under Part VIIA but for—
 - (i) the imprisonment of the person in connection with his or her conviction for an offence; or
 - (ii) the confinement of the person in a psychiatric institution, whether by order of a court or otherwise, in consequence of having been charged with the commission of an offence.”;
- (f) by inserting in paragraph (5) (b) “or confinement” after “imprisonment”;
- (g) by inserting in sub-section (5) “or confined” after “imprisoned” (wherever occurring); and
- (h) by adding at the end the following sub-section:
 - “(7) In this section, a reference to a psychiatric institution shall be read as including a reference to a psychiatric section of a hospital and to any other place where persons with psychiatric disorders are, from time to time, confined.”.

Offences

117. Section 138 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) An offence against sub-section (1) is an offence punishable on summary conviction by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months.”.

Indictable offences

118. Section 138A of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) An offence against sub-section 17 (2) is an indictable offence and, subject to sub-section (3), is punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years.”.

119. After section 139 of the Principal Act the following sections are inserted:

Payments received under the New Enterprise Incentive Scheme—effect where recipient is in receipt of a particular pension, benefit or allowance and spouse of recipient is not in receipt of wife’s pension or spouse carer’s pension

“139A. (1) This section applies to a person in respect of a pension period if—

- (a) the person is entitled to receive, during that pension period, a payment being—
 - (i) an instalment of a pension under Part III or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of such a pension and an instalment of an allowance under section 26 or 30A;
 - (ii) an instalment of a pension under Part IV or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of such a pension and an instalment of an allowance under section 65A;
 - (iii) an instalment of a benefit under Part IVAAA or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of such a pension and an instalment of an allowance under section 65A as applied for the purposes of that Part;
 - (iv) a payment of a benefit under Part VII; or
 - (v) a payment of an allowance under Part VIIA or VIII;
- (b) the person is entitled to receive, during that pension period, a payment under the scheme known as the New Enterprise Incentive Scheme; and
- (c) in a case where the person is a married person, the spouse of the person is not entitled to receive, during that period—
 - (i) if the person is a male married person—an instalment of a wife’s pension or a payment under sub-section 135TBA (12) in lieu of instalments being an instalment of a wife’s pension and an instalment of an allowance under section 30A; or
 - (ii) if the person is a female married person—an instalment of a spouse carer’s pension or a payment under sub-section 135TBA (12) in lieu of instalments being an instalment of a spouse carer’s pension and an instalment of an allowance under section 30A.

“(2) Where this section applies to a person in respect of a pension period, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in paragraph (1) (a) that the person is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount of the payment referred to in paragraph (1) (b) that the person is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount of the second payment; or
- (b) in any other case—the amount of the first payment shall be reduced to nil.

“(3) In this section, ‘pension period’ means a period commencing immediately after a pension pay-day and ending at the expiration of the next succeeding pension pay-day.

Payments received under the New Enterprise Incentive Scheme—effect where spouse of recipient is in receipt of wife’s pension or spouse carer’s pension

“139B. (1) This section applies to a husband and the wife of that husband in respect of a pension period if—

- (a) the husband is entitled to receive, during that pension period—
 - (i) a payment being—
 - (A) an instalment of a pension under Part III or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of such a pension and an instalment of an allowance under section 26 or 30A; or
 - (B) an instalment of an allowance under Part VIII; and
 - (ii) a payment under the scheme known as the New Enterprise Incentive Scheme; and
- (b) the wife is entitled to receive, during that pension period, a payment being an instalment of a wife’s pension or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of a wife’s pension and an instalment of an allowance under section 30A.

“(2) This section applies to a wife and the husband of that wife in respect of a pension period by virtue of this sub-section if—

- (a) the wife is entitled to receive, during that period—
 - (i) a payment being—
 - (A) an instalment of a pension under Part III or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of such a pension and an instalment of an allowance under section 26 or 30A; or
 - (B) an instalment of an allowance under Part VIII; and
 - (ii) a payment under the scheme known as the New Enterprise Incentive Scheme; and

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- (b) the husband is entitled to receive, during that period, an instalment of a spouse carer's pension or a payment under sub-section 135TBA (12) in lieu of instalments, being an instalment of a spouse carer's pension and an instalment of an allowance under section 30A.

“(3) Where, by virtue of sub-section (1), this section applies to a husband in respect of a pension period, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in sub-paragraph (1) (a) (i) that the husband is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (1) (a) (ii) that the husband is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or
- (b) in any other case—the first payment shall be reduced to nil.

“(4) Where, by virtue of sub-section (1), this section applies to the wife of a husband in respect of a pension period, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in paragraph (1) (b) that the wife is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (1) (a) (ii) that the husband is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or
- (b) in any other case—the first payment shall be reduced to nil.

“(5) Where, by virtue of sub-section (2), this section applies to a wife in respect of a pension period, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in sub-paragraph (2) (a) (i) that the wife is entitled to receive during that period (in this sub-section referred to as the ‘first payment’) is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (2) (a) (ii) that the wife is entitled to receive during that period (in this sub-section referred to as the ‘second payment’)—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or
- (b) in any other case—the first payment shall be reduced to nil.

“(6) Where, by virtue of sub-section (2), this section applies to a husband of a wife in respect of a pension period, then—

- (a) in a case where the amount that, but for this sub-section, would be the amount of the payment referred to in paragraph (2) (b) that the

husband is entitled to receive during that period (in this sub-section referred to as the 'first payment') is higher than the amount that is one-half of the amount of the payment referred to in sub-paragraph (2) (a) (ii) that the wife is entitled to receive during that period (in this sub-section referred to as the 'second payment')—the amount of the first payment shall be reduced by deducting the amount that is one-half of the amount of the second payment; or

(b) in any other case—the first payment shall be reduced to nil.

“(7) In this section, 'pension period' has the same meaning as in section 139A.

Payments received under the New Enterprise Incentive Scheme—effect where spouse of recipient is in receipt of a particular benefit or allowance

“139C. (1) This section applies to a person in respect of a pension period by virtue of this sub-section if—

- (a) the person is entitled to receive, during that pension period, a payment of a benefit under Part VII;
- (b) the person is a married person for the purposes of that Part;
- (c) the person who is the spouse of the person for the purposes of that Part is entitled to receive, during that pension period, a payment under the scheme known as the New Enterprise Incentive Scheme; and
- (d) the amount of the payment referred to in paragraph (a) includes an amount of increase under sub-section 112 (2).

“(2) This section applies to a person in respect of a pension period by virtue of this sub-section if—

- (a) the person is entitled to receive, during that pension period, a payment of a sheltered employment allowance under Part VIIA or a rehabilitation allowance under Part VIII;
- (b) the person is a married person;
- (c) the person who is the spouse of that person is entitled to receive, during that pension period, a payment under the scheme known as the New Enterprise Scheme; and
- (d) the amount of the payment referred to in paragraph (a) includes—
 - (i) if the payment is a payment of a sheltered employment allowance under Part VIIA—an amount in accordance with paragraph 133J (b); or
 - (ii) if the payment is a payment of a rehabilitation allowance under Part VIII—an amount in accordance with sub-paragraph 135BA (1) (b) (ii).

“(3) Where this section applies to a person in respect of a pension period by virtue of sub-section (1), there shall be deducted from the amount of the

payment referred to in paragraph (1) (a) that the person is entitled to receive during that period an amount equal to the lesser of—

- (a) the amount of the payment referred to in paragraph (1) (c) that the person is entitled to receive during that period; and
- (b) the amount referred to in paragraph (1) (d) that is included in the amount of the payment referred to in paragraph (1) (a) that the person is entitled to receive during that period.

“(4) Where this section applies to a person in respect of a pension period by virtue of sub-section (2), there shall be deducted from the amount of the payment referred to in paragraph (2) (a) that the person is entitled to receive during that period an amount equal to the lesser of—

- (a) the amount of the payment referred to in paragraph (2) (c) that the person is entitled to receive during that period; and
- (b) the amount referred to in paragraph (2) (d) that is included in the amount of the payment referred to in paragraph (2) (a) that the person is entitled to receive during that period.

“(5) In this section, ‘pension period’ has the same meaning as in section 139A.”.

Minor and consequential amendments

120. The Principal Act is amended as set out in Schedule 4.

Further amendments related to the change in title from Director-General of Social Security to Secretary to the Department of Social Security

121. The Principal Act is further amended as set out in Schedule 5.

Transitional

122. (1) Where—

- (a) a determination made under section 83AG of the Principal Act was in force immediately before the commencement of this section; and
- (b) that determination provides for the payment of instalments of a relevant pension, benefit or allowance on days that are pension pay-days for the purposes of the Principal Act as amended and in force after the commencement of this section,

the determination has effect after the commencement of this section as if it had been made by the Secretary for the purposes of sub-section 135TBA (8) of the Principal Act as amended and in force after the commencement of this section.

(2) In this section, “relevant pension, benefit or allowance” means a pension, benefit or allowance to which sub-section 135TBA (8) of the Principal Act as amended and in force after the commencement of this section applies.

Application

123. (1) Where an amendment of the *Social Security Act 1947* made by a provision of this Part affects instalments or payments of a pension, benefit or allowance under that Act, the amendment applies in relation to each

instalment of the pension, benefit or allowance that falls due on or after the commencement of that provision.

(2) Where—

- (a) before the commencement of this section, a claim was made and lodged in accordance with the requirements of the Principal Act as then in force for the payment to a person of a pension under Part III or IV, or a benefit under Part IVAAA, of that Act; and
- (b) during the period commencing on the day on which the claim is lodged and ending immediately before the commencement of this section, no payment of the pension or benefit claimed has been made to the person or to another person on behalf of the person,

the Principal Act as amended and in force after the commencement of this section applies to the claim for the payment to the person of the pension or benefit.

(3) Notwithstanding the amendments made by sections 117 and 118, section 138A of the Principal Act as in force immediately before the commencement of this section continues to apply in relation to offences against sub-section 138 (1) of that Act in respect of which proceedings had been commenced before the commencement of this section but sub-section 138 (1A) of the Principal Act as amended and in force after the commencement of this section applies in relation to all other offences against sub-section 138 (1) of that Act.

Saving—certain children to be treated as dependent children

124. (1) Notwithstanding sub-section 6 (6) of the Principal Act as amended and in force after the commencement of this section, a child living outside Australia who is a dependent child of a person who is in receipt of, or who is a claimant for, an age pension or an invalid pension, shall be treated, for the purposes of Part III of the Principal Act as amended and in force after that commencement, as a dependent child of that person if—

- (a) on the day (in this sub-section referred to as the “relevant day”) immediately before the day on which this section comes into operation, the child was, by virtue of paragraph 18B (c) of the Principal Act as in force on the relevant day, treated, for the purposes of that Part, as a child in relation to the person;
- (b) the maximum rate of age pension or invalid pension, as the case may be, applicable to the person on the relevant day was a rate increased by a rate in respect of that child;
- (c) the period of 4 years commencing on the first day on which age pension or invalid pension, as the case may be, was paid to the person at a maximum rate increased by a rate in respect of the child has not expired; and
- (d) the Secretary continues to be satisfied that the person intends to bring the child to live in Australia as soon as it is reasonably practicable to do so.

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(2) Notwithstanding sub-section 6 (6) of the Principal Act as amended and in force after the commencement of this section, a child living outside Australia who is a dependent child of a person who is in receipt of, or who is a claimant for, a widow's pension, shall be treated, for the purposes of Part IV of the Principal Act as amended and in force after that commencement, as a dependent child of that person if—

- (a) on the day (in this sub-section referred to as the “relevant day”) immediately before the day on which this section comes into operation, the child was, by virtue of paragraph 59AA (c) of the Principal Act as in force on the relevant day, treated, for the purposes of that Part, as a child in relation to the person;
- (b) the maximum rate of widow's pension applicable to the person on the relevant day was a rate increased by a rate in respect of that child;
- (c) the period of 4 years commencing on the first day on which widow's pension was paid to the person at a maximum rate increased by a rate in respect of the child has not expired; and
- (d) the Secretary continues to be satisfied that the person intends to bring the child to live in Australia as soon as it is reasonably practicable to do so.

(3) Notwithstanding sub-section 6 (6) of the Principal Act as amended and in force after the commencement of this section, a child living outside Australia who is a dependent child of a person who is in receipt of, or who is a claimant for, a supporting parent's benefit, shall be treated, for the purposes of Part IVAAA of the Principal Act as amended and in force after that commencement, as a dependent child of that person if—

- (a) on the day (in this sub-section referred to as the “relevant day”) immediately before the day on which this section comes into operation, the child was, by virtue of paragraph 83AABA (c) of the Principal Act as in force on the relevant day, treated, for the purposes of that Part, as a child in relation to the person;
- (b) the maximum rate of supporting parent's benefit applicable to the person on the relevant day was a rate increased by a rate in respect of that child;
- (c) the period of 4 years commencing on the first day on which supporting parent's benefit was paid to the person at a maximum rate increased by a rate in respect of the child has not expired; and
- (d) the Secretary continues to be satisfied that the person intends to bring the child to live in Australia as soon as it is reasonably practicable to do so.

(4) Where, immediately before the day (in this sub-section referred to as the “relevant day”) on which this section comes into operation, a family allowance under Part IV of the Principal Act was payable to a person in respect of a child (being a dependent child of the person) living outside Australia by virtue of sub-section 96 (5) of that Act as in force immediately before the relevant day, the family allowance is, subject to the Principal Act as amended

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and in force on and after the relevant day, but notwithstanding the amendments of that Act made by paragraphs 106 (b) and (c) and section 107 of this Act, payable to the person in respect of the child if—

- (a) the period of 4 years commencing on the first day in respect of which the family allowance became payable has not expired; and
- (b) the Secretary continues to be satisfied that the person intends to bring the child to live in Australia as soon as it is reasonably practicable to do so.

(5) Notwithstanding sub-section 6 (6) of the Principal Act as amended and in force after the commencement of this section, a child living outside Australia who is a dependent child of a person who is in receipt of, or who is a claimant for, an unemployment benefit or a sickness benefit under Part VII of the Principal Act shall be treated, for the purposes of that Part of the Principal Act as amended and in force after that commencement, as a dependent child of that person if—

- (a) on the day (in this sub-section referred to as the “relevant day”) immediately before the day on which this section comes into operation, the child was, by virtue of paragraph 106A (b) of the Principal Act as in force on the relevant day, treated, for the purposes of that Part, as a child in relation to the person;
- (b) the maximum rate of unemployment benefit, or sickness benefit, as the case may be, applicable to the person on the relevant day was a rate increased by a rate in respect of that child;
- (c) the period of 4 years commencing on the first day on which unemployment benefit, or sickness benefit, as the case may be, was paid to the person at a maximum rate increased by a rate in respect of the child has not expired; and
- (d) the Secretary continues to be satisfied that the person intends to bring the child to live in Australia as soon as it is reasonably practicable to do so.

(6) In this section, the expressions “age pension”, “dependent child”, “invalid pension”, “supporting parent’s benefit” and “widow’s pension”, have the same respective meanings as in the Principal Act as amended and in force after the commencement of this section.

**PART XIX—AMENDMENTS OF THE SOCIAL SECURITY AND
REPATRIATION (BUDGET MEASURES AND ASSETS TEST) ACT
1984**

Principal Act

125. The *Social Security and Repatriation (Budget Measures and Assets Test) Act 1984*¹⁸ is in this Part referred to as the Principal Act.

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Application of amendments

126. Section 51 of the Principal Act is amended by inserting in sub-section (2) “, in so far as they affect instalments or payments of pension, benefit or allowance under that Act,” after “Division”.

Interpretation

127. Section 54 of the Principal Act is amended by omitting from paragraph (a) “of ‘income’ ” and substituting “of ‘Income’ ”.

**PART XX—AMENDMENT OF THE SOCIAL SECURITY
LEGISLATION AMENDMENT ACT 1983**

Principal Act

128. The *Social Security Legislation Amendment Act 1983*¹⁹ is in this Part referred to as the Principal Act.

Amendment of Schedule 1

129. Schedule 1 to the Principal Act is amended by omitting from item 7 paragraphs (a) and (b) in the column of the Schedule headed “Amendment” and substituting the following paragraphs:

- “(a) Add at the end of paragraph (a) ‘and’.
- (b) Omit from paragraph (d) ‘and’.”.

SCHEDULE 1

FORMAL AMENDMENTS OF THE CHILD CARE ACT 1972

Sub-section 4 (1) (paragraph (d) of the definition of “eligible organization”)—
Omit “of this definition”.

Sub-section 4 (1) (definition of “pre-school aged child”)—
Omit “he is”, substitute “children are”.

Sub-section 5 (1) (definition of “approved project”)—
Omit “the next succeeding section”, substitute “section 6”.

Sub-section 5 (1) (definition of “the capital cost”)—
Omit “ ‘the capital cost’ ”, substitute “ ‘capital cost’ ”.

Paragraph 5 (3) (b)—
Omit “the sixteenth day of August, One thousand nine hundred and seventy-two”, substitute “16 August 1972”.

Sub-section 5 (3)—
Omit “in his discretion”, substitute “in the discretion of the Minister”.

Sub-section 6 (1)—
Omit “in his discretion”, substitute “in the discretion of the Minister”.

Sub-section 6 (2)—
(a) Omit “the last preceding sub-section”, substitute “sub-section (1)”.
(b) Omit “the sixteenth day of August, One thousand nine hundred and seventy-two”, substitute “16 August 1972”.

Sub-section 7 (1)—
Omit “in his discretion”, substitute “in the discretion of the Minister”.

Section 10—
Omit “in his discretion”, substitute “in the discretion of the Minister”.

Paragraph 11 (2) (a)—
(a) Omit “ten” (wherever occurring), substitute “10”.
(b) Omit “three”, substitute “3”.

Paragraph 11 (2) (b)—
(a) Omit “twenty” (wherever occurring), substitute “20”.
(b) Omit “three”, substitute “3”.

Sub-section 11 (4)—
Omit “eight”, substitute “8”.

Sub-section 11 (5) (definition of “quarter”)—
(a) Omit “three”, substitute “3”.
(b) Omit “the first day of January, the first day of April, the first day of July or the first day of October”, substitute “1 January, 1 April, 1 July or 1 October”.

SCHEDULE 1—continued

Sub-section 13 (1)—

Omit “in his discretion”, substitute “in the discretion of the Minister”.

Paragraph 14 (2) (b)—

Omit “him”, substitute “the Minister”.

Section 16—

Omit “he”, substitute “the Minister”.

Sub-section 20 (3)—

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

Sub-section 21 (1)—

(a) Omit “under his hand”, substitute “signed by the Minister”.

(b) Omit “his powers”, substitute “the powers of the Minister”.

Sub-section 21 (5)—

Omit “of this section”.

SCHEDULE 2

Section 44

**MINOR AMENDMENTS OF THE COMPENSATION
(COMMONWEALTH GOVERNMENT EMPLOYEES) ACT 1971**

Section 1—

Omit “1971”, substitute “1971”.

Sub-section 4 (2)—

Omit “1901-1966” (wherever occurring), substitute “1901”.

Sub-section 5 (1) (paragraph (j) of the definition of “medical treatment”)—

(a) Omit “Director-General of Social Services”, substitute “Secretary to the Department of Community Services”.

(b) Omit “*Social Services Act 1947-1971*”, substitute “*Social Security Act 1947*”.

Sub-section 5 (1) (definition of “the proclaimed date”)—

Omit “sub-section (2) of section 2”, substitute “sub-section 2 (2)”.

Sub-section 5 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 5 (4)—

Omit “sub-section (5) of section 43”, substitute “sub-section 43 (5)”.

SCHEDULE 2—continued

Sub-section 5 (5)—

Omit the sub-section, substitute the following sub-section:

“(5) In ascertaining, for the purposes of this Act whether a child is or was dependent upon an employee, any amount of—

- (a) allowance under Part VI of the *Social Security Act 1947*;
- (b) pension under Part VIA of that Act; or
- (c) allowance under Part VIB of that Act,

shall not be taken into account.”.

Sub-section 5 (10)—

Omit “sub-section (10) of section 39”, substitute “sub-section 39 (10)”.

Paragraph 7 (2) (c)—

Omit “the next succeeding sub-section”, substitute “sub-section (3)”.

Paragraph 7 (7) (b)—

Omit “1968”, substitute “1968”.

Paragraph 7 (7) (d)—

Omit “1911-1971”, substitute “1911”.

Sub-section 7 (8)—

- (a) Omit “1920-1973”, substitute “1920”.
- (b) Omit “1956-1966”, substitute “1956”.
- (c) Omit “1962-1968”, substitute “1962”.
- (d) Omit “1947-1966”, substitute “1947”.
- (e) Omit “*Native Members of the Forces Benefits Act 1957-1968*”, substitute “*Papua New Guinea (Members of the Forces Benefits) Act 1957*”.

Paragraph 7A (3) (b)—

Omit “sub-section (2) of section 4, sub-section (2) of section 7, sub-section (7) of section 45, sub-section (3) of section 46, sub-section (3) of section 52, paragraph (d) of sub-section (4) of section 52”, substitute “sub-section 4 (2), 7 (2), 45 (7), 46 (3) or 52 (3), paragraph 52 (4) (d)”.

Paragraph 7A (3) (c)—

Omit “paragraph (b) of sub-section (1) of section 123”, substitute “paragraph 123 (1) (b)”.

Paragraph 7B (1) (a)—

Omit “sub-section (2) of section 7”, substitute “sub-section 7 (2)”.

Paragraph 7B (1) (b)—

Omit “sub-section (3) of section 7”, substitute “sub-section 7 (3)”.

Sub-section 7B (3) (definition of “authority of the Northern Territory”)—

Omit “sub-section (1) of section 5”, substitute “sub-section 5 (1)”.

Sub-section 7B (3) (definition of “office of the Northern Territory”)—

Omit “sub-paragraph (ii) of paragraph (c) of sub-section (2) of section 7”, substitute “sub-paragraph 7 (2) (c) (ii)”.

SCHEDULE 2—continued

Sub-section 8 (3)—

Omit “sub-section (1), (2) or (3) of section 34”, substitute “sub-section 34 (1), (2) or (3)”.

Sub-section 8 (4)—

Omit “the last preceding sub-section”, substitute “sub-section (3)”.

Paragraph 8 (4) (b)—

Omit “sub-section (1) of section 32”, substitute “sub-section 32 (1)”.

Paragraph 8 (4) (c)—

Omit “sub-section (1) of section 32”, substitute “sub-section 32 (1)”.

Sub-section 10 (1)—

Omit “seven”, substitute “7”.

Sub-section 10 (2)—

Omit “sixty-five” (wherever occurring), substitute “65”.

Sub-section 11 (3)—

Omit “1973-1974”, substitute “1973”.

Sub-section 15 (2)—

Omit “paragraph (a) of the last preceding sub-section”, substitute “paragraph (1) (a)”.

Section 16—

Repeal the section.

Paragraph 20 (5) (b)—

Omit “paragraph (a) of the last preceding sub-section”, substitute “paragraph (4) (a)”.

Paragraph 20 (6) (b)—

Omit “paragraph (b) of sub-section (4)”, substitute “paragraph (4) (b)”.

Sub-section 20 (7)—

Omit “paragraph (b) of that sub-section”, substitute “paragraph (6) (b)”.

Sub-section 21 (2)—

Omit “1901-1969”, substitute “1901”.

Sub-section 22 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 23 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 23 (7)—

Omit “Two hundred dollars”, substitute “\$200”.

Sub-section 24 (7)—

Omit “the last preceding sub-section”, substitute “sub-section (6)”.

SCHEDULE 2—continued

Sub-section 25 (4)—

Omit “twelve”, substitute “12”.

Sub-section 25 (5)—

- (a) Omit “the next succeeding sub-section”, substitute “sub-section (6)”.
- (b) Omit “the last preceding sub-section” (wherever occurring), substitute “sub-section (4)”.

Paragraph 25 (6) (a)—

Omit “the last preceding sub-section”, substitute “sub-section (5)”.

Sub-section 25 (7)—

Omit “the last three preceding sub-sections”, substitute “sub-sections (4), (5) and (6)”.

Sub-section 25 (8)—

Omit “the last four preceding sub-sections”, substitute “sub-sections (4), (5), (6) and (7)”.

Paragraph 25 (10) (a)—

Omit “sub-section (4) or sub-section (5) of section 7 or sub-section (2) of section 8”, substitute “sub-section 7 (4) or (5) or 8 (2)”.

Sub-section 28 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 29 (3)—

Omit “The last preceding sub-section”, substitute “Sub-section (2)”.

Section 30—

Omit “the last preceding section”, substitute “section 29”.

Paragraph 32 (3) (b)—

Omit “sub-paragraph (ii) of the last preceding paragraph”, substitute “sub-paragraph (a) (ii)”.

Sub-section 33 (1)—

Omit “the next succeeding section”, substitute “section 34”.

Paragraph 33 (1) (a)—

Omit “sub-section (1) of the last preceding section”, substitute “sub-section 32 (1)”.

Paragraph 33 (1) (b)—

Omit “sub-section (1) of the last preceding section”, substitute “sub-section 32 (1)”.

Paragraph 33 (2) (a)—

Omit “paragraph (a) of the last preceding sub-section”, substitute “paragraph (1) (a)”.

Paragraph 33 (3) (a)—

Omit “paragraph (b) of sub-section (1)”, substitute “paragraph (1) (b)”.

Sub-section 34 (1)—

- (a) Omit “the next two succeeding sections”, substitute “sections 35 and 36”.

SCHEDULE 2—continued

- (b) Omit “either of the next two succeeding sub-sections”, substitute “sub-section (2) or (3)”.
- (c) Omit “sub-section (1) of section 32” (wherever occurring), substitute “sub-section 32 (1)”.

Sub-section 34 (2)—

- (a) Omit “the next two succeeding sections”, substitute “sections 35 and 36”.
- (b) Omit “sub-section (1) of section 32” (wherever occurring), substitute “sub-section 32 (1)”.

Sub-section 34 (3)—

- (a) Omit “the next two succeeding sections”, substitute “sections 35 and 36”.
- (b) Omit “sub-section (1) of section 32” (wherever occurring), substitute “sub-section 32 (1)”.

Paragraph 34 (4) (a)—

Omit “paragraph (a) of sub-section (1), paragraph (a) of sub-section (2) or paragraph (c) of sub-section (3)”, substitute “paragraph (1) (a), (2) (a) or (3) (c)”.

Paragraph 34 (5) (a)—

Omit “paragraph (b) of sub-section (1), paragraph (b) of sub-section (2) or paragraph (d) of sub-section (3)”, substitute “paragraph (1) (b), (2) (b) or (3) (d)”.

Sub-section 35 (1)—

Omit “paragraph (a) of sub-section (1) of section 33, or paragraph (a) of sub-section (1), paragraph (a) of sub-section (2) or paragraph (c) of sub-section (3) of the last preceding section”, substitute “paragraph 33 (1) (a) or 34 (1) (a), (2) (a) or (3) (c)”.

Sub-section 35 (2)—

Omit “paragraph (b) of sub-section (1) of section 33, or paragraph (b) of sub-section (1), paragraph (b) of sub-section (2) or paragraph (d) of sub-section (3) of the last preceding section”, substitute “paragraph 33 (1) (b) or 34 (1) (b), (2) (b) or (3) (d)”.

Sub-section 36 (1)—

Omit “the last three preceding sections”, substitute “sections 33, 34 and 35”.

Sub-section 37 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 37 (4)—

Omit “the last preceding sub-section”, substitute “sub-section (3)”.

Sub-section 37 (6)—

Omit “the last preceding sub-section”, substitute “sub-section (5)”.

Sub-section 37 (8)—

Omit “the last preceding sub-section”, substitute “sub-section (7)”.

Paragraph 38 (5) (b)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

SCHEDULE 2—continued

Sub-section 39 (1)—

Omit “the next succeeding sub-section”, substitute “sub-section (2)”.

Sub-section 39 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 39 (3)—

Omit “the next succeeding sub-section”, substitute “sub-section (4)”.

Sub-section 39 (4)—

Omit “the last preceding sub-section”, substitute “sub-section (3)”.

Sub-section 39 (5)—

(a) Omit “forty per centum”, substitute “40%”.

(b) Omit “fifty per centum”, substitute “50%”.

Sub-section 39 (7)—

Omit “the last preceding sub-section”, substitute “sub-section (6)”.

Sub-section 41 (6)—

Omit “the next succeeding sub-section”, substitute “sub-section (7)”.

Sub-section 41 (7)—

Omit “paragraph (a) or paragraph (b) of the last preceding sub-section”, substitute “paragraph (6) (a) or (b)”.

Sub-section 41 (12)—

Omit “Sub-sections (3) and (4) of section 58”, substitute “Sub-sections 58 (3) and (4)”.

Sub-section 42 (10)—

Omit “Sub-sections (3) and (4) of section 58”, substitute “Sub-sections 58 (3) and (4)”.

Paragraph 43 (8) (a)—

Omit “paragraph (a) of sub-section (6)”, substitute “paragraph (6) (a)”.

Sub-section 43 (8)—

Omit “the last preceding sub-section”, substitute “sub-section (7)”.

Sub-section 44 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 45 (2A)—

(a) Omit “the last preceding sub-section” (wherever occurring), substitute “sub-section (2)”.

(b) Omit “the next succeeding sub-section”, substitute “sub-section (2B)”.

(c) Omit “twenty-six”, substitute “26”.

Sub-section 45 (2B)—

Omit “the last preceding sub-section”, substitute “sub-section (2A)”.

SCHEDULE 2—continued

Sub-paragraph 45 (2B) (a) (ii)—

- (a) Omit “the next succeeding section”, substitute “section 46”.
- (b) Omit “two”, substitute “2”.

Paragraph 45 (2B) (b)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

Sub-section 45 (2C)—

Omit “the last preceding sub-section”, substitute “sub-section (2B)”.

Sub-section 45 (3)—

Omit “paragraph (a) of sub-section (2)”, substitute “paragraph (2) (a)”.

Sub-section 45 (4)—

Omit “paragraph (a) of sub-section (2)”, substitute “paragraph (2) (a)”.

Sub-paragraph 45 (10) (b) (iii)—

Omit “either of the last two preceding sub-paragraphs”, substitute “sub-paragraph (i) or (ii)”.

Sub-section 45 (11)—

Omit “sub-paragraph (i) of paragraph (b) of the last preceding sub-section”, substitute “sub-paragraph (10) (b) (i)”.

Sub-section 45 (12)—

Omit “sub-paragraph (iii) of paragraph (b) of sub-section (10)”, substitute “sub-paragraph (10) (b) (iii)”.

Sub-section 46 (1)—

Insert “have” after “this section”.

Paragraph 46 (2) (b)—

Omit “the last preceding section”, substitute “section 45”.

Sub-section 46 (4)—

Omit “the last two preceding sub-sections”, substitute “sub-sections (2) and (3)”.

Sub-section 46 (5)—

Omit “the next succeeding section”, substitute “section 47”.

Section 47—

Omit “sub-section (1) of section 37”, substitute “sub-section 37 (1)”.

Paragraph 47 (b)—

Omit “sub-section (9) of section 45 or sub-section (5) of section 46”, substitute “sub-section 45 (9) or 46 (5)”.

Sub-section 48 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 49 (1)—

Omit “six”, substitute “6”.

SCHEDULE 2—continued

Sub-section 49 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Paragraph 50 (2) (a)—

Omit “sub-section (2A) of section 45”, substitute “sub-section 45 (2A)”.

Sub-section 51 (1)—

Omit “sub-section (9) of section 45, sub-section (5) of section 46 and sub-section (2) of section 50”, substitute “sub-sections 45 (9), 46 (5) and 50 (2)”.

Sub-section 51 (2)—

Omit “Paragraph (b) of the last preceding sub-section”, substitute “Paragraph (1) (b)”.

Sub-section 51 (3)—

Omit “sub-section (9) of section 45, sub-section (5) of section 46 and sub-section (2) of section 50”, substitute “sub-sections 45 (9), 46 (5) and 50 (2)”.

Sub-section 51 (4)—

Omit “Paragraph (b) of the last preceding sub-section”, substitute “Paragraph (3) (b)”.

Sub-section 52 (1)—

Omit “the next succeeding sub-section and to sub-section (4)”, substitute “sub-sections (2) and (4)”.

Sub-section 52 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Paragraph 52 (2) (b)—

Omit “seven”, substitute “7”.

Sub-section 52 (3)—

Omit “the next succeeding sub-section”, substitute “sub-section (4)”.

Paragraph 52 (4) (b)—

- (a) Omit “1910-1971”, substitute “1910”.
- (b) Omit “1903-1970”, substitute “1903”.
- (c) Omit “1923-1965”, substitute “1923”.

Paragraph 52 (4) (da)—

Omit “1920-1973”, substitute “1920”.

Paragraph 52 (4) (e)—

Omit “1959-1968”, substitute “1959”.

Paragraph 52 (4) (f)—

Omit the paragraph, substitute the following paragraphs:

- “(f) an amount of an allowance under Part VI of the *Social Security Act 1947*;
- (fa) an amount of a pension under Part VIA of that Act;
- (fb) an amount of an allowance under Part VIB of that Act;”.

SCHEDULE 2—continued

Sub-section 52 (6)—

Omit “the next succeeding sub-section”, substitute “sub-section (7)”.

Sub-section 52 (7)—

Omit “the last preceding sub-section”, substitute “sub-section (6)”.

Sub-paragraph 54 (2) (a) (i)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (2) (a) (ii)—

Omit “six”, substitute “6”.

Paragraph 54 (2) (b)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (2) (c) (i)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (2) (c) (ii)—

Omit “six”, substitute “6”.

Sub-section 54 (3)—

Omit “sub-section (1) of section 55”, substitute “sub-section 55 (1)”.

Sub-paragraph 54 (3) (a) (i)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (3) (a) (ii)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (3) (b) (i)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (3) (b) (ii)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (3) (c) (i)—

Omit “six”, substitute “6”.

Sub-paragraph 54 (3) (c) (ii)—

Omit “six”, substitute “6”.

Sub-section 54 (4)—

Omit “six”, substitute “6”.

Sub-section 54 (5)—

(a) Omit “paragraph (b) or paragraph (c) of sub-section (5), or sub-section (9), of section 37”, substitute “paragraph 37 (5) (b) or (c) or sub-section 37 (9)”.

(b) Omit “six”, substitute “6”.

Paragraph 55 (3) (b)—

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

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SCHEDULE 2—continued

Sub-section 57 (1)—

Omit “sub-section (4) of section 41”, substitute “sub-section 41 (4)”.

Sub-section 58 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 58 (4)—

Omit “the last preceding sub-section”, substitute “sub-section (3)”.

Sub-section 59 (1)—

(a) Omit “the last preceding section”, substitute “section 58”.

(b) Omit “the next succeeding sub-section”, substitute “sub-section (2)”.

Sub-section 59 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 60 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 60 (3)—

Omit “Sub-sections (3) and (4) of section 58”, substitute “Sub-sections 58 (3) and (4)”.

Paragraph 61 (1) (b)—

Omit “1975”, substitute “1975”.

Sub-section 63 (1)—

Omit “1975”, substitute “1975”.

Sub-section 63 (2)—

Omit “1975”, substitute “1975”.

Sub-section 64 (7)—

Omit “sub-section (5) of section 20”, substitute “sub-section 20 (5)”.

Section 65—

Omit “1975” (wherever occurring), substitute “1975”.

Sub-section 65 (4)—

Omit “Sub-section (2) of section 29”, substitute “Sub-section 29 (2)”.

Sub-section 65 (5)—

Omit “1971”, substitute “1971”.

Sub-section 65 (7)—

Omit “1971”, substitute “1971”.

Sub-section 65 (9)—

Omit “paragraph (a) of sub-section (2)”, substitute “paragraph (2) (a)”.

Sub-section 98 (1)—

(a) Omit “1920-1973”, substitute “1920”.

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SCHEDULE 2—continued

- (b) Omit “1956-1966”, substitute “1956”.
- (c) Omit “1962-1968”, substitute “1962”.
- (d) Omit “1947-1966”, substitute “1947”.
- (e) Omit “*Native Members of the Forces Benefits Act 1957-1968*”, substitute “*Papua New Guinea (Members of the Forces Benefits) Act 1957*”.

Sub-section 98 (2)—

- (a) Omit “1920-1973”, substitute “1920”.
- (b) Omit “1956-1966”, substitute “1956”.
- (c) Omit “1962-1968”, substitute “1962”.
- (d) Omit “1947-1966”, substitute “1947”.
- (e) Omit “*Native Members of the Forces Benefits Act 1957-1968*”, substitute “*Papua New Guinea (Members of the Forces Benefits) Act 1957*”.

Sub-section 98 (3)—

- (a) Omit “1920-1971”, substitute “1920”.
- (b) Omit “1956-1966”, substitute “1956”.
- (c) Omit “1962-1968”, substitute “1962”.
- (d) Omit “1947-1966”, substitute “1947”.
- (e) Omit “*Native Members of the Forces Benefits Act 1957-1968*”, substitute “*Papua New Guinea (Members of the Forces Benefits) Act 1957*”.

Sub-section 98A (1)—

Omit “1920-1973”, substitute “1920”.

Sub-section 99 (4)—

- (a) Omit “the last two preceding sub-sections”, substitute “sub-sections (2) and (3)”.
- (b) Omit “the next three succeeding sub-sections”, substitute “sub-sections (5), (6) and (7)”.

Sub-section 99 (5)—

Omit “the next succeeding sub-section”, substitute “sub-section (6)”.

Sub-section 99 (6)—

Omit “The last preceding sub-section”, substitute “Sub-section (5)”.

Sub-section 99 (7)—

Omit “the last two preceding sub-sections”, substitute “sub-sections (5) and (6)”.

Sub-section 99 (9)—

Omit “sub-section (5) or (7) of section 43”, substitute “sub-section 43 (5) or (7)”.

Sub-section 99 (10)—

- (a) Omit “Australia”, substitute “the Commonwealth”.
- (b) Omit “1920-1973”, substitute “1920”.

Sub-section 100 (1)—

Omit “the next two succeeding sub-sections”, substitute “sub-sections (2) and (3)”.

Paragraph 100 (2) (a)—

Omit “paragraph (a) of the last preceding sub-section”, substitute “paragraph (1) (a)”.

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SCHEDULE 2—continued

Paragraph 100 (3) (a)—

Omit “paragraph (a) of sub-section (1)”, substitute “paragraph (1) (a)”.

Sub-section 100 (4)—

- (a) Omit “the last two preceding sub-sections”, substitute “sub-sections (2) and (3)”.
- (b) Omit “paragraph (a) of sub-section (1)”, substitute “paragraph (1) (a)”.

Sub-paragraph 100 (4) (a) (ii)—

Omit “sub-section (5) or (7) of section 43”, substitute “sub-section 43 (5) or (7)”.

Sub-paragraph 100 (6) (b) (ii)—

Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (i)”.

Sub-section 100 (7)—

- (a) Omit “Australia”, substitute “the Commonwealth”.
- (b) Omit “1920-1973”, substitute “1920”.

Sub-section 101 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 102 (2)—

Omit “the next succeeding sub-section”, substitute “sub-section (3)”.

Sub-section 102 (3)—

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

Sub-section 102 (6)—

- (a) Omit “Australia”, substitute “the Commonwealth”.
- (b) Omit “1920-1973”, substitute “1920”.

Paragraph 103 (1) (a)—

Omit “1920-1969”, substitute “1920”.

Paragraph 103 (1) (b)—

Omit “1904-1970”, substitute “1904”.

Sub-section 103 (3)—

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

Sub-section 103 (4)—

Omit “the last preceding sub-section”, substitute “sub-section (3)”.

Sub-section 103 (6)—

Omit “sub-section (1) of section 54”, substitute “sub-section 54 (1)”.

Sub-section 104 (2)—

Omit “The last preceding sub-section”, substitute “Sub-section (1)”.

Sub-section 104 (3)—

Omit “sub-section (3) or sub-section (4) of section 43”, substitute “sub-section 43 (3) or (4)”.

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SCHEDULE 2—continued

Sub-section 104 (4)—

Omit “sub-section (3) or sub-section (4) of section 43”, substitute “sub-section 43 (3) or (4)”.

Sub-section 104 (7)—

Omit “sub-section (5) of section 43”, substitute “sub-section 43 (5)”.

Sub-section 104 (8)—

Omit “sub-section (5) of section 43”, substitute “sub-section 43 (5)”.

Sub-section 104 (9)—

Omit “sub-section (1) or sub-section (7) of section 37”, substitute “sub-section 37 (1) or (7)”.

Sub-section 104 (10)—

Omit “sub-section (1) or sub-section (7) of section 37”, substitute “sub-section 37 (1) or (7)”.

Sub-section 104 (11)—

Omit “sub-section (3) or sub-section (9) of section 37”, substitute “sub-section 37 (3) or (9)”.

Sub-section 105 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 106 (3)—

Omit “sub-section (1) of section 58”, substitute “sub-section 58 (1)”.

Paragraph 106 (5) (a)—

Omit “sub-section (2) of section 103”, substitute “sub-section 103 (2)”.

Paragraph 106 (5) (b)—

Omit “sub-section (2) of section 103”, substitute “sub-section 103 (2)”.

Sub-section 106 (5)—

Omit “sub-section (3) of section 103”, substitute “sub-section 103 (3)”.

Sub-section 106 (6)—

(a) Omit “paragraph (b) of sub-section (1) of section 17”, substitute “paragraph 17 (1) (b)”.

(b) Omit “sub-section (1) of section 101”, substitute “sub-section 101 (1)”.

Sub-section 106 (7)—

(a) Omit “paragraph (d) of sub-section (1) of section 17”, substitute “paragraph 17 (1) (d)”.

(b) Omit “sub-section (1) of section 102”, substitute “sub-section 102 (1)”.

Sub-section 107 (3)—

Omit “the last preceding sub-section” (wherever occurring), substitute “sub-section (2)”.

SCHEDULE 2—continued

Sub-section 107 (5)—

- (a) Omit “sub-section (1) of section 4 of this Act”, substitute “sub-section 4 (1)”.
- (b) Omit “1901-1966”, substitute “1901”.

Sub-section 107 (6)—

- (a) Omit “sub-section (2) of this section”, substitute “sub-section (2)”.
- (b) Omit “1901-1966”, substitute “1901”.

Sub-section 107 (7)—

Omit “the last preceding sub-section”, substitute “sub-section (6)”.

Sub-section 107 (9)—

- (a) Omit “paragraph (c) of sub-section (1) of section 76, and sub-section (1) of section 90, of this Act”, substitute “paragraph 76 (1) (c) and sub-section 90 (1)”.
- (b) Omit “paragraph (c) of sub-section (1) of section 61”, substitute “paragraph 61 (1) (c)”.

Sub-section 107 (10)—

Omit “sub-section (1) of section 20”, substitute “sub-section 20 (1)”.

Sub-section 108 (5)—

Omit “the last preceding sub-section”, substitute “sub-section (4)”.

Sub-section 115 (3)—

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

Sub-section 115 (5)—

Omit “1903-1969”, substitute “1903”.

Sub-section 116 (2)—

Omit “the next two succeeding sub-sections”, substitute “sub-sections (3) and (4)”.

Sub-section 116 (3)—

Omit “the last preceding sub-section”, substitute “sub-section (2)”.

Sub-section 117 (4)—

Omit “the next succeeding sub-section”, substitute “sub-section (5)”.

Sub-section 117 (5)—

Omit “sub-section (4) of section 20”, substitute “sub-section 20 (4)”.

Sub-section 118 (3)—

- (a) Omit “1966”, substitute “1966”.
- (b) Omit “1975”, substitute “1975”.

Sub-section 119 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Paragraph 119A (1) (a)—

Omit “1920-1973”, substitute “1920”.

SCHEDULE 2—continued

Paragraph 119A (2) (a)—

Omit “1920-1973”, substitute “1920”.

Sub-section 121 (6)—

Omit “the last preceding sub-section”, substitute “sub-section (5)”.

Sub-section 121 (7)—

Omit “the last preceding sub-section”, substitute “sub-section (6)”.

Sub-section 122 (2)—

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

Sub-section 122 (3)—

Omit “fifteen”, substitute “15”.

Sub-section 123 (2)—

Omit “sub-paragraph (i) of paragraph (a) of the last preceding sub-section”, substitute “sub-paragraph (1) (a) (i)”.

SCHEDULE 3

Section 78

MINOR AMENDMENTS OF THE REPATRIATION ACT 1920

Sub-section 12 (4)—

Omit “*Repatriation*” substitute “*Repatriation*”.

Sub-section 87 (1B)—

- (a) Omit “Part III of”.
- (b) Omit “that Part”, substitute “that Act”.

Sub-section 87 (1C)—

- (a) Omit “Part III of”.
- (b) Omit “that Part”, substitute “that Act”.

Sub-section 92 (2)—

Omit “by way of supplementary assistance”, substitute “under section 98A”.

Sub-section 92 (5)—

Omit “supplementary”, substitute “rent”.

Paragraph 96 (6) (ca)—

Omit “the Part III”, substitute “Part III”.

Paragraph 96 (6A) (b)—

Omit “by way of supplementary assistance”.

Sub-section 98A (3)—

Omit “supplementary”, substitute “rent”.

SCHEDULE 3—continued

Sub-paragraph 98A (3C) (b) (i)—

Omit “a supplementary assistance allowance”, substitute “an allowance by way of rent assistance”.

Sub-paragraph 98A (3C) (b) (iii)—

Omit “a supplementary allowance”, substitute “an allowance by way of rent assistance”.

Sub-paragraph 98B (2) (b) (i)—

Omit “that Part”, substitute “that Act”.

Sub-sub-paragraph 98B (2) (b) (ii) (C)—

Omit “Part III of”.

SCHEDULE 4

Section 120

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE SOCIAL SECURITY ACT 1947

After the definition of “adopted child” in sub-section 6 (1)—

Insert the following definition:

“ ‘age pension’ means a pension under Division 2 of Part III;”.

Sub-section 6 (1) (definition of “husband”)—

Omit the definition, substitute the following definition:

“ ‘husband’ means a male married person;”.

After the definition of “income” in sub-section 6 (1)—

Insert the following definition:

“ ‘invalid pension’ means a pension under Division 3 of Part III;”.

After the definition of “officer” in sub-section 6 (1)—

Insert the following definition:

“ ‘prescribed pension’ means—

- (a) a pension under Part III or IV;
- (b) a benefit under Part IVAAA or VII;
- (c) an allowance under Part VIIA;
- (d) a rehabilitation allowance under Part VIII;
- (e) a service pension under the *Repatriation Act 1920*; or
- (f) an allowance under section 9 of the *Tuberculosis Act 1948*;”.

Sub-section 6 (1) (definition of “Secretary”)—

Omit the definition, substitute the following definition:

“ ‘Secretary’—

- (a) where used in a provision that is administered solely by the Minister for Community Services—means the Secretary to the Department of Community Services;

SCHEDULE 4—continued

- (b) where used in a provision that is administered solely by the Minister for Social Security—means the Secretary to the Department of Social Security; and
- (c) where used in a provision that is administered in part by the Minister for Community Services and in part by the Minister for Social Security, means—
 - (i) in the application of the provision in so far as it is administered by the Minister for Community Services—the Secretary to the Department of Community Services; and
 - (ii) in the application of the provision in so far as it is administered by the Minister for Social Security—the Secretary to the Department of Social Security;”.

Sub-section 6 (1) (definition of “wife”)—

Omit the definition, substitute the following definitions:

“ ‘widow’s pension’ means a pension under Part IV;

‘wife’ means a female married person;

‘wife’s pension’ means a pension under Division 5 of Part III.”.

Sub-paragraph 6AA (1) (a) (ix)—

Omit “or a child who is dependent on”, substitute “or a dependent child of”.

Sub-section 6AB (4)—

Omit “pay day”, substitute “pay-day”.

Paragraph 6AC (13) (b)—

Omit “pay day”, substitute “pension pay-day”.

Paragraph 6AC (13) (c)—

Omit “pay day”, substitute “pension pay-day”.

Sub-section 8 (1)—

Omit “signed by him”, substitute “signed by the Secretary”.

Sub-section 15A (1)—

Omit “1980”, substitute “1980,”.

Sub-section 15A (4)—

Omit the sub-section.

Sub-paragraph 17C (3) (a) (ii) and paragraph 17D (4) (b)—

Omit “under Part III”.

Section 18 (definition of “claimant”)—

After “pension”, insert “under this Part”.

Section 18 (definition of “pension”)—

Omit the definition.

Section 18 (definition of “pensioner”)—

After “pension”, insert “under this Part”.

SCHEDULE 4—continued

Section 18—

Add at the end the following sub-section:

“(2) For the purposes of this Part, a claimant shall be deemed to have been resident in Australia while the claimant was an absent resident.”.

Sections 18A and 18B—

Repeal the sections.

Section 20—

Repeal the section.

Paragraph 21 (1) (b)—

Omit “a pension”, substitute “an age pension”.

Section 24—

Omit “(1)”.

Paragraphs 24 (b) and 25 (1) (c)—

Omit “a pension”, substitute “an invalid pension”.

Sub-section 26 (2)—

Omit the sub-section.

Section 26—

Omit “(5)”, substitute “(2)”.

Paragraph 28 (1A) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) in the case of an unmarried person or a married person whose spouse is not in receipt of a prescribed pension—\$4,778.80 per annum; and”.

Sub-section 28 (1AA)—

Omit “the custody, care and control of a child or children under the age of 16 years”, substitute “a dependent child or dependent children”.

Sub-section 28 (1B)—

(a) Omit “the custody, care and control of a child or children under the age of 16 years”, substitute “a dependent child or dependent children”.

(b) Omit “each child”, substitute “that child or each of those children”.

Sub-sections 28 (1EA), (1EB) and (1EC)—

After “maximum rate of” (wherever occurring), insert “age or invalid”.

Sub-section 28 (1EB)—

Omit “payable”, substitute “applicable”.

Paragraph 28 (1EB) (b)—

After “person”, insert “or the person’s spouse”.

Paragraph 28 (1EC) (b)—

After “person”, insert “or the person’s spouse”.

SCHEDULE 4—continued

Sub-section 28 (1F)—

Omit “the custody, care and control of a child or children under the age of 16 years”, substitute “a dependent child or dependent children”.

Sub-section 28 (2A)—

- (a) Omit “pension or allowance referred to in paragraph (1A) (a)”, substitute “prescribed pension”.
- (b) Omit “a pension under this Part”, substitute “an age or invalid pension”.
- (c) Omit “pension referred to in that paragraph”, substitute “prescribed pension”.

Sub-section 28 (2AA)—

After “annual rate of” (wherever occurring), insert “age or invalid”.

Paragraph 28 (2AD) (b)—

- (a) Omit “a fortnightly instalment of pension”, substitute “an instalment of age pension”.
- (b) Omit “a fortnightly” (second occurring), substitute “an”.

Sub-sections 28 (3), (3D) and (4)—

Omit the sub-sections.

Sub-sections 28 (3A) and (3B)—

Omit the sub-sections, substitute the following sub-sections:

“(3A) Subject to sub-section (3C), a dependent child of a wife shall, for the purposes of this section, be deemed to be a dependent child of the husband of that wife and not of the wife.

“(3B) Where a husband is not in receipt of an age pension, an invalid pension, a supporting parent’s benefit or an allowance under Part VIIA or VIII, then, for the purposes of the application of this section in relation to the wife of that husband—

- (a) sub-section (3A) does not apply; and
- (b) a dependent child of the husband shall be deemed to be a dependent child of the wife and not of the husband.”.

Sub-section 28 (3C)—

Omit “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”, substitute “a dependent child of the husband shall be deemed to be a dependent child of the wife and not of the husband”.

Sub-section 28A (1) (definition of “index number”)—

After “published by the”, insert “Australian”.

Sub-section 28A (1) (definition of “Statistician”)—

Omit the definition.

Sub-sections 28A (2) and (3)—

After “this section, the”, insert “Australian”.

Section 29—

Omit “where a child under the age of 16 years is dependent on a pensioner”, substitute “where a pensioner has a dependent child”.

SCHEDULE 4—continued

Heading to Division 4A of Part III—

Omit the heading, substitute the following heading:
“*Division 4A—Rent Assistance*”.

Paragraph 30A (1) (c)—

After “pension”, insert “under this Part”.

Sub-section 30A (3)—

Omit “supplementary”, substitute “rent”.

Sub-section 30A (3AA)—

Omit the sub-section, substitute the following sub-section:

“(3AA) An allowance under this section is not payable to a person in respect of any period during which—

- (a) the person is eligible to be paid an incentive allowance under section 26; or
- (b) the person is outside Australia.”.

Sub-paragraphs 30A (3C) (b) (i), (ii), (iii), (iv) and (v)—

Omit the sub-paragraphs, substitute the following sub-paragraphs:

- “(i) an allowance by way of rent assistance under this Act;
- (ii) an allowance under section 98A of the *Repatriation Act 1920*;
- (iii) an allowance under section 9 of the *Tuberculosis Act 1948*; or
- (iv) a rehabilitation allowance under Part VIII the amount of which is calculated by reference to an allowance under this section or section 112A,”.

Sub-section 30A (4)—

Omit the sub-section.

Sub-section 31 (1)—

After “claim for”, insert “a wife’s”.

Sub-sections 31 (2) and (3)—

Omit the sub-sections.

Sub-section 32 (1B)—

After “the maximum rate of” (second last and last occurring), insert “age or invalid”.

Paragraph 33 (1) (c)—

After “claim for a”, insert “spouse carer’s”.

Division 8 of Part III—

Repeal the Division.

Sub-section 45 (1) and paragraphs 45 (2) (a) and (b)—

Omit “, other than pension,”.

Paragraphs 45 (6) (e) and (ea)—

Omit the paragraphs, substitute the following paragraph:

- “(e) a child who is a dependent child of a pensioner ceasing to be a dependent child of the pensioner; or”.

SCHEDULE 4—continued

Sub-section 50 (1) (definitions of “age pensioner”, “invalid pensioner”, “spouse carer pensioner” and “wife pensioner”)—

Omit the definitions.

Sub-section 50 (1) (definition of “wife’s portion”)—

- (a) After “maximum rate of whose”, insert “age or invalid”.
- (b) Omit “his pension” (wherever occurring), substitute “that pension”.

Sub-section 50 (2)—

Omit all the words from and including “If an inmate” to and including “as follows:”, substitute “If a person, being an inmate of a benevolent home, becomes a pensioner, or if a person, being a pensioner, becomes an inmate of a benevolent home, the person’s pension (being the sum of the person’s pension under this Part and any allowance to which the person is entitled under section 30A) shall, for so long as the person remains an inmate of the benevolent home, be dealt with as follows:”.

Paragraphs 50 (2) (a), (b) and (c)—

Omit “his pension” (wherever occurring), substitute “that pension”.

Paragraph 50 (2) (b)—

Omit “him”, substitute “the person”.

Sub-section 59 (1) (definition of “child”)—

Omit the definition.

Sub-section 59 (1) (definition of “claimant”)—

After “a pension”, insert “under this Part”.

After the definition of “deserted wife” in sub-section 59 (1)—

Insert the following definition:

“ ‘husband’ means a legally married male person;”.

Sub-section 59 (1) (definition of “pension”)—

Omit the definition.

Sub-section 59 (1) (definition of “pensioner”)—

After “pension”, insert “under this Part”.

Sub-section 59 (1)—

Add at the end the following definition:

“ ‘wife’ means a legally married female person.”.

Sub-section 59 (4)—

Omit the sub-section, substitute the following sub-section:

“(4) For the purposes of this Part, a child who is being maintained by a widow shall be deemed to be, and to have been, at any time when the widow was maintaining the child, a dependent child of the widow.”.

Sections 59A and 59AA—

Repeal the sections.

SCHEDULE 4—continued

Paragraph 60 (1) (a)—

Omit “the custody, care and control of one or more children”, substitute “a dependent child or dependent children”.

Paragraph 60 (1) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) a widow who does not have a dependent child and—

(i) has attained the age of 50 years; or

(ii) having been in receipt of a widow’s pension as a widow referred to in paragraph (a), has, after attaining the age of 45 years, ceased to receive that pension by reason of the fact that she no longer has a dependent child; or”.

Sub-paragraph 60 (1) (c) (ii)—

Omit the sub-paragraph, substitute the following sub-paragraph:

“(ii) does not have a dependent child; and”.

Sub-section 60 (1)—

(a) After “qualified to receive a”, insert “widow’s”.

(b) Omit “the pension and”, substitute “a widow’s pension and”.

Paragraph 60 (1) (e)—

Omit “her claim for the pension”, substitute “that claim for a widow’s pension”.

Paragraph 60 (1A) (a)—

Omit “the custody, care and control of a child”, substitute “a dependent child”.

Paragraph 60 (1A) (b)—

Omit “the custody, care and control of a child”, substitute “a dependent child”.

Sub-section 60 (2)—

Omit the sub-section, substitute the following sub-section:

“(2) For the purposes of this section a child shall not be taken to be a dependent child of a widow unless—

(a) the child was born of that widow; or

(b) the widow has, or would, but for the child’s having attained a particular age, have, the right, whether alone or jointly or in common with another person, to have, and to make decisions concerning, the daily care and control of the child.”.

Section 60—

Add at the end the following sub-section:

“(4) For the purposes of this section, a claimant shall be deemed to have been resident in Australia while the claimant was an absent resident.”.

Section 61—

Repeal the section.

Section 62—

After “A”, insert “widow’s”.

SCHEDULE 4—continued

Sub-section 63 (1)—

Omit “the pension”, substitute “widow’s pension”.

Paragraph 63 (1) (a)—

Omit the paragraph, substitute 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 the amount, or amounts, per annum under sub-sections 28 (1AA) and (1B) by which that rate would be increased if those sub-sections were applicable to the widow; or”.

Sub-sections 63 (1A), (1C) and (1D)—

Omit the sub-sections, substitute the following sub-section:

“(1A) Where a class B widow has a dependent child or dependent children, the maximum rate of widow’s pension applicable in relation to her is the maximum rate of widow’s pension that would be so applicable if she were a class A widow.”.

Sub-section 63 (2)—

After “rate at which a”, insert “widow’s”.

Sub-section 63 (3)—

Omit all the words from and including “The rate” to and including “be payable—”, substitute “The rate of widow’s pension payable to a class C widow is equal to the amount per annum specified in paragraph 28 (1A) (a) and that pension shall be payable—”.

Sub-section 63 (4)—

Omit the sub-section.

Section 64—

Repeal the section, substitute the following section:

Calculation of income in respect of children

“64. For the purposes of this Part, where a widow has a dependent child, the income of the widow shall—

- (a) be reduced by \$312 per annum less the annual amount of any payment (not being a payment under this Act, under the *Repatriation Act 1920* or under the *Tuberculosis Act 1948*) received by the widow for or in respect of the child; and
- (b) include so much of any amount received by the widow for the maintenance of the child from—
 - (i) the spouse or a former spouse of the widow; and
 - (ii) a parent of the child,as exceeds the rate of \$312 per annum.”.

Heading to Division 3A of Part IV—

Omit the heading, substitute the following heading:

“*Division 3A—Rent Assistance*”.

Paragraph 65A (1) (c)—

After “pension”, insert “under this Part”.

Sub-section 65A (2)—

(a) Omit “her pension”, substitute “her widow’s pension”.

SCHEDULE 4—continued

(b) Omit “supplementary”, substitute “rent”.

Sub-section 65A (3)—

Omit the sub-section, substitute the following sub-section:

“(3) An allowance under this section is not payable to a widow in respect of any period during which the widow is outside Australia.”.

Division 5 of Part IV—

Repeal the Division.

Sub-section 74 (1)—

Omit “, other than pension,”.

Paragraphs 74 (5) (b) and (ba)—

Omit the paragraphs, substitute the following paragraph:

“(b) a child who is a dependent child of a pensioner ceasing to be a dependent child of the pensioner;”.

Sub-section 80 (2)—

After “her pension” (first occurring), insert “(being the sum of her widow’s pension and any allowance to which she is entitled under section 65A)”.

Paragraphs 80 (2) (a) and (b)—

Omit “her pension”, substitute “that pension”.

Sub-section 83AAA (1) (definition of “beneficiary”)—

After “benefit”, insert “under this Part”.

Sub-section 83AAA (1) (definitions of “benefit” and “child”)—

Omit the definitions.

Sub-section 83AAA (1) (definition of “married person”)—

Omit the definition.

Sub-section 83AAA (1) (definition of “supporting parent”)—

Omit “the custody, care and control of a child”, substitute “a dependent child”.

Sub-section 83AAA (1) (definition of “unmarried person”)—

Omit the definition, substitute the following definition:

“ ‘unmarried person’ means—

- (a) a person who is not a married person;
- (b) a married person whose spouse—
 - (i) is serving a sentence of imprisonment in connection with the conviction of the spouse for the commission of an offence; and
 - (ii) has been so serving that sentence of imprisonment for a continuous period of at least 14 days;
- (c) a married person who is living separately and apart from his or her spouse;
or
- (d) a married person who is unable to live together with his or her spouse in a matrimonial home by reason of the illness or infirmity of the spouse, being an illness or infirmity that results in the spouse being unable to care for a child and that the Secretary is satisfied is likely to continue indefinitely.”.

SCHEDULE 4—continued

Sub-section 83AAA (2)—

Omit the sub-section, substitute 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 an unmarried person shall be deemed to be a dependent child of the person if the person had been a person who was not an unmarried person and was, immediately before becoming an unmarried person, maintaining the child.”.

Paragraph 83AAA (6) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) the benefit under this Part payable to the supporting parent were a widow’s pension;”.

Paragraph 83AAA (6) (c)—

Omit the paragraph.

Paragraph 83AAA (6) (d)—

Add at the end “and”.

Paragraph 83AAA (6) (e)—

Omit the paragraph.

Sections 83AAB and 83AABA—

Repeal the sections.

Section 83AAC—

Repeal the section, substitute the following section:

Qualifications for benefit

“83AAC. (1) Subject to this Part, a person who is a supporting parent in relation to a child who is a dependent child of the person is qualified to receive a supporting parent’s benefit if the person is residing in, and is physically present in, Australia on the day on which he or she lodges a claim for a supporting parent’s benefit and at least one of the following conditions applies in relation to the person:

- (a) the child became a dependent child of the person while the person was residing in Australia;
- (b) if the person is an unmarried person but had been a person who was not an unmarried person—the person was residing in Australia immediately before becoming an unmarried person;
- (c) the person has been continuously resident in Australia for a period of not less than 5 years immediately preceding the day on which he or she lodges that claim for a supporting parent’s benefit;
- (d) the person has, at any time, been continuously resident in Australia for a period of not less than 10 years.

“(2) For the purposes of this section, a child shall not be taken to be a dependent child of a person unless—

- (a) the child was born of that person; or
- (b) the person has, or would, but for the child’s having attained a particular age, have, the right, whether alone or jointly with another person, to have, and to make decisions concerning, the daily care and control of the child.”.

SCHEDULE 4—continued

Section 83AAD—

After “A”, insert “supporting parent’s”.

Sub-section 83AAE (1)—

- (a) After “the rate of a”, insert “supporting parent’s”.
- (b) Omit “ the pension (excluding supplementary assistance)”, substitute “widow’s pension”.

Sub-section 83AAE (2)—

- (a) After “The rate of a”, insert “supporting parent’s”.
- (b) After “qualified for a”, insert “supporting parent’s”.
- (c) Omit “paragraph (b) of the definition of ‘married person’ ”, substitute “paragraph (d) of the definition of ‘unmarried person’ ”.
- (d) Omit “pension (excluding incentive allowance or supplementary assistance) that would be payable under Part III”, substitute “age pension that would be payable”.

Paragraph 83AAE (2) (a)—

Omit “a pension under that Part”, substitute “an age pension”.

Section 83AAF—

Repeal the section.

Section 83AAG—

Repeal the section, substitute the following section:

Application of certain provisions of Part IV

“83AAG. Sub-section 60 (4) and Divisions 3A, 6 and 7 of Part IV apply in relation to a beneficiary as if the beneficiary were a widow for the purposes of that Part.”.

Section 83AAJ—

Repeal the section, substitute the following section:

Benefit not payable to 2 persons in respect of one dependent child

“83AAJ. (1) Where a child is a dependent child of 2 persons, that child shall, for the purposes of this Part, other than this section, be taken to be a dependent child of one of those persons only.

“(2) Where the Secretary is satisfied that a child is a dependent child of 2 persons, the Secretary shall make a determination in writing accordingly.

“(3) In a determination under sub-section (2), the Secretary shall specify which of the 2 persons to whom the determination relates is, for the purposes of this Part, to be taken as the person in relation to whom the child to whom the determination relates is a dependent child.

“(4) Where the Secretary makes a determination under sub-section (2), the Secretary shall cause the 2 persons to whom the determination relates to be informed of the terms of that determination.”.

Sections 83AC and 83ACA—

Repeal the sections.

Sub-sections 83AF (1) and (3)—

Omit “(excluding any allowance by way of supplementary assistance)”.

SCHEDULE 4—continued

Section 83AG—

Repeal the section.

Sub-section 83A (1) (definition of “deceased child”)—

Omit the definition, substitute the following definition:

“‘deceased child’, in relation to a person, means a deceased person who, at the time of his or her death, was a dependent child in relation to the first-mentioned person;”.

Sub-section 83CA (3)—

Omit “Where a person has the custody, care and control of a child or children”, substitute “Where there is a child who is a dependent child in relation to a person, or there is more than one such child in relation to a person”.

Sub-section 83CA (4A)—

Omit the sub-section.

Sub-section 83CA (6) (definitions of “child” and “wife”)—

Omit the definitions.

Sub-section 84 (1) (definition of “child”)—

Omit the definition.

Sub-section 84 (3)—

Omit “other than a reference in section 93”.

Section 87—

Omit “(2)” (first occurring).

Sub-section 94 (1) (definition of “child”)—

Omit the definition.

After the definition of “institution” in sub-section 94 (1)—

Insert the following definition:

“‘person’ does not include an institution;”.

Sub-section 94 (1) (definition of “student child”)—

Omit the definition.

Sub-sections 94 (2) and (2A)—

Omit the sub-sections, substitute the following sub-sections:

“(2) Where a husband has a dependent child, that child, except where a family allowance is not payable to the wife of that husband in respect of that child by reason other than that the child is not a dependent child in relation to her, shall be deemed, for the purposes of this Part, to be a dependent child of the wife and not of the husband.

“(2A) For the purposes of this Part, a child shall not be taken to be a student child if the child is in employment or is engaged in work on his or her own account.”.

SCHEDULE 4—continued

Paragraphs 94 (3) (a) and (b)—

Omit the paragraphs, substitute the following paragraphs:

- “(a) the Secretary may, in the discretion of the Secretary, determine that, for the purposes of this Part, that child shall be deemed to be a dependent child of that person; or
- (b) if that person is a husband, the Secretary may, in the discretion of the Secretary, determine that, for the purposes of this Part, that child shall be deemed to be a dependent child of the wife of that person and not of that person.”.

Sub-section 95 (1)—

Omit “the custody, care and control of a child (not being a child who is an inmate of an institution)”, substitute “a dependent child”.

Sub-section 95 (2)—

Omit “other than an institution”.

Sub-section 95B (2)—

Omit “and Youth Affairs”.

Sub-section 99A (5)—

Omit the sub-section.

Sub-section 102 (1)—

Omit “(other than an institution)”.

Sub-section 102 (2)—

- (a) Omit “assumed the custody, care and control of a child who, immediately before that person assumed his custody, care and control”, substitute “a dependent child, who, immediately before becoming a dependent child of the person”.
- (b) Omit “the first-mentioned person assumed the custody, care and control of the child”, substitute “the child became a dependent child of the first-mentioned person”.

Paragraph 103 (1) (a)—

Omit the paragraph, substitute the following paragraph:

- “(a) the child (not being a student child) ceases to be a dependent child of the person other than by reason that the child attains the age of 16 years;”.

Paragraph 103 (1) (b)—

Omit “child in the custody, care and control”, substitute “dependent child”.

Paragraph 103 (1) (g)—

Omit the paragraph, substitute the following paragraph:

- “(g) the child, being a student child, ceases to be a student child;”.

Paragraph 103 (1) (i)—

Omit the paragraph, substitute the following paragraph:

- “(i) the child becomes a married person.”.

Sub-section 103 (2A)—

Omit “, other than an institution,”.

SCHEDULE 4—continued

Section 103B—

Omit “the custody, care and control of a child”, substitute “a dependent child”.

Sub-section 104 (1)—

- (a) Omit “the custody, care and control of one or more children”, substitute “a dependent child or dependent children”.
- (b) Omit “each of those children”, substitute “that dependent child, or each of those dependent children,”.

Section 104A—

Omit “child who is in the custody, care and control”, substitute “dependent child”.

Paragraph 104A (a)—

Omit “in the custody, care and control”, substitute “a dependent child”.

Sub-paragraph 104A (e) (i)—

Omit the sub-paragraph, substitute the following sub-paragraph:
“(i) ceases to be a student child; or”.

Sub-section 105A (1) (definition of “child”)—

Omit the definition.

Sub-section 105H (1) (definition of “child”)—

Omit the definition.

Sub-sections 105H (2) and (3)—

Omit the sub-sections, substitute the following sub-sections:

“(2) Where a husband has a dependent child, that child, except where a handicapped child’s allowance is not payable to the wife of that husband in respect of that child by reason other than that the child is not a dependent child in relation to her, shall be deemed, for the purposes of this Part, to be a dependent child of the wife and not of the husband.

“(3) For the purposes of this Part, a child shall not be taken to be a student child if the child is in employment or is engaged in work on his or her own account.”.

Section 105J—

Omit “the custody, care and control of”, substitute “a dependent child who is”.

Section 105JA—

Omit “having the custody, care and control of the child”, substitute “in relation to whom the handicapped child is a dependent child”.

Section 105P—

Omit “a child who is in the custody, care and control of a person” (wherever occurring), substitute “a dependent child of a person”.

Paragraph 105QB (1) (a)—

Omit the paragraph, substitute the following paragraph:
“(a) the child ceases to be a dependent child of the person; or”.

Paragraph 105QB (1) (b)—

Omit “child in the custody, care and control”, substitute “dependent child”.

SCHEDULE 4—continued

Sub-section 106 (1) (definitions of “benefit” and “claimant”)—

Omit the definitions, substitute the following definitions:

“ ‘benefit’ means a benefit under this Part and includes an allowance under this Part;

‘claimant’ means a person claiming an unemployment benefit, a sickness benefit or a special benefit under this Part;”.

Sub-section 106 (1) (definition of “income”)—

Omit the definition.

Sub-section 106 (1) (definition of “supplementary allowance”)—

Omit the definition, substitute the following definitions:

“ ‘rent assistance’ means an allowance under section 112A;

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

After sub-section 106 (1)—

Insert the following sub-section:

“(1AA) For the purposes of the application to this Part of the definition of ‘income’ in sub-section 6 (1), that definition shall be construed as if—

(a) there were substituted for paragraph (q) of the definition the following paragraphs:

‘(q) a pension under the *Repatriation Act 1920*, the *Repatriation (Far East Strategic Reserve) Act 1956* or the *Repatriation (Special Overseas Service) Act 1962*;

(qa) a pension payable to the person by a foreign country, being a pension that, in the opinion of the Secretary, is similar in character to a pension specified in paragraph (q);

(qb) a pension under the *Seamen’s War Pensions and Allowances Act 1940*;’;

(b) there were inserted after paragraph (o) of that definition the following paragraph:

‘(oa) a payment (other than a periodical payment or a payment representing an accumulation of instalments) made to reimburse a person in respect of medical, dental or similar expenses paid by the person;’; and

(c) paragraphs (u) and (v) of the definition were omitted.”.

Sub-section 106 (1A)—

Omit the sub-section.

Section 106A—

Repeal the section.

Paragraph 108 (1AA) (c)—

(a) Omit “wife’s” (first occurring).

(b) Omit “the wife’s pension”, substitute “that pension under Part III”.

Section 109—

Repeal the section.

Sub-paragraph 112 (4) (b) (ii)—

Omit “in pursuance of a separation agreement in writing or of a decree, judgement or order of a court or”.

SCHEDULE 4—continued

Paragraph 112 (4B) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) has a dependent child or dependent children; or”.

Paragraph 112 (4B) (b)—

Omit “under that age”.

Sub-paragraph 112 (4C) (b) (ii)—

Omit the sub-paragraph, substitute the following sub-paragraph:

“(ii) a person who has been taken into account in fixing the rate of a prescribed pension (other than a benefit under this Part) that is payable to another person,”.

Paragraph 112 (4D) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) that child is not a dependent child of the person, or none of those children are dependent children of the person, as the case may be; and”.

Paragraph 112 (5) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) has a dependent child or dependent children; or”.

Paragraph 112 (5) (b)—

Omit “under that age”.

Paragraph 112 (6) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) to a person in respect of a child who has been taken into account in fixing the rate of a prescribed pension (other than a benefit under this Part); or”.

Sub-sections 112 (6B) and (7)—

Omit the sub-sections.

Sub-section 112AA (1) (definition of “index number”)—

After “published by the”, insert “Australian”.

Sub-section 112AA (1) (definition of “Statistician”)—

Omit the definition.

Sub-section 112AA (2) and (3)—

After “this section, the”, insert “Australian”.

Sub-section 112A (1) (definition of “married person”)—

Omit the definition, substitute the following definition:

“ ‘married person’ does not include a person (other than a de facto spouse) who is living apart from the spouse of the person in such circumstances that the Secretary is satisfied that the separation is likely to be permanent;”.

Sub-section 112A (3)—

Omit “a supplementary allowance”, substitute “an allowance by way of rent assistance”.

SCHEDULE 4—continued

Sub-paragraphs 112A (3C) (b) (i), (ii), (iii), (iv) and (v)—

Omit the sub-paragraphs, substitute the following sub-paragraphs:

- “(i) an allowance by way of rent assistance under this Act;
- (ii) an allowance under section 98A of the *Repatriation Act 1920*;
- (iii) an allowance under section 9 of the *Tuberculosis Act 1948*; or
- (iv) a rehabilitation allowance under Part VIII the amount of which is calculated by reference to an allowance under this section or section 30A.”.

Sub-section 114 (3)—

Omit all the words from and including “apart—” to and including “permanent”, substitute “apart in such circumstances that the Secretary is satisfied that the separation is likely to be permanent”.

Paragraph 115 (1) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) rent assistance; and”.

Paragraph 115 (1) (b)—

Omit “any supplementary allowance”, substitute “rent assistance”.

Sub-sections 130 (1A) and (1AA)—

Omit “a supplementary allowance”, substitute “rent assistance”.

Sub-section 133C (1) (definition of “income”)—

Omit the definition.

Sections 133G and 133H—

Repeal the sections.

Section 133J—

Repeal the section, substitute the following section:

Amount of allowance

“133J. The amount of an instalment of an allowance that is payable to a person on a pension pay-day is an amount equal to the sum of—

- (a) the amount of invalid pension that would, in the opinion of the Secretary, be payable to the person on that day if invalid pension were payable to the person on that day; and
- (b) the amount (if any) of a pension under Part III that would, in the opinion of the Secretary, be payable to another person (not being a person who is in receipt of a prescribed pension) on that day by reason of that first-mentioned person being in receipt of invalid pension on that day, if invalid pension were payable to the first-mentioned person on that day.”.

Sub-section 135BA (1)—

Omit “The amount per fortnight of a rehabilitation allowance payable from time to time to a person is—”, substitute “The amount of an instalment of a rehabilitation allowance that is payable to a person on a pension pay-day is—”.

Sub-paragraph 135BA (1) (a) (i)—

- (a) Omit “per fortnight”.

SCHEDULE 4—continued

- (b) Omit “from time to time”, substitute “on that pension pay-day”.
- (c) Omit “by way of supplementary assistance, supplementary allowance”, substitute “by way of rent assistance”.

Sub-paragraph 135BA (1) (a) (ii)—

- (a) Omit “per fortnight”.
- (b) Omit “from time to time”, substitute “on that pension pay-day”.
- (c) Omit “by way of supplementary assistance, supplementary allowance”, substitute “by way of rent assistance”.

Paragraph 135BA (1) (b)—

Omit all the words from and including “the sum of” (first occurring) to and including “amounts”, substitute the following:

“the sum of—

- (i) an amount equal to the sum of the amount of invalid pension and the amount (if any) of allowance under section 26 or 30A, that would, in the opinion of the Secretary, be payable to the person on that day if invalid pension were payable to the person on that day; and
- (ii) an amount equal to the sum of the amount (if any) of a pension under Part III and the amount (if any) of allowance under section 26 or 30A, that would, in the opinion of the Secretary, be payable to another person (not being a person who is in receipt of a prescribed pension) on that day by reason of the first-mentioned person being in receipt of invalid pension on that day if invalid pension were payable to the first-mentioned person on that day,

is greater than the amount of the instalment calculated in relation to the first-mentioned person under paragraph (a)—the sum of those amounts”.

Sub-section 135BA (2)—

- (a) Omit “per fortnight”, substitute “of an instalment”.
- (b) Omit “payable to a person under”, substitute “calculated in accordance with”.
- (c) Omit “supplementary assistance or supplementary allowance”, substitute “an allowance by way of rent assistance”.

Sub-section 135D (2)—

After “The rate”, insert “per week”.

Section 135G—

Repeal the section.

Section 135M—

Omit “(1)”.

Paragraph 135TA (1) (a)—

Omit “(not including an allowance under section 26, 30A or 65A)”.

Section 135TC—

Add at the end the following sub-section:

“(4) Any amount of pension, allowance or benefit under this Act that has accrued and is unpaid at the date of the death of the person to whom that pension, allowance or benefit is payable may, on application made within 6 months after that date or within such further period as the Secretary, in special circumstances, allows, be paid to the person who, in the

SCHEDULE 4—continued

opinion of the Secretary, is best entitled to receive it and the Commonwealth shall not be liable to any action, claim or demand for any further payment in respect of that amount of pension, allowance or benefit.”.

Sub-section 135THA (2)—

Omit “pay days” (wherever occurring), substitute “pay-days”.

Paragraph 135THA (3) (b)—

After “the person or”, insert “a”.

Sub-section 135THA (3)—

After “to the spouse of the person or”, insert “to the”.

Paragraph 135THA (5) (b)—

Omit “Part III, IV or IVAAA”, substitute “Part III or IV or a benefit under Part IVAAA”.

Sub-section 135THA (5)—

- (a) After “the pension” (wherever occurring), insert “or benefit”.
- (b) Omit “section 39 or 68”, substitute “sub-sections 135TBA (2) or (3)”.
- (c) Omit “that pension”, substitute “that the pension or benefit”.
- (d) Omit “a pension” (last occurring), substitute “that pension or benefit”.

Sub-section 135U (1) (paragraph (b) of the definition of “pensioner”)—

Omit “paragraph (b) of the definition of ‘married person’”, substitute “paragraph (d) of the definition of ‘unmarried person’”.

Sub-section 143A (1)—

Omit “under his hand”, substitute “signed by the Secretary”.

Sub-section 144 (2)—

After “instalments”, insert “or payments”.

Sections 145 and 146—

Repeal the sections.

SCHEDULE 5

Section 121

FURTHER AMENDMENTS OF THE SOCIAL SECURITY ACT 1947 RELATED TO THE CHANGE IN TITLE FROM DIRECTOR-GENERAL OF SOCIAL SECURITY TO SECRETARY TO THE DEPARTMENT OF SOCIAL SECURITY

Paragraph 4 (b)—

Omit “Secretary”, (first occurring), substitute “Director-General of Social Services”.

Sub-section 6 (1) (paragraph (j) of the definition of “income” and paragraph (b) of the definition of “married person”), sub-paragraph 6AA (1) (a) (iii), sub-sections 6AA (4), (6) and (7) and 6AB (2), paragraph 6AB (4) (c), sub-sections 6AB (7), (8) and (10), paragraphs

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SCHEDULE 5—continued

6AB (12) (c) and (d), sub-sections 6AB (13), (14) and (15), paragraphs 6AC (8) (e), (9) (b) and (10) (b) and sub-sections 6AC (11) and 6AD (1) and (3)—

Omit "Director-General" (wherever occurring), substitute "Secretary".

NOTES

1. 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; No. 98, 1982; No. 69, 1983; and Nos. 78, 134 and 165, 1984.
2. No. 76, 1972, as amended. For previous amendments, see No. 131, 1974; Nos. 91 and 92, 1976; No. 26, 1982; and No. 165, 1984.
3. No. 121, 1972, as amended. For previous amendments, see No. 216, 1973; No. 91, 1976; and No. 63, 1984.
4. No. 120, 1984.
5. No. 48, 1971, as amended. For previous amendments, see No. 136, 1971; No. 122, 1972; Nos. 105 and 216, 1973; No. 92, 1974; Nos. 157 and 166, 1976; No. 68, 1978; Nos. 111 and 155, 1979; No. 74, 1981; No. 98, 1982; and No. 78, 1984.
6. No. 5, 1970, as amended. For previous amendments, see No. 113, 1972; Nos. 129 and 216, 1973; No. 108, 1974; No. 91, 1976; No. 116, 1980; No. 98, 1982; and Nos. 134 and 165, 1984.
7. No. 134, 1974, as amended. For previous amendments, see No. 105, 1976; No. 80, 1982; No. 69, 1983; and Nos. 78 and 165, 1984.
8. No. 42, 1974, as amended. For previous amendments, see No. 58, 1975; Nos. 59, 91, 101, 109 and 157, 1976; No. 75, 1977; Nos. 36, 89 and 133, 1978; Nos. 53 and 123, 1979; No. 132, 1980; Nos. 118 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 54 and 139, 1983; and Nos. 15, 46, 63, 120, 135 and 165, 1984.
9. No. 148, 1974, as amended. For previous amendments, see No. 142, 1977; No. 114, 1978; No. 130, 1979; No. 80, 1982; and No. 69, 1983.
10. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 92, 118, 163 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 35, 54 and 139, 1983; and Nos. 46, 63, 72, 120, 135 and 165, 1984.
11. No. 6, 1920, as amended. For previous amendments, see No. 34, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; Nos. 10 and 47, 1931; No. 32, 1934; No. 58, 1935; Nos. 29 and 67, 1936; Nos. 12, 24 and 42, 1937; No. 55, 1938; Nos. 37 and 96, 1940; No. 49, 1941; No. 22, 1943; No. 11, 1945; No. 49, 1946; Nos. 1, 29 and 74, 1947; No. 39, 1948; No. 38, 1949; Nos. 34 and 80, 1950; No. 31, 1951; No. 58, 1952; No. 69, 1953; No. 31,

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NOTES—continued

- 1954; No. 39, 1955; Nos. 68 and 97, 1956; No. 44, 1957; No. 47, 1958; No. 58, 1959; No. 44, 1960; No. 46, 1961; Nos. 75 and 91, 1962; No. 47, 1963; Nos. 62 and 105, 1964; No. 64, 1965; No. 42, 1966; No. 64, 1967; Nos. 66 and 120, 1968; No. 95, 1969; Nos. 4 and 60, 1970; Nos. 17 and 68, 1971; Nos. 15, 82 and 139, 1972; Nos. 2, 27 and 104, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 3, 24 and 90, 1974; Nos. 35, 56 and 111, 1975; Nos. 27, 91 and 112, 1976; No. 56, 1977; Nos. 129 and 170, 1978; Nos. 18 and 124, 1979; No. 129, 1980; Nos. 41, 61 and 160, 1981; Nos. 20 and 80, 1982; No. 100, 1982 (as amended by No. 39, 1983); Nos. 36 and 70, 1983; and Nos. 78, 97 and 134, 1984.
12. No. 2, 1973.
13. No. 91, 1956, as amended. For previous amendments, see No. 90, 1962; No. 107, 1964; No. 93, 1966; No. 81, 1972; No. 4, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 90, 1974; No. 129, 1978; No. 18, 1979; No. 160, 1981; No. 100, 1983; and No. 97, 1984.
14. No. 97, 1984.
15. No. 89, 1962, as amended. For previous amendments, see No. 108, 1964; No. 110, 1965; No. 93, 1966; No. 78, 1968; No. 80, 1972; No. 3, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 90, 1974; No. 129, 1978; No. 18, 1979; No. 160, 1981; No. 100, 1982; No. 70, 1983; and No. 97, 1984.
16. No. 60, 1940, as amended. For previous amendments, see No. 77, 1946; No. 80, 1950; Nos. 17 and 75, 1952; No. 70, 1953; No. 32, 1954; No. 40, 1955; No. 45, 1957; No. 48, 1958; No. 59, 1959; No. 46, 1960; No. 47, 1961; Nos. 64 and 113, 1964; No. 65, 1965; No. 43, 1966; No. 102, 1967; No. 67, 1968; No. 96, 1969; No. 61, 1970; Nos. 18 and 69, 1971; Nos. 16 and 83, 1972; Nos. 6 and 106, 1973; Nos. 4, 25 and 90, 1974; Nos. 35 and 111, 1975; Nos. 27, 91 and 112, 1976; No. 56, 1977; No. 129, 1978; Nos. 18 and 124, 1979; No. 129, 1980; No. 160, 1981; Nos. 80 and 100, 1982; No. 70, 1983; and No. 97, 1984.
17. 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; Nos. 61 and 170, 1981; No. 159, 1981 (as amended by No. 98, 1982); Nos. 37, 98 and 148, 1982; Nos. 4 and 36, 1983; No. 69, 1983 (as amended by No. 78, 1984); and Nos. 46, 78, 93, 120, 134 and 165, 1984.
18. No. 93, 1984.
19. No. 69, 1983, as amended. For previous amendments, see No. 78, 1984.
20. On the day on which the *Social Security and Repatriation Legislation Amendment Act 1985* receives the Royal Assent, the heading to section 83E of the *Social Security Act 1947* is altered to "Claim for benefit".

Social Security and Repatriation Legislation Amendment No. 95, 1985

[*Minister's second reading speech made in—
House of Representatives on 15 May 1985
Senate on 27 May 1985*]