

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**SOCIAL SECURITY AND REPATRIATION (BUDGET MEASURES  
AND ASSETS TEST) BILL 1984**

**TABLE OF PROVISIONS**

**PART I—PRELIMINARY**

Clause

1. Short title
2. Commencement

**PART II—BUDGET MEASURES AND OTHER AMENDMENTS**

***Division 1—Amendments of the Social Security Act 1947***

3. Principal Act
4. Rate of age or invalid pension
5. Variation of certain rates
6. Rent assistance
7. Rate of widow's pension
8. Rent assistance
9. Prescribed persons
10. Rate of unemployment or sickness benefit
11. Variation of unemployment and sickness benefits
12. Rent assistance
13. Incentive allowance

TABLE OF PROVISIONS—*continued*

- Clause  
 14. Application  
 15. Further increase in single adult rate of unemployment benefit  
 16. Minor and consequential amendments

***Division 2—Amendments of the Repatriation Act 1920***

17. Principal Act  
 18. Appointment to act as Chairman and Secretary  
 19. Variation of rate of pension  
 20. Rent assistance  
 21. Prescribed persons  
 22. Schedule 1  
 23. Schedule 2  
 24. Schedule 3  
 25. Schedule 5  
 26. Application

***Division 3—Amendments of the Seamen's War Pensions and Allowances Act 1940***

27. Principal Act  
 28. Rates of pension on death or total incapacity  
 29. Variation of rate of pension  
 30. Schedule 1  
 31. Schedule 2  
 32. Application

**PART III—PENSIONS ASSETS TEST*****Division 1—Amendments of the Social Security Act 1947***

33. Principal Act  
 34. Interpretation  
 35. Insertion of new sections—  
     6AA. Calculation of value of property  
     6AB. Pension loans scheme  
     6AC. Disposal of income or property  
     6AD. Financial hardship  
     6AE. Pension reduction amounts  
     6AF. Indexation  
 36. Interpretation  
 37. Rate of age or invalid pension  
 38. Repeal of section 29 and substitution of new section—  
     29. Calculation of income in respect of children  
 39. Rent assistance  
 40. Rate of wife's pension  
 41. Rate of spouse carer's pension  
 42. Repeal of section 47  
 43. Rate of widow's pension  
 44. Calculation of income in respect of children  
 45. Rent assistance  
 46. Repeal of section 76  
 47. Interpretation  
 48. Rate of benefit  
 49. Prescribed persons  
 50. Repeal of section 135U and substitution of new section—  
     135U. Special temporary allowance  
 51. Application of amendments  
 52. Transitional

TABLE OF PROVISIONS—*continued*  
***Division 2—Amendments of the Repatriation Act 1920***

|        |   |
|--------|---|
| Clause |   |
| 53.    | Principal Act   |
| 54.    | Interpretation  |
| 55.    | Variation of rate of service pension                          |
| 56.    | Repeal of section 91  |
| 57.    | Service pensioner in a public institution                     |
| 58.    | Repeal of sections 97 and 98 and substitution of new section— |
|        | 98. Cancellation, suspension or variation of service pension  |
| 59.    | Rent assistance   |
| 60.    | Special temporary allowance                                   |
| 61.    | Repeal of section 121 and substitution of new sections—       |
|        | 121. Notification and review                                  |
|        | 121A. Power to obtain information, & c.                       |
|        | 121B. Self-incrimination                                      |
|        | 121C. Furnishing of information                               |
|        | 121D. Interpretation  |
|        | 121E. Delegation by Secretary                                 |
| 62.    | Prescribed persons  |
| 63.    | Application   |
| 64.    | Transitional  |

SCHEDULE  
 MINOR AND CONSEQUENTIAL AMENDMENTS OF THE SOCIAL SECURITY ACT  
 1947



THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 21 August 1984

*(Minister representing the Minister for Social Security)*

**A BILL**

FOR

**An Act relating to social security, repatriation and related matters**

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**

- 5       **1.** This Act may be cited as the *Social Security and Repatriation (Budget Measures and Assets Test) Act 1984*.

**Commencement**

- 10       **2.** (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (2)** Division 1 of Part II (other than section 16) shall come into operation on 1 November 1984.

(3) Divisions 2 and 3 of Part II (other than section 18) shall come into operation on 8 November 1984.

(4) The amendment of sub-section 104 (2) of the *Social Security Act 1947* made by section 16 shall be deemed to have come into operation on 1 August 1984.

5

## PART II—BUDGET MEASURES AND OTHER AMENDMENTS

### *Division 1—Amendments of the Social Security Act 1947*

#### Principal Act

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

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#### Rate of age or invalid pension

4. Section 28 of the Principal Act is amended—

- (a) by omitting from paragraph (1A) (a) “\$2,766.40” and substituting “\$4,778.80”;
- (b) by omitting from paragraph (1A) (b) “\$2,306.20” and substituting “\$3,985.80”;
- (c) by omitting from sub-section (1AA) “\$416” and substituting “\$520”;
- (d) by omitting from sub-section (1B) “\$624” and substituting “\$728”;
- (e) by omitting from sub-section (1F) “\$624” (wherever occurring) and substituting “\$728”;
- (f) by omitting from sub-paragraph (3) (a) (ii) “\$24” and substituting “\$28”; and
- (g) by omitting from sub-paragraph (3) (b) (ii) “\$1,924” and substituting “\$2,028”.

15

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#### Variation of certain rates

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5. Section 28A of the Principal Act is amended by omitting “1 May 1980” from the definition of “relevant period” in sub-section (1) and substituting “1 May 1985”.

#### Rent assistance

6. Section 30A of the Principal Act is amended by omitting from paragraph (3A) (b) “\$520” and substituting “\$780”.

30

#### Rate of widow's pension

7. Section 63 of the Principal Act is amended by omitting paragraph (1)(a) and substituting the following paragraph:

- “(a) in the case of a class A widow—the maximum rate of age or invalid pension specified in paragraph 28 (1A)(a) increased by the amount per annum for the time being applicable under sub-section 28 (1AA); or”.

35

**Rent assistance**

8. Section 65A of the Principal Act is amended by omitting from paragraph (2A)(b) "\$520" and substituting "\$780".

**Prescribed persons**

5 9. Section 83CA of the Principal Act is amended—

- (a) by omitting from paragraph (2)(c) "\$2,808" and substituting "\$3,120"; and
- (b) by omitting from paragraph (2)(d) "\$2,340" and substituting "\$2,548".

10 **Rate of unemployment or sickness benefit**

10. Section 112 of the Principal Act is amended—

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

15     “(a) where the beneficiary is an unmarried person who has not attained the age of 18 years, has no dependants and is not a person to whom paragraph (aa) applies—\$45 per week;

      (aa) where the beneficiary is an unmarried person who has not attained the age of 18 years, has no dependants and who, for a continuous period of not less than 26 weeks—

20             (i) has received or would, but for section 114, have received payments of a prescribed pension;

      (ii) 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 under that program the amounts of which were calculated by reference to amounts of benefit under this section; or

      (iii) was a person to whom sub-paragraphs (i) and (ii) applied successively,

30             not being a person in relation to whom, at any time after that period, neither sub-paragraph (i) nor (ii) applied—\$50 per week;”;

- (b) by omitting from paragraph (1)(b) "\$73.60" and substituting "\$81.10";

35 (c) by omitting paragraph (1)(c) and substituting the following paragraph:

      “(c) where—

- (i) the beneficiary is an unmarried person and has a dependant; or

- (ii) the benefit is a sickness benefit and the beneficiary is an unmarried person who has attained the age of 18 years and has no dependants,

\$91.90 per week; or”;

- (d) by omitting from paragraph (1)(d) “\$44.35” and substituting “\$76.65”; 5
- (e) by omitting from sub-section (4B) “\$8” and substituting “\$10”;
- (f) by omitting from paragraph (4D)(c) “\$8” and substituting “\$10”;
- (g) by omitting from sub-section (5) “\$12” and substituting “\$14”; and
- (h) by omitting from paragraph (6)(c) “\$12” and substituting “\$14”. 10

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

11. Section 112AA of the Principal Act is amended by omitting “1 May 1980” from the definition of “relevant period” in sub-section (1) and substituting “1 May 1985”.

### **Rent assistance**

12. Section 112A of the Principal Act is amended by omitting from paragraph (3A)(b) “\$10” and substituting “\$15”. 15

### **Incentive allowance**

13. Section 133JA of the Principal Act is amended by omitting “\$10” and substituting “\$15”. 20

### **Application**

14. The amendments made by this Division (other than section 16) apply, in so far as they affect instalments or payments of pension, benefit or allowance under the *Social Security Act 1947*, in relation to each instalment or payment of pension, benefit or allowance that falls due on or after 1 November 1984. 25

### **Further increase in single adult rate of unemployment benefit**

15. (1) If the factor ascertained for the purposes of section 112AA of the *Social Security Act 1947* in relation to the period commencing on 1 May 1985 is greater than 1, that Act has effect as if the rate that would, on that date, be substituted for the rate specified in paragraph 112 (1) (b) of that Act were increased by \$2 per week and, for the purposes of the application of section 112AA of that Act, that rate as so increased shall be taken to be a substituted rate. 30

(2) If the factor referred to in sub-section (1) is not greater than 1, the *Social Security Act 1947* shall, on and after 1 May 1985, have effect as if the rate specified in paragraph 112 (1) (b) of that Act were \$83.10 per week, and that rate shall, for the purposes of the application of section 112AA of that Act, be taken to be a substituted rate. 35



**Minor and consequential amendments**

16. The Principal Act is amended as set out in the Schedule.

***Division 2—Amendments of the Repatriation Act 1920***

**Principal Act**

5      17. The *Repatriation Act 1920*<sup>2</sup> is in this Division referred to as the Principal Act.

**Appointment to act as Chairman and Secretary**

18. Section 8B of the Principal Act is amended—

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

10            “(2) Where one person occupies both offices to which this section  
relates, section 39 of the *Public Service Act 1922* does not apply in  
relation to the office referred to in paragraph (1) (b) and the  
Governor-General may appoint, in writing, a member of the  
15            Commission to act in the place of that person as the holder of each of  
those offices during a period, or during all periods, when that person is  
absent from duty or from Australia or is, for any other reason, unable  
to perform the functions of those offices.

20            “(2A) The Governor-General may appoint, in writing, a member of  
the Commission to act as the holder of each of the offices to which this  
section relates during a period, or during all periods, when each of  
those offices is vacant.

25            “(2B) While a member of the Commission is acting in the offices to  
which this section relates, the member has and may exercise all the  
powers, and shall perform all the functions, of the holder of each of  
those offices.”;

(b) by omitting from sub-section (3) “appointed under sub-section (2)”  
and substituting “acting in accordance with this section”;

(c) by omitting from sub-section (4) “appointed under sub-section (2)”  
and substituting “acting in accordance with this section”;

30            (d) by omitting from paragraph (4) (a) “a person appointed to act as”  
and substituting “acting”;

(e) by omitting from paragraph (4) (b) “a person appointed to act as”  
and substituting “acting”;

35            (f) by omitting from sub-section (5) “sub-section (2)” and substituting  
“sub-section (2A)”;

(g) by omitting from sub-section (5) “6 months” and substituting “12  
months”; and

- (h) by omitting sub-sections (6), (7), (8) and (9) and substituting the following sub-sections:

“(6) The Governor-General may, at any time, by writing, terminate an appointment made under this section.

“(7) The validity of anything done by or in relation to a person purporting to act pursuant to an appointment under this section shall not be called in question on the ground that—

- (a) the occasion for the appointment had not arisen;
- (b) there is a defect or irregularity in or in connection with the appointment;
- (c) the appointment (not being an appointment to a vacant office) had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.”.

#### **Variation of rate of pension** 15

19. Section 35AAA of the Principal Act is amended by omitting “1 May 1980” from the definition of “relevant period” in sub-section (1) and substituting “1 May 1985”.

#### **Rent assistance**

20. Section 98A of the Principal Act is amended by omitting from paragraph (3A) (b) “\$520” and substituting “\$780”. 20

#### **Prescribed persons**

21. Section 123AB of the Principal Act is amended—

- (a) by omitting from paragraph (2) (a) “\$2,808” and substituting “\$3,120”; and
  - (b) by omitting from paragraph (2) (b) “\$2,340” and substituting “\$2,548”.
- 25

#### **Schedule 1**

22. Schedule 1 to the Principal Act is amended—

- (a) by omitting from column 2 “106.40” and substituting “183.80”;
  - (b) by omitting from column 3 “76.90” and substituting “129.20”; and
  - (c) by omitting from paragraph 6 “\$140.30” and substituting “\$235.90”.
- 30

#### **Schedule 2**

23. Schedule 2 to the Principal Act is amended—

- (a) by omitting from the heading “\$203.80” and substituting “\$342.60”;
  - (b) by omitting “\$51.80” and substituting “\$53.80”; and
  - (c) by omitting “\$103.60” and substituting “\$107.60”.
- 35

**Schedule 3**

24. Schedule 3 to the Principal Act is amended—

- (a) by omitting from column 2 of Table A “\$73.80” (wherever occurring) and substituting “\$76.80”; and  
(b) by omitting from column 2 of Table A “\$36.90” and substituting “\$38.40”.

**Schedule 5**

25. Schedule 5 to the Principal Act is amended—

- (a) by omitting from column 2 of the table in paragraph 1 “126.90” (wherever occurring) and substituting “213.40”;  
(b) by omitting from column 2 of the table in paragraph 1 “69.10” and substituting “71.80”;  
(c) by omitting from column 2 of the table in paragraph 1 “46.70” and substituting “48.50”;  
(d) by omitting from column 2 of the table in paragraph 1 “40.10” (wherever occurring) and substituting “41.70”;  
(e) by omitting from column 2 of the table in paragraph 1 “19.90” (wherever occurring) and substituting “20.70”;  
(f) by omitting from column 2 of the table in paragraph 1 “10.60” (wherever occurring) and substituting “11.00”;  
(g) by omitting from column 2 of the table in paragraph 1 “15.50” and substituting “16.10”;  
(h) by omitting from column 3 of the table in paragraph 1 “103.60” and substituting “107.60”; and  
(j) by omitting from column 3 of the table in paragraph 1 “51.80” (wherever occurring) and substituting “53.80”.

**Application**

26. The amendments made by this Division (other than section 18) apply in relation to instalments or payments of pension or allowance under the *Repatriation Act 1920* falling due on 8 November 1984 and to all subsequent instalments or payments.

***Division 3—Amendments of the Seamen’s War Pensions and Allowances Act 1940***

**Principal Act**

27. The *Seamen’s War Pensions and Allowances Act 1940*<sup>3</sup> is in this Division referred to as the Principal Act.

**Rates of pension on death or total incapacity**

28. Section 18 of the Principal Act is amended—

- (a) by omitting from sub-section (4A) “\$140.30” and substituting “\$235.90”;

- (b) by omitting from paragraph (7) (a) "\$36.90" and substituting "\$38.40"; and
- (c) by omitting from sub-section (8) "\$73.80" and substituting "\$76.80".

### **Variation of rate of pension**

**29.** Section 18AA of the Principal Act is amended by omitting "1 May 1980" from the definition of "relevant period" in sub-section (1) and substituting "1 May 1985". 5

### **Schedule 1**

**30.** Schedule 1 to the Principal Act is amended—

- (a) by omitting from column 1 "106.40" and substituting "183.80"; and 10
- (b) by omitting from column 3 "76.90" and substituting "129.20".

### **Schedule 2**

**31.** Schedule 2 to the Principal Act is amended—

- (a) by omitting from column 2 "51.80" (wherever occurring) and substituting "53.80"; and 15
- (b) by omitting from column 2 "103.60" and substituting "107.60".

### **Application**

**32.** The amendments made by this Division apply in relation to instalments or payments of pension or allowance under the *Seamen's War Pensions and Allowances Act 1940* falling due on 8 November 1984 and to all subsequent instalments or payments. 20

## **PART III—PENSIONS ASSETS TEST**

### ***Division 1—Amendments of the Social Security Act 1947***

#### **Principal Act**

**33.** The *Social Security Act 1947*<sup>1</sup> is in this Division referred to as the Principal Act. 25

#### **Interpretation**

**34.** Section 6 of the Principal Act is amended—

- (a) by inserting after the definition of "claim" in sub-section (1) the following definition: 30
  - “‘de facto spouse’ means a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person;”;

- (b) by inserting after the definition of “Government rent” in sub-section (1) the following definitions:

“ ‘husband’ includes a male de facto spouse;

‘income’, in relation to a person, means personal earnings, moneys, valuable consideration or profits earned, derived or received by that person for the person’s own use or benefit by any means from any source whatsoever, within or outside Australia, and includes a periodical payment or benefit by way of gift or allowance, but does not include—

- (a) a payment under this Act, the value of any treatment, training or goods provided under this Act or a payment under section 9 of the *Tuberculosis Act 1948*;
- (b) the value of emergency relief or like assistance;
- (c) the value of any assistance provided by an eligible organization within the meaning of the *Homeless Persons Assistance Act 1974*, being assistance by way of the provision of accommodation or meals or of a ticket, voucher or token that may be exchanged for accommodation or meals;
- (d) a payment under the *Handicapped Persons Assistance Act 1974*;
- (e) a payment of domiciliary nursing care benefit under Part VB of the *National Health Act 1953*;
- (f) a payment under a law of the Commonwealth, being a law having an object of assisting persons to purchase or build their own homes;
- (g) a payment made to the person for or in respect of a child of whom the person has the custody, care and control;
- (h) insurance or compensation payments made by reason of the loss of, or damage to, buildings, plant or personal effects;
- (j) moneys from the investment of payments of the kind referred to in paragraph (h), being an investment for a period not exceeding 12 months or such longer period as the Director-General, for any special reason in any particular case, allows after the receipt of those payments;
- (k) in the case of a person who pays or who is liable to pay rent, a payment by way of rent subsidy made by the Commonwealth, by a State or Territory or by an authority of the Commonwealth or of a State or Territory to or on behalf of the person who pays or who is liable to pay rent;

- (m) a payment received by a trainee in full-time training under a program included in the programs known as the Labour Force Programs, being—
  - (i) a payment known as the training component; or
  - (ii) a payment of a living away from home allowance; 5
- (n) a benefit under a law of the Commonwealth relating to the provision of pharmaceutical, sickness or hospital benefits, or of medical or dental services;
- (o) a payment made by an organization registered under a law referred to in paragraph (n) for or in respect of expenses incurred by a person for hospital, medical or dental treatment; 10
- (p) in the case of a member of the Reserve Forces, the pay and allowances paid to the person as such a member (other than pay and allowances in respect of continuous full-time service) and, in the case of a member of a Force referred to in paragraph (b), (e) or (f) of the definition of 'Reserve Forces', any gratuity paid to the person by reason of a calling out for continuous service of, or of part of, that Force; 15 20
- (q) a service pension under the *Repatriation Act 1920*;
- (r) an amount payable by the Repatriation Commission—
  - (i) as an allowance for an attendant; or
  - (ii) as an allowance for expenditure incurred or to be incurred by a member of the Forces for transport for the purposes of recreation or as an allowance towards the cost of maintenance and running expenses of a motor vehicle provided by the Repatriation Commission for a member of the Forces because of serious incapacity; 25 30
- (s) an amount payable to a member of the Forces as an allowance by reason of the fact that the member has been awarded a decoration;
- (t) an amount payable by the Repatriation Commission as a clothing allowance; 35
- (u) a periodical payment or benefit by way of gift or allowance from the father, mother, son, daughter, brother or sister of the person; or
- (v) that part of the value of board or lodging, or board and lodging, received by the person that exceeds \$65 per annum; 40

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

- (a) a legally married person (not being a de facto spouse) who is living separately and apart from the spouse of the person on a permanent basis; or
- (b) a person who, for any special reason in any particular case, the Director-General determines in writing should not be treated as a married person;”;
- (c) by inserting after the definition of “officer” in sub-section (1) the following definition:

“ ‘property’ includes property situated outside Australia;”;

- (d) by adding at the end of sub-section (1) the following definitions:

“ ‘spouse’ includes a de facto spouse;

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

‘wife’ includes a female de facto spouse.”; and

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

“(3) For the purposes of this Act, unless the contrary intention appears—

- (a) the value of the property of, or of the property of a particular kind of, a married person shall be taken to be 50% of the sum of the value of the property of, or of property of that kind of, the person and the person’s spouse; and
- (b) the annual rate of the income of a married person shall be taken to be 50% of the sum of the annual rates of income of the person and of the person’s spouse.

“(4) A reference in this Act to the value of particular property of a person or to the value of a charge or encumbrance on property of a person shall, if the property is owned by the person jointly or in common with another person or persons, be read as a reference to the value of the person’s interest in the property or the value of that charge or encumbrance in so far as it relates to the person’s interest in that property, as the case may be.”.

**35. After section 6 of the Principal Act the following sections are inserted:**

**Calculation of value of property**

“6AA. (1) In calculating the value of the property of a person for the purposes of this Act—

- (a) there shall be disregarded—

- (i) if the person is an unmarried person—the value of any right or interest of the person in relation to the principal home of the person (not being a right or interest of the kind referred to in sub-paragraph (iv));

- (ii) if the person is a married person—the value of any right or interest of the person in relation to one residence that is the principal home of the person, of the person’s spouse or of both

- of them (not being a right or interest of the kind referred to in sub-paragraph (iv));
- (iii) the value of any life interest of the person (not being a life interest in relation to the principal home of the person, of the person's spouse or of both of them) or annuity (including a superannuation pension) of the person, not being, unless the Director-General otherwise determines in writing, an annuity that is able to be disposed of or an annuity a substantial part of the income under which is or may be deferred; 5
  - (iv) if the residence that is the principal home of the person is a private residence and the person has acquired for valuable consideration, or has retained, a right to accommodation for life in, or a life interest in, that residence—the value of that right or interest; 10
  - (v) the value of any contingent or reversionary interest of the person (not being an interest created by the person or by the person's spouse); 15
  - (vi) the value of any property (not being a contingent or reversionary interest) to which the person is entitled from the estate of a deceased person but which has not been, and is not able to be, received; 20
  - (vii) the value of any medal or other decoration awarded (whether to the person or another person) for valour that is owned by the person otherwise than for the purposes of investment or a hobby; 25
  - (viii) the value of one cemetery plot acquired by the person and of funeral expenses paid in advance by the person;
  - (ix) if the person or the person's spouse, or a child who is dependent on the person or the person's spouse, is a disabled person—the value of any personal property of the person that is designed for use by a disabled person and any part of the value of the personal property of the person that is attributable to modifications made to that property to enable it to be used by a disabled person; 30
  - (x) if the person is provided with a motor vehicle under the scheme administered by the Commonwealth known as the gift car scheme—the value of that motor vehicle; and 35
  - (xi) if the person has sold a residence that was the principal home of the person on terms and has purchased, also on terms, another residence that is the principal home of the person—so much of the balance due to the person in respect of the sale as will be applied by the person in respect of the purchase of the other residence; and 40
- (b) where a charge or encumbrance, not being a charge or encumbrance that is a collateral security, exists on particular property of a person, 45



not being property the value of which is disregarded under paragraph (a), the value of that property shall be reduced by the value of that charge or encumbrance.

5 “(2) Where a charge or encumbrance exists on property the value of which is disregarded under paragraph (1) (a) and the same charge or encumbrance exists on other property, the amount to be deducted under paragraph (1) (b) is the amount that bears to the value of the charge or encumbrance the same proportion as the value of that other property bears to the value of all the property on which the charge or encumbrance exists.

10 “(3) A reference in this section to the principal home of a person shall be read as including a reference to—

15 (a) in the case of a dwelling-house—the private land adjacent to the dwelling-house to the extent that that private land, together with the area of the ground floor of the dwelling-house, does not exceed 2 hectares; or

(b) in the case of a flat or home unit—a garage or store-room that is used primarily for private or domestic purposes in association with the flat or home unit.

20 “(4) Where the area of private land adjacent to a dwelling-house exceeds substantially the average area of private land adjacent to other dwelling-houses in the same locality, so much only of the first-mentioned area as the Director-General determines in writing not to be in excess of the average area shall be taken into account for the purposes of paragraph (3) (a).

25 “(5) A reference in sub-section (3) or (4) to private land, in relation to a dwelling-house, is a reference to land used primarily for private or domestic purposes in association with that dwelling-house.

30 “(6) For the purposes of this section, where the value of any property of a person or, in the case of a married person, of the person and the person’s spouse, that consists of the contents of a principal home and of other personal effects that are used primarily within the principal home, being property that is used primarily for private or domestic purposes, does not exceed \$10,000, the value of that property shall be taken to be \$10,000 unless the person satisfies the Director-General that the value of that property is less than \$10,000.

35 “(7) A reference in sub-paragraph (1) (a) (i), (ii) or (iv) to a right or interest of a person in relation to a principal home shall be read as not including a reference to a right or interest that, in the opinion of the Director-General, does not give reasonable security of tenure in relation to that home.

“(8) A residence of a person shall be taken to continue to be the principal home of a person during—

40 (a) any period, not exceeding 12 months, during which the person is temporarily absent from that residence; and

- (b) any period, not exceeding 2 years, during which the person is—
- (i) residing in a benevolent home or in premises at which accommodation is provided exclusively or principally for mentally ill persons;
  - (ii) residing in premises approved as an approved nursing home pursuant to section 40AA of the *National Health Act 1953*; or
  - (iii) a nursing-home type patient, within the meaning of the *Health Insurance Act 1973*, of a hospital.

### **Pension loans scheme**

“6AB. (1) In this section— 10

‘exempt property’ means property to which paragraph 6AA (1) (a) applies;

‘relevant interest rate’ means such rate as is fixed from time to time by the Minister by notice published in the *Gazette*;

‘relevant property’, in relation to a person, means property of the person (other than exempt property)— 15

(a) that cannot readily be sold or realized; or

(b) that—

(i) the person does not wish to sell or realize; and

(ii) is not property of a kind that the person could reasonably be expected to sell or realize. 20

“(2) Where—

(a) a person is in receipt of or is qualified to receive a pension under Part III or IV, a benefit under Part IVAAA or an allowance under Part VIIA or VIII;

(b) the annual rate of that pension, benefit or allowance is determined under or by reference to paragraph 28 (2) (b), 32 (2) (b), 34 (2) (b) or 63 (2) (b); 25

(c) the person is a person who—

(i) has, being a man, attained the age of 65 years or, being a woman, attained the age of 60 years; or 30

(ii) is the spouse of a person referred to in sub-paragraph (i);

(d) the property of the person or, if the person is a married person, of the person and the person’s spouse consists of or includes relevant property; and

(e) the value of the relevant property of the person or, if the person is a married person, of the person and the person’s spouse is not less than 70% of the value of the property (other than exempt property) of the person or of the person and the person’s spouse, as the case may be, 35

the person may, by notice in writing in a form approved by the Director-General lodged with the Department, request that, for the purposes of determining the annual rate of the pension, benefit or allowance payable to 40

the person, the value of the property of the person or of the person and the person's spouse, as the case may be, be disregarded.

“(3) A request made by a person under sub-section (2) shall be signed by the person and, if the person is a married person, by the person's spouse.

5       “(4) Subject to this section, where—

(a) a request is made by a person in accordance with sub-section (2);

10       (b) the value of the relevant property of the person or, if the person is a married person, of the person and the person's spouse is not less than 70% of the value of the property (other than exempt property) of the person or of the person and the person's spouse, as the case may be; and

(c) the Director-General is satisfied that the amount of any debt that becomes payable by the person to the Commonwealth under this section is readily recoverable,

15       the value of the property of the person or of the person and the person's spouse, as the case may be, shall, on and after the first pension pay day after the request is lodged, be disregarded for the purposes of this Act other than section 83CA.

“(5) Subject to sub-section (6), where sub-section (4) applies in relation to a person—

20       (a) the amount (if any), together with interest on that amount at the relevant interest rate, by which the sum of the amount of pension, benefit or allowance paid to the person from time to time and any amount payable by the person under sub-section (9) exceeds the amount (if any) of pension, benefit or allowance that would have been paid to the person if sub-section (4) did not apply in relation to the person, reduced by any amounts repaid to the Commonwealth, is a debt payable by the person to the Commonwealth; and

25       (b) the property of the person and, if the person is a married person and the person's spouse has signed a request under sub-section (2), of the person's spouse is subject to a charge in favour of the Commonwealth for the purposes of securing the repayment of the debt, but such a charge is not applicable in relation to a *bona fide* purchaser for value who purchases any of that property without notice of the charge.

30       “(6) An amount is not a debt payable by a person to the Commonwealth under paragraph (5) (a) unless the value of the property (including exempt property) of the person or, if the person is a married person, of the person and the person's spouse exceeds \$100,000, and the amount of the debt shall not exceed the amount by which the value of that property exceeds \$100,000.

40       “(7) Where, by reason of the operation of paragraph (5) (b), a charge is created on any property situated in a State or Territory, the Director-General may lodge with the appropriate officer of the State or Territory a notice of the charge in a form approved by the Director-General, and the person with whom that notice is lodged may register the charge as if the notice were a bill of sale or

an instrument of charge or encumbrance duly executed under the laws in force in that State or Territory.

“(8) Where sub-section (4) applies in relation to a person, the person and, if the person is a married person, the person’s spouse shall, if required to do so by the Director-General, execute any instrument relating to the registration of a charge on the property of the person or the person’s spouse. 5

“(9) Costs incurred by the Commonwealth that are associated with the registration of a charge on property of a person or of the person’s spouse or with the registration of the discharge of such a charge are payable by the person.

“(10) Subject to sub-sections (11), (12) and (13), where, by reason of the operation of paragraph (5) (b), a charge exists on property of a person or on property of a person and the person’s spouse, the Commonwealth is not, unless the Director-General otherwise determines in writing, entitled to enforce the charge or otherwise recover the debt secured by the charge until after the death of the person. 10 15

“(11) Subject to sub-sections (12) and (13), where—

(a) by reason of the operation of paragraph (5) (b), a charge exists on the property of a married person and of the person’s spouse; and

(b) the person dies and the spouse—

(i) has the use of that property or part of that property; and 20

(ii) has, being a man, attained the age of 65 years or, being a woman, attained the age of 60 years,

the Commonwealth is not entitled to enforce the charge against that property or that part of that property, as the case may be, until after the death of the spouse. 25

“(12) Where—

(a) by reason of the operation of paragraph (5) (b), a charge is created on property of a person; and

(b) any of the property on which the charge exists ceases to be property of the person, 30

then—

(c) in a case where the property referred to in paragraph (b) was sold or otherwise disposed of by the person—the Director-General may recover from the person out of the proceeds (if any) of the sale or disposal the whole or any part of the debt secured by the charge; and 35

(d) in a case where the person who is the new owner of the property referred to in paragraph (b) is not a *bona fide* purchaser for value without notice of the charge—the Director-General may enforce the charge against that property.

“(13) Where—

(a) by reason of the operation of paragraph (5) (b), a charge is created on the property of a person or on the property of a person and the person’s spouse;

(b) any of the relevant property of the person or the person’s spouse ceases to be property of the person or the person’s spouse, as the case may be, or the person or the person’s spouse acquires property that is not relevant property or exempt property or the person, being an unmarried person, becomes a married person; and

(c) as a result of an event referred to in paragraph (b), the value of the relevant property of the person or of the person and the person’s spouse is less than 70% of the value of the property (other than exempt property) of the person or of the person and the person’s spouse, as the case may be,

sub-sections (4), (10) and (11) cease to apply in relation to the person unless the Director-General determines in writing that those sub-sections continue to apply in relation to the person.

“(14) Where, in accordance with this section, a charge may be enforced against property of a person, the charge may be enforced against that property, or any part of that property, in such a manner as the Director-General determines in writing.

“(15) The Director-General may, on behalf of the Commonwealth, by determination in writing—

(a) waive or defer the right of the Commonwealth to recover the whole or any part of a debt that becomes payable to the Commonwealth under this section; or

(b) release particular property from the effect of a charge created on the property under this section.

### **Disposal of income or property**

“6AC. (1) Subject to sub-sections (3), (6) and (7), where, on or after 1 June 1984, a married person has, during a pension year of the person or of the person’s spouse, disposed of property of the person, 50% of the amount (if any) by which the sum of the amount of that disposition of property and the amount of any other disposition of property by the person or by the person’s spouse that took place during that pension year exceeds \$4,000 shall, for the purposes of this Act, be included in the value of the property of the person and of the property of the person’s spouse.

“(2) Subject to sub-section (3), where, on or after 1 June 1984, an unmarried person has, during a pension year of the person, disposed of property of the person, the amount (if any) by which the sum of the amount of that disposition of property and the amount of any other disposition of property by the person that took place during that pension year exceeds \$2,000 shall, for the purposes of this Act, be included in the value of the property of the person.

“(3) Where an amount (in this sub-section referred to as the ‘relevant amount’) is included in the value of the property of a person under sub-section (1) or (2) by reason of a disposition of property that took place during a pension year of the person, the amount to be included in that value under that sub-section in subsequent pension years of the person shall, on each anniversary of the day on which that disposition took place, be reduced by an amount equal to 10% of the relevant amount. 5

“(4) Subject to sub-sections (6) and (7), where, on or after 1 June 1984, a married person has disposed of income of the person, 50% of the amount of that disposition shall, for the purposes of this Act other than Part V or VII, be included in the income of the person and the income of the person’s spouse. 10

“(5) Where, on or after 1 June 1984, an unmarried person has disposed of income of the person, the amount of that disposition shall, for the purposes of this Act other than Part V or VII, be included in the income of the person.

“(6) Where— 15

(a) an amount is included under sub-section (1) or (4) in the value of the property, or in the income, of a married person and the person’s spouse by reason of a disposition of property or of income by the person; and

(b) the person and the person’s spouse cease to be married persons in relation to each other, 20

any amount that was included in the value of the property, or in the income, of the person’s former spouse by reason of that disposition shall be included in the value of the property, or in the income, of the person.

“(7) Where—

(a) an amount is included under sub-section (1) or (4) in the value of the property, or in the income, of a married person and the person’s spouse by reason of a disposition of property or of income by the person; and 25

(b) the person or the person’s spouse dies,

then—

(c) in the case of the death of the person—no amount shall be included in the value of the property, or in the income, of the person’s spouse by reason of that disposition; or 30

(d) in the case of the death of the person’s spouse—any amount that would, if the person’s spouse had not died, be included in the value of the property, or in the income, of the person’s spouse by reason of that disposition shall be included in the value of the property, or in the income, of the person. 35

“(8) Where—

(a) a person disposes, on or after 1 June 1984, of property of the person;

(b) the course of conduct that constituted that disposition of property also constituted a disposition of income and the income disposed of is attributable, in whole or in part, to that property; and 40

(c) either—

(i) no amount is included in the value of the property of the person under sub-section (1) or (2) by reason of that disposition of property; or

(ii) the amount that is included in the value of the property of the person under sub-section (1) or (2) by reason of that disposition of property is, in a case to which sub-section (1) applies, less than 50% of the amount of that disposition of property or, in a case to which sub-section (2) applies, less than the amount of that disposition,

then, for the purposes of sub-sections (4) and (5)—

(d) in a case to which sub-paragraph (c) (i) applies—no amount shall be included in the income of a person by reason of that disposition of income; or

(e) in a case to which sub-paragraph (c) (ii) applies—an amount to be included in the income of a person by reason of that disposition of income shall be calculated disregarding so much of the amount of that disposition of income as the Director-General determines in writing to be attributable to that part of the amount of that disposition of property that is not included in the value of the property of a person under sub-section (1) or (2).

“(9) This section does not apply to a disposition of property or of income that took place—

(a) more than 5 years before the time when—

(i) the person who disposed of that property or income; or

(ii) if that person was, at the time when that disposition took place, a married person—the person’s spouse,

became qualified or eligible to receive a pension under Part III or IV, a benefit under Part IVAAA, an allowance under Part VIIA or a rehabilitation allowance under Part VIII; or

(b) less than 5 years before the time referred to in paragraph (a) and before the time when the Director-General is satisfied that the person who disposed of that property or income could reasonably have expected that the person or the person’s spouse would become qualified or eligible to receive such a pension, benefit or allowance.

“(10) For the purposes of this section, a person shall be taken to have disposed of property of the person if the person engages in a course of conduct (not being a course of conduct under which the person ceases employment or ceases to engage in a business or profession or reduces the extent to which the person is employed or the extent to which the person engages in a business or profession) that diminishes, directly or indirectly, the value of the property of the person where—

(a) the person receives no consideration, or inadequate consideration, in money or money’s worth; or

(b) the Director-General is satisfied that the purpose, or the dominant purpose, of the person in engaging in that course of conduct was—

- (i) to obtain or enable the person's spouse to obtain a pension under Part III or IV, a benefit under Part IVAAA, an allowance under Part VIIA, a rehabilitation allowance under Part VIII or a service pension under the *Repatriation Act 1920*; 5
- (ii) to obtain or enable the person's spouse to obtain such a pension, benefit or allowance at a higher rate than that for which the person or the person's spouse would otherwise have been eligible; or 10
- (iii) to ensure that the person or the person's spouse would become a person other than a prescribed person for the purposes of section 83CA of this Act or section 123AB of the *Repatriation Act 1920*, 15

and the amount of that disposition of property shall be taken to be an amount equal to the amount of the diminution in the value of that property reduced by the consideration (if any) received by the person in respect of that disposition. 15

“(11) For the purposes of this section, a person shall be taken to have disposed of income of the person if the person engages in a course of conduct (not being a course of conduct under which the person ceases employment or ceases to engage in a business or profession or reduces the extent to which the person is employed or the extent to which the person engages in a business or profession) that diminishes, directly or indirectly, the rate of income of the person where— 20

- (a) the person receives no consideration, or inadequate consideration, in money or money's worth; or 25
- (b) the Director-General is satisfied that the purpose, or the dominant purpose, of the person in engaging in that course of conduct was—
  - (i) to obtain or enable the person's spouse to obtain a pension under Part III or IV, a benefit under Part IVAAA, an allowance under Part VIIA, a rehabilitation allowance under Part VIII or a service pension under the *Repatriation Act 1920*; 30
  - (ii) to obtain or enable the person's spouse to obtain such a pension, benefit or allowance at a higher rate than that for which the person or the person's spouse would otherwise have been eligible; or 35
  - (iii) to ensure that the person or the person's spouse would become a person other than a prescribed person for the purposes of section 83CA of this Act or section 123AB of the *Repatriation Act 1920*, 40

and the amount of that disposition of income shall be taken to be the amount that, in the opinion of the Director-General, is the annual rate of that diminution reduced by such percentage of the consideration (if any) received



by the person in respect of that disposition as the Director-General determines in writing to be fair and reasonable in all the circumstances of the case.

“(12) For the purposes of sub-sections (10) and (11), the value of a right or interest of the kind referred to in sub-paragraph 6AA (1) (a) (iv) of a person shall be deemed not to be consideration received by the person.

“(13) A reference in this section to a pension year, in relation to a person who is receiving a pension under Part III or IV, a benefit under Part IVAAA, an allowance under Part VIIA, a rehabilitation allowance under Part VIII or a service pension under the *Repatriation Act 1920*, shall be read as a reference to—

- (a) in a case where the person is a married person and the person and the person's spouse were, immediately before they became married persons, receiving such a pension, benefit or allowance—the period of 12 months commencing on the day on which they became married persons;
- (b) in a case (not being a case referred to in paragraph (a)) where the person is a married person and the person's spouse is receiving such a pension, benefit or allowance—the period of 12 months commencing on the pay day on which such a pension, benefit or allowance first became payable to the person or to the person's spouse, whichever was the later; or
- (c) in any other case—the period of 12 months commencing on the pay day on which that pension, benefit or allowance first became payable, and to each succeeding and each preceding period of 12 months.

#### **Financial hardship**

“6AD. (1) Where—

- (a) the annual rate of a pension under Part III or IV, a benefit under Part IVAAA or an allowance under Part VIIA or VIII payable to a person is calculated under or by reference to paragraph 28 (2) (b), 32 (2) (b), 34 (2) (b) or 63 (2) (b);
- (b) section 6AC does not apply in relation to the person or the Director-General determines in writing that the application of section 6AC in relation to the person should, for the purposes of this section, be disregarded;
- (c) any of the property of the person or, if the person is a married person, of the person and the person's spouse, is property that—
  - (i) the person or the person's spouse cannot sell or realize or could not reasonably be expected to sell or realize; and
  - (ii) the person or the person's spouse cannot use as security for borrowing or could not reasonably be expected to use as security for borrowing; and
- (d) the Director-General is satisfied that the person would suffer severe financial hardship if this section did not apply in relation to the person,

the Director-General shall determine in writing that this section applies in relation to the person.

“(2) Subject to sub-sections (3) and (4), where this section applies in relation to a person, the annual rate of the pension, benefit or allowance payable to the person shall, notwithstanding section 28, 32, 34 or 63, be determined in the following manner: 5

- (a) the value of any of the property of the person and, if the person is a married person, of the person’s spouse, that is property referred to in paragraph (1) (c) shall be disregarded;
- (b) there shall be deducted from the maximum annual rate of pension, benefit or allowance that would be payable to the person apart from the operation of sub-section 28 (1EA) or (2), 32 (2), 34 (2) or 63 (2), as the case requires (in this section referred to as the ‘maximum rate’), an amount per annum equal to the sum of—
  - (i) the annual rate of income of the person (other than income from property of the person or of the person’s spouse that is not property referred to in paragraph (1) (c) or property to which paragraph 6AA (1) (a) applies); and 15
  - (ii) an amount per annum equal to \$26 for each \$250 of the value of the property of the person (other than property referred to in paragraph (1) (c) or property to which paragraph 6AA (1) (a) applies). 20

“(3) Where the Director-General is of the opinion that the annual rate of pension, benefit or allowance applicable to a person under sub-section (2) should, having regard to the annual rate of income that could reasonably be expected to be derived from, or produced with the use of, property of the person or the person’s spouse that is property referred to in paragraph (1) (c), be reduced, the Director-General may direct that the annual rate of pension, benefit or allowance payable to the person be reduced by such amount per annum as the Director-General determines in writing. 25 30

“(4) Where the sum of the annual rate of pension, benefit or allowance that would, apart from this sub-section, be payable to a person under this section and the annual rate of income of the person exceeds the maximum rate, the annual rate so payable shall be reduced by the amount per annum of that excess. 35

### **Pension reduction amounts**

“6AE. A pension reduction amount is applicable to a person who is qualified to receive a pension under Part III or IV, a benefit under Part IVA, an allowance under Part VIIA or a rehabilitation allowance under Part VIII where the value of the property of the person exceeds by not less than \$250— 40

- (a) in the case of an unmarried person to whom sub-paragraph 6AA (1) (a) (i) applies—\$70,000;
- (b) in the case of any other unmarried person—\$120,000;

(c) in the case of a married person to whom sub-paragraph 6AA (1) (a) (ii) applies—\$50,000; or

(d) in the case of any other married person—\$75,000,

5 and the amount of that pension reduction amount is an amount equal to that excess (disregarding any part of that excess that is not a multiple of \$250).

### **Indexation**

“6AF. (1) In this section—

10 ‘index number’, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter;

‘relevant amount’ means the amount specified in paragraph 6AE (a), (b), (c) or (d) or 83CA (4) (a), (b), (c) or (d);

‘relevant year’ means the period of 12 months commencing on 1 May 1986 and each subsequent period of 12 months.

15 “(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by the Australian Statistician in respect of that  
20 quarter, the publication of the later index number shall be disregarded for the purposes of this section.

“ (3) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to  
25 the index number published in terms of the new reference base.

“ (4) Where the factor ascertained under sub-section (5) in relation to a relevant year is greater than one, this Act has effect as if for each relevant amount there were substituted, on the first day of that relevant year, an amount calculated by multiplying by that factor—

30 (a) in a case to which paragraph (b) does not apply—the relevant amount; or

(b) if, by virtue of another application or other applications of this section, this Act has effect as if another amount or amounts were substituted for that relevant amount—the substituted amount or the last  
35 substituted amount.

“ (5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant year is the number (calculated to 3 decimal places) ascertained by dividing the index number for the December quarter immediately preceding that relevant year by the index number for the  
40 December quarter immediately preceding that first-mentioned December quarter.

“(6) Where the factor ascertained in accordance with sub-section (5) in relation to a relevant year would, if it were calculated to 4 decimal places, end with a number greater than 4, the factor ascertained in accordance with that sub-section in relation to that relevant year shall be taken to be the factor calculated to 3 decimal places in accordance with that sub-section and increased by 0.001. 5

“(7) Where this Act would have effect in relation to a relevant year as if an amount were substituted for each relevant amount, being an amount that is not a multiple of \$250, then, for the purposes of paragraph (4) (b)—

- (a) in a case where that amount is a multiple of \$125—that amount shall be increased by \$125; or 10
- (b) in any other case—that amount shall be increased or reduced to the nearest multiple of \$250.”.

### **Interpretation**

36. Section 18 of the Principal Act is amended by omitting the definitions of “de facto spouse”, “husband”, “income”, “married person”, “spouse”, “unmarried person” and “wife”. 15

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

37. Section 28 of the Principal Act is amended—

- (a) by omitting from sub-section (1AA) “sub-sections (1D) and (1EA)” and substituting “sub-section (1D)”;
- (b) by omitting from sub-section (1B) “, (1D) and (1EA)” and substituting “and (1D)”;
- (c) by omitting from sub-section (1D) “a person to whom sub-section (2AA) applies” (wherever occurring) and substituting “a permanently blind person”; 25
- (d) by omitting sub-section (1EA) and substituting the following sub-sections:

“(1EA) Where the maximum rate of pension applicable to a married person whose spouse is in receipt of a pension under this Part, a benefit under Part IVAAA, an allowance under Part VIIA, an allowance under Part VIII the annual rate of which is determined by reference to this Part or a service pension under the *Repatriation Act 1920* is increased by sub-section (1B), or by sub-sections (1AA) and (1B), the maximum rate of pension so applicable to the person shall be reduced, to an extent not exceeding the amount of the increase, by— 30

- (a) the amount per annum by which the annual rate of the income of the person exceeds \$1,300; or 35

(b) an amount per annum equal to 52 times the pension reduction amount (if any) applicable to the person divided by 250, whichever is the greater or, if the amounts per annum of the reductions calculated under paragraphs (a) and (b) are the same, by the amount calculated under paragraph (a).

“(1EB) Where the maximum rate of pension payable to a person is reduced by reference to paragraph (1EA) (a)—

(a) the annual rate of the income of the person and of the person’s spouse shall each be deemed, for the purposes of sub-section (2) of this section and sub-sections 32 (2) and 34 (2), to be reduced by the amount per annum of that reduction; and

(b) no amount per annum is applicable in relation to the person under paragraph (2) (b) of this section or paragraph 32 (2) (b) or 34 (2) (b), as the case requires.

“(1EC) Where the maximum rate of pension applicable to a person is reduced by reference to paragraph (1EA) (b)—

(a) the value of the property of the person and of the person’s spouse shall each be deemed, for the purposes of sub-section (2) of this section and sub-sections 32 (2) and 34 (2), to be reduced by an amount equal to 250 times the amount of that reduction divided by 52; and

(b) no amount per annum is applicable in relation to the person under paragraph (2) (a) of this section or paragraph 32 (2) (a) or 34 (2) (a), as the case requires.”;

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

“(2) The annual rate at which an age or invalid pension payable to a person (other than a person who is permanently blind) is determined shall be reduced by—

(a) 50% of the amount (if any) per annum by which the annual rate of income of the person exceeds—

(i) if the person is an unmarried person—\$1,560; or

(ii) if the person is a married person—\$1,300; or

(b) an amount per annum equal to 26 times the pension reduction amount (if any) applicable to the person divided by 250,

whichever is the greater or, if the amounts per annum of the reductions calculated under paragraphs (a) and (b) are the same, by the amount calculated under paragraph (a).”;

(f) by omitting sub-section (2AA) and substituting the following sub-section:

“(2AA) Sub-section (2AB) or (2AC) does not apply in relation to a person where the annual rate of pension that would be applicable to the person under that sub-section is greater than the annual rate of pension applicable to the person under sub-section (2) reduced as mentioned in paragraph (2) (b) and, where sub-section (2AB) or

(2AC) does not, by virtue of this sub-section, apply in relation to the person, paragraph (2) (a) does not apply in relation to the person.”; and

- (g) by omitting from paragraph (2AD) (b) “sub-section (2) were applicable” and substituting “neither sub-section (2AB) nor (2AC) applied”. 5

38. Section 29 of the Principal Act is repealed and the following section is substituted:

#### **Calculation of income in respect of children**

“29. For the purposes of this Part (other than sub-sections 28 (2AB) and (2AC)), where a child under the age of 16 years is dependent on a pensioner, the income of the pensioner shall be reduced by— 10

- (a) if the pensioner is an unmarried person or a married person whose spouse is not in receipt of a pension under this Part, a benefit under Part IVAAA, an allowance under Part VIIA, a rehabilitation allowance under Part VIII or a service pension under the *Repatriation Act 1920*—\$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 pensioner or the spouse of the pensioner for or in respect of the child; or 15 20
- (b) if the pensioner is a married person whose spouse is in receipt of a pension, benefit or allowance referred to in paragraph (a)—\$156 per annum less 50% of 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 pensioner or the spouse of the pensioner for or in respect of the child. 25

#### **Rent assistance**

39. Section 30A of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “and”; 30
- (b) by adding at the end of sub-section (1) the following paragraphs:
- “(c) paragraph 28 (2) (b), 32 (2) (b) or 34 (2) (b) is not applicable in determining the annual rate of the pension payable to the person; and
- (d) sub-section 28 (1EC) does not apply in relation to the person.”; and 35
- (c) by omitting sub-section (7).

#### **Rate of wife's pension**

40. Section 32 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) The annual rate at which a wife's pension is determined shall be reduced by— 40

- (a) 50% of the amount (if any) per annum by which the annual rate of income of the wife exceeds \$1,300; or
- (b) an amount per annum equal to 26 times the pension reduction amount (if any) applicable to the wife divided by 250,

5 whichever is the greater or, if the amounts per annum of the reductions calculated under paragraphs (a) and (b) are the same, by the amount calculated under paragraph (a).”.

**Rate of spouse carer’s pension**

10 **41.** Section 34 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) The annual rate of spouse carer’s pension payable to a person shall be reduced by—

- (a) 50% of the amount (if any) per annum by which the annual rate of income of the person exceeds \$1,300; or
- 15 (b) an amount per annum equal to 26 times the pension reduction amount (if any) applicable to the person divided by 250,

whichever is the greater or, if the amounts per annum of the reductions calculated under paragraphs (a) and (b) are the same, by the amount calculated under paragraph (a).”.

20 **Repeal of section 47**

**42.** Section 47 of the Principal Act is repealed.

**Rate of widow’s pension**

**43.** Section 63 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

25 “(2) The annual rate at which a pension is determined shall be reduced by—

- (a) 50% of the amount (if any) by which the annual rate of the income of the widow exceeds \$1,560; or
- 30 (b) an amount per annum equal to 26 times the pension reduction amount (if any) applicable to the widow divided by 250,

whichever is the greater or, if the amounts per annum of the reductions calculated under paragraphs (a) and (b) are the same, by the amount calculated under paragraph (a).”.

**Calculation of income in respect of children**

35 **44.** Section 64 of the Principal Act is amended—

- (a) by omitting paragraph (a); and
- (b) by inserting in paragraph (b) “, under the *Repatriation Act 1920* or under the *Tuberculosis Act 1948*” after “this Act”.

**Rent assistance**

**45.** Section 65A of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “and”; and
- (b) by adding at the end of sub-section (1) the following word and paragraph:

“; and (c) paragraph 63 (2) (b) is not applicable in determining the annual rate of the pension payable to the widow.”.

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**Repeal of section 76**

**46.** Section 76 of the Principal Act is repealed.

**Interpretation**

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**47.** Section 83AAA of the Principal Act is amended by omitting from sub-section (1) the definitions of “de facto spouse” and “spouse”.

**Rate of benefit**

**48.** Section 83AAE of the Principal Act is amended—

- (a) by omitting from sub-section (1) “The rate” and substituting “Subject to sub-section (2), the rate”; and
- (b) by omitting sub-section (2) and substituting the following sub-section:

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“(2) The rate of a benefit payable to a supporting parent who is qualified for a benefit by reason of being a person referred to in paragraph (b) of the definition of ‘married person’ in sub-section 83AAA (1) is a rate equal to the rate of pension (excluding incentive allowance or supplementary assistance) that would be payable under Part III to the supporting parent if—

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- (a) the supporting parent were qualified to receive a pension under that Part;
- (b) a direction under sub-section 28 (1AAA) were in force in relation to the supporting parent;
- (c) sub-section 28 (2) were applicable to the supporting parent; and
- (d) no regard were had to any operation of sub-section 28 (2AB) in relation to the supporting parent.”.

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**Prescribed persons**

**49.** Section 83CA of the Principal Act is amended—

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

“(1) For the purposes of sections 83A and 83B, a reference to a prescribed person shall be read as a reference to—

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- (a) in a case to which paragraph (b) does not apply—a person (other than a person who is permanently blind) whose annual



rate of income is equal to or exceeds the prescribed rate of income applicable to the person; or

- (b) in the case of a person whose annual rate of pension (including a service pension under the *Repatriation Act 1920*), benefit or allowance is determined under or by reference to paragraph 28 (2) (b), 32 (2) (b), 34 (2) (b) or 63 (2) (b)—a person the value of whose property exceeds the prescribed property value applicable to the person.”;

- (b) by inserting after sub-section (3) the following sub-section:

“(4) For the purposes of sub-section (1), the prescribed property value applicable to a person is—

- (a) in the case of an unmarried person to whom sub-paragraph 6AA (1) (a) (i) applies—\$80,000;  
(b) in the case of any other unmarried person—\$130,000;  
(c) in the case of a married person to whom sub-paragraph 6AA (1) (a) (ii) applies—\$57,500; or  
(d) in the case of any other married person—\$82,500.”;

- (c) by omitting sub-section (5); and

- (d) by omitting from sub-section (6) the definitions of “married person” and “unmarried person”.

**50.** Section 135U of the Principal Act is repealed and the following section is substituted:

**Special temporary allowance**

“135U. (1) In this section—

‘pension’ means—

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

and includes an allowance under section 133JA, a remote area allowance under Part IIA or a remote area allowance under section 98AA of the *Repatriation Act 1920*;

‘pensioner’ means a person in receipt of—

- (a) a pension under Part III;  
(b) a benefit under Part IVAAA where the person is a person referred to in paragraph (b) of the definition of ‘married person’ in sub-section 83AAA (1); or  
(c) a service pension under the *Repatriation Act 1920*,

and includes a person who would, but for section 133N, sub-section 135B (3) or 135TJ (1A) of this Act or paragraph 86 (1) (ba) of the *Repatriation Act 1920*, be eligible to receive a pension or benefit referred to in paragraph (a), (b) or (c);

‘prescribed pensioner’ means a person in receipt of a service pension under the *Repatriation Act 1920* or an allowance under section 9 of the *Tuberculosis Act 1948*. 5

“(2) Where—

- (a) the spouse of a married person who is a pensioner (other than a prescribed pensioner) dies; and 10
- (b) the spouse was, immediately before the death of the spouse, a pensioner,

this section applies to the person during the period of 12 weeks commencing on the day after the date of death of the spouse.

“(3) Subject to this section, during any period during which this section applies to a person— 15

- (a) the amount per fortnight of pension (if any) under this Act that would have been payable to the person if the person’s spouse had not died continues to be payable to the person; and
- (b) a special temporary allowance of an amount equal to the amount (if any) per fortnight of pension that would have been payable to the person’s spouse if the spouse had not died is payable to the person. 20

“(4) For the purposes of sub-section (3), the amount of pension that would have been payable to a person or to the person’s spouse shall be calculated as if the person and the person’s spouse were living together. 25

“(5) During any period during which this section applies to a person, the person is not entitled to receive a widow’s pension under Part IV, or a supporting parent’s benefit under Part IVAAA where the person was not qualified to receive that benefit before the death of the person’s spouse.

“(6) Where the amount per fortnight payable to a person under sub-section (3) is less than the amount per fortnight (in this sub-section referred to as the ‘relevant amount’) of pension that would, if this section did not apply to the person, be payable to the person, the amount per fortnight payable to the person under sub-section (3) is the relevant amount.”. 30

### **Application of amendments** 35

**51. (1)** The amendments made by this Division apply, in so far as they affect instalments or payments of pension, benefit or allowance under the *Social Security Act 1947*, in relation to each instalment or payment of pension, benefit or allowance that falls due on or after 21 March 1985.

**(2)** Pensions, benefits and allowances under the *Social Security Act 1947* shall, before 21 March 1985, be calculated in accordance with that Act as if the amendments made by this Division had not been made. 40

(3) Where, by virtue of the operation of section 47 or 76 of the *Social Security Act 1947*, an amount was deemed to be income of a person in respect of a deprivation of income of a person that took place before 1 June 1984, that amount shall, on and after 21 March 1985, continue to be deemed to be income of the person.

(4) Where, by virtue of the operation of section 47 or 76 of the *Social Security Act 1947*, an amount is deemed to be income of a person in respect of a deprivation of income that took place on or after 1 June 1984 and before 21 March 1985—

- (a) that amount shall not, subject to paragraph (b), on or after 21 March 1985, be deemed to be income of the person; and
- (b) section 6AC of that Act applies, according to its terms, to that deprivation.

### **Transitional**

52. (1) Where, on 21 March 1985, a person is absent from the principal home of the person, sub-section 6AA (8) of the *Social Security Act 1947* applies in relation to the person as if that period of absence had commenced on that date.

(2) Where a person lodges a request in accordance with sub-section 6AB (2) of the *Social Security Act 1947* after 21 March 1985 and before 21 June 1985, that request shall be deemed to have been lodged on 21 March 1985.

(3) A determination under paragraph (b) of the definition of “married person” in sub-section 17B (1) or under paragraph 29 (2) (b), sub-paragraph 30A (7) (d) (ii) or paragraph 83CA (5) (b) of the *Social Security Act 1947* that was in force immediately before the commencement of this section shall continue to have effect after that commencement as if it were a determination under paragraph (b) of the definition of “married person” in sub-section 6 (1) of that Act.

### **Division 2—Amendments of the Repatriation Act 1920**

#### **Principal Act**

53. The *Repatriation Act 1920*<sup>2</sup> is in this Division referred to as the Principal Act.

#### **Interpretation**

54. Section 83 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definitions of “income” and “married person” and substituting the following definitions:

“‘income’ has the same meaning as in section 6 of the *Social Security Act 1947*, but does not include a payment under this Division;

‘married person’ has the same meaning as in section 6 of the *Social Security Act 1947*;”;

- (b) by omitting sub-section (3) and substituting the following sub-sections:

“(2) Sub-sections 6 (3) and (4) and sections 6AA, 6AB, 6AC, 6AD, 6AE and 6AF of the *Social Security Act 1947* apply in relation to service pensions under this Division.

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“(3) In the application of a provision of the *Social Security Act 1947* for the purposes of this Division—

- (a) a power or function conferred by that provision on the Director-General shall be deemed to have been conferred by this Act on the Commission;

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- (b) a reference in that provision (not being sub-section 6AC (10), (11) or (13) of that Act) to a pension, benefit or allowance under that Act shall be read as a reference to a service pension under this Division;

- (c) a reference in that provision (not being sub-section 6AC (10) or (11) of that Act) to section 83CA of that Act shall be read as a reference to section 123AB of this Act;

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- (d) a reference in sub-section 6AB (2) of that Act to the age of 65 years or the age of 60 years shall be read as a reference to the age of 60 years or the age of 55 years, as the case may be;

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- (e) a reference in sub-section 6AB (2) of that Act to the Department shall be read as a reference to the Department of Veterans' Affairs;

- (f) a reference in sub-section 6AC (9) of that Act to the time when a person or a person's spouse became, or when a person could reasonably have expected the person or the person's spouse to become, qualified or eligible to receive a pension, benefit or allowance shall be read as a reference to the time when a service pension was granted to the person or the person's spouse or the time when the person could reasonably have expected a service pension to be granted to the person or the person's spouse, as the case may be;

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- (g) a reference in that provision to a child under the age of 16 years of whom a person has the custody, care and control shall, in relation to a member of the Forces, be read as a reference to a child of that member; and

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- (h) a reference in that provision to a direction in force under sub-section 28 (1AAA) or 32 (1A) of that Act shall be read as a reference to a determination in force under sub-section 84 (2) or 85 (1AA), as the case may be, of this Act.

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“(4) Sub-section 28 (1C) of the *Social Security Act 1947* does not apply for the purposes of this Division.”

**Variation of rate of service pension**

**55.** Section 87 of the Principal Act is amended—

- (a) by inserting in sub-sections (1B) and (1C) “of this section but subject to sub-section 28 (2AA) of the *Social Security Act 1947*” after “Notwithstanding sub-section (1)”;  
(b) by omitting from paragraph (1D) (b) “sub-section (1) were applicable” and substituting “neither sub-section (1B) nor (1C) applied”; and  
(c) by omitting sub-sections (2), (3), (3AAA) and (3AA).

**Repeal of section 91**

**56.** Section 91 of the Principal Act is repealed.

**Service pensioner in a public institution**

**57.** Section 95 of the Principal Act is amended by omitting “in relation to whose income sub-section 87 (2) applies” from the definition of “wife’s portion” in sub-section (1) and substituting “who is a married person”.

**58.** Sections 97 and 98 of the Principal Act are repealed and the following section is substituted:

**Cancellation, suspension or variation of service pension**

“98. (1) If—

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

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

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

- (a) by reason of the refusal or failure of any person to comply with a provision of this Act, other than—
  - (i) sub-section 121 (5) in relation to a notice under sub-section 121 (2); or
  - (ii) sub-section 121A (3); or
- (b) by reason that an amount has been paid by way of pension or allowance that, but for the false statement or misrepresentation of any person, would not have been paid,

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

“(3) If, having regard to any matter that affects the payment of a service pension, the Commission determines that the rate of a service pension is less than it should be, the Commission may, by determination in writing, increase the rate of the service pension with effect from the date of the determination or such earlier or later date as is specified in the determination.”.

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### **Rent assistance**

**59.** Section 98A of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “and”;
- (b) by adding at the end of sub-section (1) the following paragraphs:
  - “(c) paragraph 28 (2) (b), 32 (2) (b) or 34 (2) (b) of the *Social Security Act 1947* is not applicable in determining the rate of service pension payable to the person; and
  - (d) sub-section 28 (1EC) of that Act does not apply in relation to the person.”; and
- (c) by inserting in sub-section (6) “or 121” after “section 96”.

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### **Special temporary allowance**

**60.** Section 98B of the Principal Act is amended—

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:
  - “(a) a woman shall be deemed to be the widow of a deceased man where, immediately before his death, he was her spouse; and
  - (b) a man shall be deemed to be the widower of a deceased woman, where, immediately before her death, he was her spouse.”;
- (b) by omitting paragraph (2) (a) and substituting the following paragraph:
  - “(a) a married person who is in receipt of a service pension; or”; and
- (c) by omitting sub-section (8) and substituting the following sub-section:
  - “(8) In this section—
  - ‘service pension’ includes an allowance under section 98A and a remote area allowance under section 98AA;
  - ‘spouse’ has the same meaning as in section 6 of the *Social Security Act 1947*.”.

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**61.** Section 121 of the Principal Act is repealed and the following sections are substituted:

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### **Notification and review**

“121. (1) The Secretary may give to any person to whom, or on behalf of whom, a pension or allowance is being paid under this Act a notice in writing requiring that person, if an event or change of circumstances specified in the

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notice occurs or if that person is aware that 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.

5       “(2) The Secretary may give to any person to whom, or on behalf of whom, a pension or allowance is being paid under this Act a notice in writing requiring that person to furnish 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  
10       payment to that person of the pension or allowance.

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

15       “(4) The period for compliance specified in a notice in pursuance of sub-section (1) or (2) shall not be less than 14 days after the day on which the notice is served.

      “(5) A person shall not—

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

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

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

25       “121A. (1) Where the Secretary has reason to believe that a person is capable of furnishing information, producing documents or giving evidence in relation to any matter that might affect, or might have affected, the grant or payment of a pension or allowance under this Act to that person or any other person, the Secretary may, by notice in writing given to that person, require that person—

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

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

“(3) A person shall not—

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

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

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

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

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### **Self-incrimination**

“121B. A person is not excused from furnishing information, producing a document or giving evidence pursuant to section 121 or 121A on the ground that the information or evidence, or the production of the document, may tend to incriminate the person, but any information furnished or evidence given, or the production of any document, pursuant to section 121 or 121A is not admissible in evidence against the person in any criminal proceedings, other than proceedings under, or arising out of, sub-section 121 (5) or 121A (3), as the case may be.

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### **Furnishing of information**

“121C. Nothing contained in any law of a State or of a Territory shall operate so as to prevent any person from furnishing any information, producing any documents or giving any evidence to an officer for the purposes of this Act.

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### **Interpretation**

“121D. In sections 121, 121A and 121B, unless the contrary intention appears—

‘officer’ means a person performing duties, or exercising powers or functions, under or in relation to this Act;

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‘person’ includes an unincorporated body.

### **Delegation by Secretary**

“121E. (1) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Secretary, delegate to a person any of the Secretary’s powers under sections 121 and 121A.

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“(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 Secretary.

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



**Prescribed persons**

**62.** Section 123AB of the Principal Act is amended—

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

“ (1) For the purposes of section 123A, a reference to a prescribed person shall be read as a reference to—

(a) in a case to which paragraph (b) does not apply—a person (other than a person who is permanently blind) whose annual rate of income is equal to or exceeds the prescribed rate of income applicable to the person; or

(b) in the case of a person whose annual rate of pension under this Act is determined by reference to paragraph 28 (2) (b), 32 (2) (b) or 34 (2) (b) of the *Social Security Act 1947*—a person the value of whose property within the meaning of the *Social Security Act 1947* exceeds the prescribed property value applicable to the person.”;

(b) by omitting from sub-section (2) “sub-sections (3) and (4)” and substituting “sub-section (3)”;

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

“(2A) The prescribed property value applicable to a person is—

(a) in the case of an unmarried person to whom sub-paragraph 6AA (1) (a) (i) of the *Social Security Act 1947* applies—\$80,000;

(b) in the case of any other unmarried person—\$130,000;

(c) in the case of a married person to whom sub-paragraph 6AA (1) (a) (ii) of that Act applies—\$57,500; or

(d) in the case of any other married person—\$82,500.”;

(d) by omitting sub-sections (3) and (4) and substituting the following sub-section:

“(3) Where a person has the custody, care and control of a child or children, the prescribed rate of income applicable to the person by virtue of sub-section (2) shall be increased—

(a) if the person is an unmarried person—by \$1,040 per annum; or

(b) if the person is a married person—by \$520 per annum, in respect of each child.”;

(e) by omitting from sub-section (4A) “sub-sections (3) and (4)” and substituting “sub-section (3)”;

(f) by inserting after sub-section (4A) the following sub-sections:

“(5) For the purposes of this section—

(a) the value of the property of a married person shall be taken to be 50% of the sum of the value of the property of the person and of the person’s spouse; and

(b) the annual rate of the income of a married person shall, unless for any special reason in any particular case the Commission

otherwise determines, be taken to be 50% of the sum of the annual rates of income of the person and of the person's spouse.

“(5A) Where an amount is, under section 6AF of the *Social Security Act 1947*, substituted for the amount specified in paragraph 83CA (4) (a), (b), (c) or (d) of that Act or for an amount previously substituted for the purposes of that paragraph of that Act, the amount so substituted shall also be substituted for the amount specified in paragraph (2A) (a), (b), (c) or (d), as the case may be, of this section or for an amount previously substituted for the purposes of that paragraph by virtue of another application of this sub-section.”;

(g) by inserting in sub-paragraph (a) (i) of the definition of “child” in sub-section (6) “not” after “has”; and

(h) by omitting from sub-section (6) the definitions of “income” and “married person” and substituting the following definitions:

“ ‘income’ has the same meaning as in section 83;

‘married person’ has the same meaning as in section 83;”.

## Application

63. (1) The amendments made by this Division (other than sections 58 and 61) apply in relation to instalments or payments of pension under the *Repatriation Act 1920* falling due on or after 14 March 1985.

(2) Pensions under the *Repatriation Act 1920* shall, before 14 March 1985, be calculated in accordance with that Act as if the amendments made by this Division had not been made.

(3) Where, by virtue of the operation of section 91 of the *Repatriation Act 1920*, an amount was deemed to be income of a person in respect of a deprivation of income that took place before 1 June 1984, that amount shall, on and after 14 March 1985, continue to be deemed to be income of the person.

(4) Where, by virtue of the operation of section 91 of the *Repatriation Act 1920*, an amount is deemed to be income of a person in respect of a deprivation of income that took place on or after 1 June 1984 and before 14 March 1985—

(a) that amount shall not, subject to paragraph (b), on or after 14 March 1985, be deemed to be income of the person; and

(b) section 6AC of the *Social Security Act 1947*, in its application for the purposes of the *Repatriation Act 1920*, applies, according to its terms, in relation to that deprivation.

## Transitional

64. (1) Where, on 14 March 1985, a person is absent from the principal home of the person, sub-section 6AA (8) of the *Social Security Act 1947*, in its application for the purposes of the *Repatriation Act 1920*, applies in relation to the person as if that period of absence had commenced on that date.

(2) Where a person lodges a request in accordance with sub-section 6AB (2) of the *Social Security Act 1947*, in its application for the purposes of the *Repatriation Act 1920*, after 14 March 1985 and before 14 June 1985, that request shall be deemed to have been lodged on 14 March 1985.

- 5 (3) A determination under paragraph 87 (2) (b) of the *Repatriation Act 1920* that was in force immediately before the commencement of this section shall, after that commencement, have effect as if it were a determination under paragraph (b) of the definition of "married person" in sub-section 6 (1) of the *Social Security Act 1947*, in the application of that definition for the purposes  
10 of the *Repatriation Act 1920*.

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## SCHEDULE

Section 16

### MINOR AND CONSEQUENTIAL AMENDMENTS OF THE *SOCIAL SECURITY ACT 1947*

#### Section 2—

Omit "(1)".

#### Sub-section 17B (1) (definitions of "de facto spouse", "married person", "spouse" and "unmarried person")—

Omit the definitions.

#### Sub-section 18A (1)—

Omit "Division 4", substitute "this Part".

#### Section 20—

Omit "(2)".

#### Sub-section 26 (4)—

Omit the sub-section.

#### Sub-section 31 (2A)—

Omit the sub-section.

#### Sub-section 33 (1)—

Omit "a person who is receiving a rehabilitation allowance under Part VIII or a service pensioner", substitute "or a person who is receiving a service pension".

#### Sub-section 59 (2)—

Omit the sub-section.

#### Section 62—

Omit "(3)".

#### Paragraph 64 (d)—

(a) Omit "(a)", substitute "(i)".

(b) Omit "(b)", substitute "(ii)".

**SCHEDULE—continued****Section 83AAC—**

Omit “(1)” (first occurring).

**Sub-section 88 (7)—**

Omit the sub-section.

**Sub-sections 94 (1B) and (1C)—**

Insert “in writing” after “direct”.

**Sub-section 94 (1D)—**

Omit the sub-section.

**Sub-section 104 (2)—**

Insert “or the person’s spouse is residing in Australia or” after “paid” (second occurring).

**Sub-section 106 (1)—**

(a) Omit paragraph (b) of the definition of “income”, substitute the following paragraph:

“(b) a payment under this Act or the value of any treatment, training or goods provided under this Act;”.

(b) Omit the definitions of “de facto spouse”, “husband”, “unmarried person” and “wife”.

**Sub-section 106 (3)—**

Insert “or VIII” after “VIIA”.

**Sub-section 133RE (6)—**

Omit the sub-section.

**Section 134—**

Omit “(1)”.

**Sub-section 135 (3)—**

Omit the sub-section.

**Sub-section 135B (3)—**

Insert “IIA,” after “Part”.

**Section 135K—**

Omit “(1)”.

**Sub-section 135TD (1) (definition of “account”)—**

Omit the definition.

**Sub-section 135TD (2)—**

Insert “, being an account to which moneys received on deposit are credited,” after “account”.

**Section 135TH—**

Omit “, of a Territory or of Norfolk Island”, substitute “or of a Territory”.

**SCHEDULE—continued**

**Sub-section 135THA (1)—**

Omit the sub-section.

**Paragraph 135THA (5) (b)—**

Omit “or IV”, substitute “, IV or IVAAA”.

**Sub-section 139 (2)—**

- (a) Omit “or the Director-General”, substitute “, the Director-General or the Director of Public Prosecutions”.
- (b) Insert “or the Director of Public Prosecutions” after “Director-General” (second occurring).

**Sub-section 144 (2)—**

Omit “or in accordance with”, substitute “and shall, in accordance with section 218 of”.

**NOTES**

1. No. 26, 1947, as amended. For previous amendments, see Nos. 38 and 69, 1948; No. 16, 1949; Nos. 6 and 26, 1950; No. 22, 1951; Nos. 41 and 107, 1952; No. 51, 1953; No. 30, 1954; Nos. 15 and 38, 1955; Nos. 67 and 98, 1956; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1960; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; Nos. 57 and 152, 1965; No. 41, 1966; Nos. 10 and 61, 1967; No. 65, 1968; No. 94, 1969; Nos. 2 and 59, 1970; Nos. 16 and 67, 1971; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48, 103 and 216, 1973; Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979 (as amended by Nos. 37 and 98, 1982); No. 130, 1980; No. 61, 1981; No. 159, 1981 (as amended by No. 98, 1982); No. 170, 1981; Nos. 37, 98 and 148, 1982; Nos. 4, 36 and 69, 1983; and Nos. 46 and 78, 1984.
2. 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, 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, 80 and 100, 1982; Nos. 36 and 70, 1983; and Nos. 78 and 000, 1984.
3. 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; and No. 70, 1983.





