

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) AMENDMENT BILL 1985**

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1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 9 October 1985

*(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) Amendment Act 1985*.

##### **Commencement**

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

10       (2) Section 9 and sub-section 10 (1) shall be deemed to have come into operation on 1 July 1985.

✓(3) Sections 5, 6, 47 and 51 and sub-section 45 (3) shall come into operation on such day as is, or such respective days as are, fixed by Proclamation.

✓(4) Sections 29, 30, 31, 34 and 37 shall come into operation, or shall be deemed to have come into operation, as the case requires, on 7 November 1985. 5

✓(5) Sections 8, 11, 13 to 28, inclusive, 36, 41, 42, 43, 44, 46, 48, 49, 50, 52, 60, 61, 62 and 68 to 74, inclusive, and sub-sections 45 (1), 57 (1), 63 (1), 66 (1) and 67 (1) shall come into operation, or shall be deemed to have come into operation, as the case requires, on 1 November 1985. 10

✓(6) Sub-section 57 (2) shall come into operation on 1 January 1986.

✓(7) Sections 53 and 56 shall come into operation on 15 January 1986.

✓(8) Sub-sections 45 (2), 63 (2), 64 (1) and 65 (1) shall come into operation on 1 May 1986. 15

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

### Principal Act

3. The *Aged or Disabled Persons Homes Act 1954*<sup>1</sup> is in this Part referred to as the Principal Act. 20

### Purpose

4. Section 3 of the Principal Act is amended—

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

“(1) The purposes of this Act are to encourage and assist— 25

(a) the provision of suitable homes for eligible persons, being homes at which eligible persons may reside in conditions approaching as nearly as practicable normal domestic life; and

(b) the provision of accommodation at which respite care services may be provided for eligible persons.”; and 30

(b) by omitting from sub-section (2) “purpose” and substituting “purposes”.

### Interpretation

5. Section 10A of the Principal Act is amended— 35

(a) by omitting the definitions of “prescribed date” and “prescribed period”; and

- (b) by omitting “paragraphs 10C (1) (c) and (d)” from the definition of “respite care bed” and substituting “paragraph 10C (1) (c)”.

**Payments to approved organisations**

5       **6.** Section 10C of the Principal Act is amended by omitting paragraphs (1) (a), (b), (c) and (d) and substituting the following paragraphs:

- “ (a) an amount calculated at the rate of \$1.80 per day in respect of each eligible person who is assessed as requiring hostel care services only and for whom hostel care services are made available by that approved organisation;
- 10       (b) an amount calculated at the rate of \$7.80 per day in respect of each eligible person who is assessed as requiring hostel care services and personal care services and for whom those services are made available by that approved organisation; and
- 15       (c) an amount calculated at the rate of \$7 per day in respect of each respite care bed provided by that approved organisation that is occupied by an eligible person.”.

**PART III—AMENDMENT OF THE NATIONAL HEALTH ACT  
1953**

**Principal Act**

20       **7.** The *National Health Act 1953*<sup>2</sup> is in this Part referred to as the Principal Act.

**Interpretation**

**8.** Section 4 of the Principal Act is amended by omitting “spouse” from paragraph (a) of the definition of “pensioner” in sub-section (1).

25       **Recognised days of absence of qualified nursing home patients, &c.**

**9.** Section 4AA of the Principal Act is amended by inserting in paragraph (9) (b) “(other than a reference in sub-section 47 (2))” after “reference” (first occurring).

**Basic benefit payable in respect of nursing home care**

30       **10. (1)** Section 47 of the Principal Act is amended by inserting after sub-section (2) the following sub-section:

“ (2A) Sub-section (2) does not apply to reduce an amount of Commonwealth benefit payable in respect of fees that are bed retention fees for the purposes of section 4AA.”.

35       **(2)** Section 47 of the Principal Act is amended by adding at the end the following sub-section:

“ (4) Regulations made for the purposes of sub-section (1) may prescribe different amounts of Commonwealth benefit payable in respect of different

classes of approved nursing homes, being classes of nursing homes identified in or in accordance with those regulations.”.

### Interpretation

11. Section 84 of the Principal Act is amended by omitting “spouse” from paragraph (a) of the definition of “concessional beneficiary” in subsection (1). 5

## PART IV—AMENDMENTS OF THE REPATRIATION ACT 1920

### Principal Act

12. The *Repatriation Act 1920*<sup>3</sup> is in this Part referred to as the Principal Act. 10

13. (1) Section 85AA of the Principal Act is repealed and the following section is substituted:

### Service pension for carers

“85AA. (1) Subject to this Act, the Commission may grant a service pension to a person where— 15

(a) the person personally provides constant care and attention for a relative of the person in a home of the person and of the relative; and

(b) the relative is a severely handicapped person who is receiving a service pension under section 84 or 85 as a member of the Forces, 20  
at a rate not exceeding the rate of pension per annum that would be applicable to the person under the *Social Security Act 1947* if he or she were qualified to receive a carer’s pension under Division 6 of Part III of that Act.

“(2) Where a person who is personally providing constant care and attention for a relative who is a severely handicapped person temporarily ceases to provide that care and attention— 25

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

(b) for such other period as the Commission, for any special reason in any particular case, approves in writing, 30

the person does not cease to be eligible to receive a service pension under this section by reason only of that cessation.

“(3) In this section—

‘relative’, in relation to a person, means— 35

(a) the spouse of the person;

(b) a grandparent, parent, step-parent, parent-in-law, brother, sister, half-brother, half-sister, step-brother, step-sister, child,



adopted child, step-child, son-in-law, daughter-in-law or grandchild of the person;

(c) a person who is or has been a guardian of the first-mentioned person; or

(d) any other person who the Commission determines in writing should, in the special circumstances of the case, be treated as a relative of the first-mentioned person for the purposes of this section;

‘severely handicapped person’ means a person who—

(a) has a physical or mental disability;

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

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

‘spouse’ has the same meaning as in the *Social Security Act 1947*.”.

(2) A person who was, immediately before 1 November 1985, eligible to receive a service pension under section 85AA of the Principal Act is, on and after that date, eligible to receive, subject to the Principal Act as amended by this Act, a service pension under section 85AA of that Act as so amended.

#### **Restrictions as to dual pensions**

14. Section 86 of the Principal Act is amended by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) a person is not entitled to receive at the same time a service pension and—

(i) a pension under Part III or IV;

(ii) a benefit under Part IVAAA or VII;

(iii) an allowance under Part VIIA; or

(iv) a rehabilitation allowance under Part VIII,

of the *Social Security Act 1947*.”.

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

15. Section 87 of the Principal Act is amended—

(a) by omitting from sub-section (1) “spouse” (wherever occurring);

(b) by omitting from paragraph (1) (c) “man” and substituting “person”; and

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

“(5) For the purposes of determining the rate of a service pension by reference to a provision of the *Social Security Act 1947*, any power conferred by that provision or by a related provision of that Act on the Secretary to the Department of Social Security shall, for the purposes of this Act, be exercisable by the Commission.”.

**Receipt of income, &c., to be notified**

**16.** Section 96 of the Principal Act is amended—

(a) by omitting paragraphs (6) (da) and (db) and substituting the following paragraphs:

“(da) a carer pensioner permanently ceasing to provide constant care and attention for the severely handicapped person in relation to whom the carer pensioner is receiving his or her pension; 5

(db) the person in relation to whom a carer pensioner is receiving his or her pension ceasing to be a severely handicapped person; or”; and 10

(b) by omitting from sub-section (7A) “matrimonial”.

**Payments received under the New Enterprise Incentive Scheme—effect where recipient is in receipt of a service pension and spouse of recipient is not in receipt of a pension by reason of being the spouse of the recipient 15**

**17.** Section 97 of the Principal Act is amended by inserting in sub-paragraph (1) (b) (i) “or 85AA” after “section 85”.

**Payments received under the New Enterprise Incentive Scheme—effect where spouse of recipient is in receipt of a pension by reason of being the spouse of the recipient 20**

**18.** Section 97A of the Principal Act is amended by inserting in paragraph (1) (b) “or 85AA” after “section 85”.

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

**19.** Section 98 of the Principal Act is amended by adding at the end the following sub-section: 25

“(4) This section does not apply in relation to—

(a) any matter that affects the payment of a service pension; or

(b) the refusal or failure of any person to comply with a provision of this Act, 30

if section 98AAA applies in relation to that matter, refusal or failure.”

**20.** After section 98 of the Principal Act the following section is inserted:

**Pension, &c., to cease to be payable in certain cases**

“98AAA. (1) Where—

(a) a person who is in receipt of a service pension notifies the Department of the occurrence of an event or a change in circumstances in accordance with section 96 or in accordance with a notice under sub-section 121 (1); and 35

(b) by reason of the occurrence of that event or change in circumstances, the person ceases to be eligible to receive that pension, 40

that pension ceases to be payable to the person as from the day after the last day on which the person could, in accordance with section 96 or in accordance with a notice under sub-section 121 (1), have notified the Department of the occurrence of that event or that change in circumstances.

5 “(2) Where—

(a) a person who is in receipt of a service pension or an allowance under section 98A is required to notify the Department of the occurrence of an event or a change in circumstances in accordance with section 96 or sub-section 98A (8), (9) or (10) or in accordance with a notice under sub-section 121 (1);

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(b) the person does not notify the Department of the occurrence of that event or that change in circumstances within the period specified in that section or in the notice; and

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(c) by reason of the occurrence of that event or that change in circumstances—

(i) the person ceases to be eligible to receive that pension or allowance; or

(ii) that pension or allowance is payable to the person at a lower rate,

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that pension or allowance ceases to be payable to the person or becomes payable to the person at the lower rate, as the case may be, as from the day after the day on which that event or that change in circumstances occurred.”.

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**Extension of application of Division 5 to members of Forces of a Commonwealth country**

21. Section 98C of the Principal Act is amended by omitting paragraph (1) (ba) and substituting the following paragraph:

“(ba) a person who has a relative, as defined in section 85AA, who is such a member; and”.

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**Extension of application of Division 5 to members of Forces of an allied country**

22. Section 98G of the Principal Act is amended by omitting paragraph (1) (ba) and substituting the following paragraph:

“(ba) a person who has a relative, as defined in section 85AA, who is such a member; and”.

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**Extension of application of Division 5 to Australian mariners**

23. Section 98L of the Principal Act is amended by omitting paragraph (1) (ba) and substituting the following paragraph:

“(ba) a person who has a relative, as defined in section 85AA, who is such an Australian mariner; and”.

40

**Extension of application of Division 5 to Commonwealth mariners**

**24.** Section 98P of the Principal Act is amended by omitting paragraph (1) (ba) and substituting the following paragraph:

“(ba) a person who has a relative, as defined in section 85AA, who is such a Commonwealth mariner; and”.

5

**Extension of application of Division 5 to allied mariners**

**25.** Section 98R of the Principal Act is amended by omitting paragraph (1) (ba) and substituting the following paragraph:

“(ba) a person who has a relative, as defined in section 85AA, who is such an allied mariner; and”.

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**Recovery of overpayments**

**26.** Section 120AA of the Principal Act is amended by omitting “is recoverable” and substituting “shall, unless the Commission takes action under sub-section 120AB (1) in relation to that amount, be recovered”.

**27.** After section 120AA of the Principal Act the following section is inserted:

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**Waiver, &c.**

“120AB. (1) The Commission may, on behalf of the Commonwealth, by determination in writing—

(a) write off debts arising under or as a result of this Act, or debts arising under or as a result of this Act that are included in a class of debts specified by the Minister by notice in writing published in the *Gazette*;

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(b) waive or defer the right of the Commonwealth—

(i) to recover from a person the whole or a part of a debt that is payable by the person under or as a result of this Act; or

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(ii) to recover debts under or as a result of this Act included in a class of debts specified by the Minister by notice in writing published in the *Gazette*; or

(c) allow an amount that is payable by a person to the Commonwealth under or as a result of this Act to be paid in instalments.

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“(2) Subject to sub-section (3), proceedings for the recovery from a person of any amount that is payable by the person to the Commonwealth under or as a result of this Act shall not be commenced after the end of the period of 6 years commencing on the day on which that amount became payable.

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“(3) Where an amount becomes payable by a person to the Commonwealth under or as a result of this Act because of—

(a) a false statement or representation made by any person; or

- (b) a failure or omission by any person to comply with a provision of this Act,

5 proceedings for the recovery of that amount may be commenced at a time within the period of 6 years commencing on the day on which an officer of the Department becomes aware that the statement or representation was false or that the person had not complied with that provision, as the case may be.”.

**Deduction from pensions, allowances or benefits of certain amounts**

10 **28.** Section 120B of the Principal Act is amended—

- (a) by omitting from sub-section (1) all the words after “during that period” and substituting the following:

“by way of—

- 15 (a) pension or allowance, whether under this Act or the regulations or under the provisions of any other Act administered by the Minister; or  
(b) pension, benefit or allowance under the *Social Security Act 1947*,

which would not have been made if the first-mentioned pension or allowance had then been payable.”;

- 20 (b) by omitting from sub-section (2) “may” and substituting “shall, unless the Commission takes action under sub-section 120AB (1) in relation to that amount,”; and  
(c) by omitting sub-sections (3) and (4).

**Schedule 2**

25 **29.** Schedule 2 to the Principal Act is amended—

- (a) by omitting from the fourth paragraph “53.80” and substituting “57.40”; and  
(b) by omitting from the fifth paragraph “107.60” and substituting “114.80”.

30 **Schedule 3**

**30.** Schedule 3 to the Principal Act is amended—

- (a) by omitting from Table A “76.80” (wherever occurring) and substituting “82.00”; and  
(b) by omitting from Table A “38.40” and substituting “41.00”.

35 **Schedule 5**

**31.** Schedule 5 to the Principal Act is amended—

- 40 (a) by omitting from column 2 of the table in paragraph 1 “71.80” and substituting “76.60”;  
(b) by omitting from column 2 of the table in paragraph 1 “48.50” and substituting “51.70”;

- (c) by omitting from column 2 of the table in paragraph 1 “41.70” (wherever occurring) and substituting “44.50”;
- (d) by omitting from column 2 of the table in paragraph 1 “20.70” (wherever occurring) and substituting “22.10”;
- (e) by omitting from column 2 of the table in paragraph 1 “11.00” (wherever occurring) and substituting “11.70”; 5
- (f) by omitting from column 2 of the table in paragraph 1 “16.10” and substituting “17.20”;
- (g) by omitting from column 3 of the table in paragraph 1 “107.60” and substituting “114.80”; and 10
- (h) by omitting from column 3 of the table in paragraph 1 “53.80” (wherever occurring) and substituting “57.40”.

#### **Application of amendments**

32. The amendments made by sections 29, 30 and 31 apply in relation to each instalment or payment of pension or allowance under the *Repatriation Act 1920* that falls due on or after 7 November 1985. 15

### **PART V—AMENDMENTS OF THE SEAMEN’S WAR PENSIONS AND ALLOWANCES ACT 1940**

#### **Principal Act**

33. The *Seamen’s War Pensions and Allowances Act 1940*<sup>a</sup> is in this Part referred to as the Principal Act. 20

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

34. Section 18 of the Principal Act is amended—

- (a) by omitting from sub-section (7) “38.40” and substituting “41.00”; and 25
- (b) by omitting from sub-section (8) “76.80” and substituting “82.00”.

#### **Deduction from pensions and allowances of certain amounts**

35. Section 55A of the Principal Act is amended by omitting sub-section (2).

36. After section 55A of the Principal Act the following section is inserted: 30

#### **Waiver, &c.**

“55B. (1) The Commission may, on behalf of the Commonwealth, by determination in writing—

- (a) write off debts arising under or as a result of this Act, or debts arising under or as a result of this Act that are included in a class of debts specified by the Minister by notice in writing published in the *Gazette*; 35

- (b) waive or defer the right of the Commonwealth—
- (i) to recover from a person the whole or a part of a debt that is payable by the person under or as a result of this Act; or
  - (ii) to recover debts under or as a result of this Act included in a class of debts specified by the Minister by notice in writing published in the *Gazette*; or
- (c) allow an amount that is payable by a person to the Commonwealth under or as a result of this Act to be paid in instalments.

“(2) Subject to sub-section (3), proceedings for the recovery from a person of any amount that is payable by the person to the Commonwealth under or as a result of this Act shall not be commenced after the end of the period of 6 years commencing on the day on which that amount became payable.

“(3) Where an amount becomes payable by a person to the Commonwealth under or as a result of this Act because of—

- (a) a false statement or representation made by any person; or
- (b) a failure or omission by any person to comply with a provision of this Act,

proceedings for the recovery of that amount may be commenced at a time within the period of 6 years commencing on the day on which an officer of the Department becomes aware that the statement or representation was false or that the person had not complied with that provision, as the case may be.”.

## **Schedule 2**

37. Schedule 2 to the Principal Act is amended—

- (a) by omitting from column 2 of the table “53.80” (wherever occurring) and substituting “57.40”; and
- (b) by omitting from column 2 of the table “107.60” and substituting “114.80”.

## **Application of amendments**

38. The amendments made by sections 34 and 37 apply in relation to each instalment or payment of pension or allowance under the *Seamen's War Pensions and Allowances Act 1940* that falls due on or after 7 November 1985.

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

### **Principal Act**

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

**Repeal of section 4**

**40.** Section 4 of the Principal Act is repealed.

**Interpretation**

**41. (1)** Section 6 of the Principal Act is amended—

(a) by inserting after the definition of “benevolent home” in sub-section (1) the following definition: 5

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

(b) by inserting after the definition of “prescribed pension” in sub-section (1) the following definition:

“‘prescribed student child’, in relation to a person, means a dependent child of the person in relation to whom a determination under sub-section (9) is in force;” 10

(c) by omitting from sub-section (1) the definition of “spouse carer’s pension”; and

(d) by adding at the end the following sub-section: 15

“(9) Where the Secretary is satisfied that payments under the scheme known as the Tertiary Education Assistance Scheme or the scheme known as the Secondary Allowance Scheme are being or will be made to or in respect of a student child, other than a child by reference to whom the rate of those payments is increased, the Secretary shall, by determination in writing, declare that child to be a prescribed student child for the purposes of this Act as from a day specified for the purpose in the determination, being a day on or after 1 January 1986 (which may be a day before the day on which the determination is made).” 20 25

(2) The amendments made by sub-section (1) apply in relation to each instalment of pension, benefit or allowance that falls due on or after 1 November 1985.

**Pension loans scheme**

**42.** Section 6AB of the Principal Act is amended by omitting sub-section (15). 30

**Certain persons to be disregarded for certain purposes**

**43.** Section 6A of the Principal Act is amended—

(a) by inserting in sub-section (1) “(not being a carer’s pension)” after “pension” (first occurring); and 35

(b) by omitting from sub-section (1) “such a pension, benefit or allowance” and substituting “a pension, benefit or allowance under this Act”.



### **Heading to Part III**

**44.** The heading to Part III of the Principal Act is amended by omitting "SPOUSE".

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

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

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

"(1B) Where a person has a dependent child or dependent children, the maximum rate of pension applicable to that person under sub-section (1A) shall, subject to sub-sections (1C) and (1D), be increased or, if sub-section (1AA) applies to the person, be further increased by—

(a) \$832 per annum in respect of each dependent child who is not a prescribed student child of the person; and

(b) \$728 per annum in respect of each dependent child who is a prescribed student child of the person.";

(b) by omitting from sub-section (1F) "In" and substituting "Subject to sub-section (1FA), in";

(c) by omitting from sub-section (1F) "\$728" (wherever occurring) and substituting "\$832"; and

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

"(1FA) Sub-section (1F) applies in relation to a person who—

(a) has at least one dependent child; and

(b) does not have a dependent child who is not a prescribed student child,

as if references in that sub-section to \$832 were references to \$728."

(2) Section 28 of the Principal Act is amended by omitting from sub-section (1AA) "\$520" and substituting "\$624".

(3) Section 28 of the Principal Act is amended—

(a) by omitting sub-section (1); and

(b) by omitting from sub-section (1A) "Subject to sub-sections (1AAA), (1AA) and (1B)" and substituting "Subject to this Part".

(4) The amendments made by sub-section (1) apply in relation to each instalment of pension that falls due on or after 1 November 1985.

(5) The amendment made by sub-section (2) applies in relation to each instalment of pension that falls due on or after 1 May 1986.

### **Variation of certain rates**

**46.** Section 28A of the Principal Act is amended by omitting from sub-section (6) "spouse".

**Rate of wife’s pension**

- 47. Section 32 of the Principal Act is amended—
  - (a) by omitting from sub-section (1) “such rate as the Secretary determines, but it shall not exceed”; and
  - (b) by omitting from sub-section (1A) “he may direct that the annual rate of wife’s pension in relation to that wife shall not exceed” and substituting “the annual rate of wife’s pension in relation to the wife is”. 5

**Heading to Division 6 of Part III**

48. The heading to Division 6 of Part III of the Principal Act is amended by omitting “Spouse”. 10

49. Section 33 of the Principal Act is repealed and the following section is substituted:

**Carer’s pension**

- “33. (1) Subject to this Part, where— 15
  - (a) a person (not being a person who is receiving an age pension, an invalid pension or a wife’s pension, or a service pension under the *Repatriation Act 1920*) personally provides constant care and attention for a relative of the person in a home of the person and of the relative; 20
  - (b) the relative is a severely handicapped person who—
    - (i) is an age pensioner or an invalid pensioner; or
    - (ii) is receiving a rehabilitation allowance under Part VIII and was, immediately before becoming eligible to receive that allowance, eligible to receive an invalid pension; and 25
  - (c) either—
    - (i) the person is residing in, and is physically present in, Australia on the day on which the person lodges a claim for a carer’s pension; or
    - (ii) the relative is an age pensioner who is qualified to receive an age pension by virtue of section 21A or an invalid pensioner who is qualified to receive an invalid pension by virtue of section 24A, 30

the person is qualified to receive a carer’s pension.

“(2) Where a person who is personally providing constant care and attention for a relative who is a severely handicapped person temporarily ceases to provide that care and attention— 35

- (a) for a period of not more than 4 weeks in any period of 12 months; or
- (b) for such other period as the Secretary, for any special reason in any particular case, approves in writing, 40

the person does not cease to be qualified to receive a carer's pension by reason only of that cessation.

“(3) In this section—

‘relative’, in relation to a person, means—

- 5 (a) the spouse of the person;
- (b) a grandparent, parent, step-parent, parent-in-law, brother, sister, half-brother, half-sister, step-brother, step-sister, child, adopted child, step-child, son-in-law, daughter-in-law or grandchild of the person;
- 10 (c) a person who is or has been a guardian of the first-mentioned person or a person to whom the first-mentioned person is or has been guardian; or
- 15 (d) any other person who the Secretary determines in writing should, in the special circumstances of the case, be treated as a relative of the first-mentioned person for the purposes of this section;

‘severely handicapped person’ means a person who—

- (a) has a physical or mental disability;
- 20 (b) by reason of that disability, needs constant care and attention; and
- (c) is likely to need constant care and attention permanently or for an extended period.”.

**50.** Section 34 of the Principal Act is repealed and the following section is substituted:

**5 Rate of carer's pension**

“34. The rate of a carer's pension payable to a person is a rate equal to the rate of age pension that would be payable to the person if the person were—

- (a) qualified to receive an age pension; and
- 30 (b) under the age of 70 years and not permanently blind.”.

**Rate of widow's pension**

**51.** Section 63 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “maximum” before “rate” (first occurring); and
- 35 (b) by omitting from sub-section (1) “shall in each case be a rate determined by the Secretary as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed” and substituting “is”.

**Funeral benefit payable to pensioner**

52. Section 83B of the Principal Act is amended by omitting from sub-section (2) "spouse".

**Interpretation**

53. Section 94 of the Principal Act is amended by adding at the end of the definition of "prescribed educational scheme" in sub-section (1) the following paragraph: 5

"(g) the scheme known as the Secondary Allowance Scheme;"

**Family allowance**

54. Section 95 of the Principal Act is amended by inserting after sub-section (3) the following sub-sections: 10

"(4) Where—

(a) family allowance is payable to a person in respect of 3 or more children; and

(b) at least 3 of those children were born during the same multiple birth and are under the age of 6 years, 15

the total amount of family allowance payable to the person shall, on or after 15 November 1985, be increased by—

(c) where the number of the children born during the same multiple birth is 3—\$150 per month; or 20

(d) where the number of the children born during the same multiple birth is 4 or more—\$200 per month.

"(5) An increase under sub-section (4) in respect of 3 or more children ceases to be payable after the last day of the family allowance period in which those children attain the age of 6 years." 25

55. (1) Section 95A of the Principal Act is repealed and the following section is substituted:

**Payments under prescribed educational scheme**

"95A. Where the Secretary is satisfied that payments under a prescribed educational scheme are being or will be made to or in respect of a child, other than a child by reference to whom the rate of those payments is increased, the Secretary shall determine in writing that family allowance in respect of that child ceases to be payable as from the first day of a family allowance period specified in the determination, being a day on or after 15 January 1986 (which may be a day before the day on which the determination is made) and, where such a determination is made, family allowance ceases to be payable in respect of that child as from that day." 30 35

(2) A family allowance shall not be granted after the commencement of this section and before 15 January 1986 in respect of a child in respect of

whom such an allowance would not be granted if section 95A of the Principal Act had not been repealed.

**Repeal of section 95B**

56. Section 95B of the Principal Act is repealed.

5 **Family allowance not payable in respect of certain student children over the age of 18 years**

57. (1) Section 98 of the Principal Act is amended—

- (a) by omitting from sub-section (2) “Sub-section (1)” and substituting “Subject to section 95A, sub-section (1)”; and  
10 (b) by omitting paragraph (2) (b) and substituting the following paragraphs:

“(aa) a person is receiving a prescribed pension the rate of which is increased by reference to the child;

- 15 (b) the person who would, but for sub-section (1), be receiving a family allowance in respect of the child would not, if a family income supplement had been granted to that person or to that person’s spouse, have been precluded from receiving amounts of family income supplement by reason of the income of that person or of that person’s spouse;”.

20 (2) Section 98 of the Principal Act is amended by omitting from paragraph (2) (c) “Aboriginal Secondary Grants Scheme” and substituting “Aboriginal Secondary Assistance Scheme”.

(3) The amendments made by sub-section (1) apply in relation to payments of family allowance on or after 1 November 1985.

25 **Date from which family allowance payable**

58. (1) Section 102 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) Where—

- 30 (a) a family allowance is granted to a person by reason of the person having a dependent child in respect of whom a family allowance was, immediately before the child became a dependent child of the person, payable;

- 35 (b) the person lodges a claim for the family allowance within 6 months after the day (in this sub-section referred to as the ‘commencement day’) on which the child became a dependent child of the person; and

- 40 (c) the Secretary determines in writing that, in the special circumstances of the case, a family allowance should be payable to the person in respect of the child from and including the commencement day,  
the family allowance is payable from and including the commencement day.”.

(2) The amendment made by sub-section (1) applies in relation to payments of family allowance in respect of each family allowance period commencing on or after 15 October 1985.

**Family allowance to cease in certain circumstances**

59. Section 103 of the Principal Act is amended by omitting paragraph (1) (b) and substituting the following paragraph: 5

“(b) the child, being a dependent child, becomes an inmate of an institution and family allowance becomes payable to that institution in respect of that child;”.

**Temporary absences from home** 10

60. Section 105KA of the Principal Act is amended—

(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) The entitlement of a person to handicapped child’s allowance is not affected by the fact that the child is or has been temporarily absent from the child’s home for a period of not more than 28 days during any period of 12 months. 15

“(2) Where—

(a) a child is or has been absent from the child’s home for a period of more than 28 days during any period of 12 months; and 20

(b) the Secretary is satisfied that the absence is or was temporary, the Secretary may direct in writing that the entitlement of a person to handicapped child’s allowance in respect of that child is not affected.”; and 25

(b) by omitting from sub-section (3) “sub-section (1)” and substituting “sub-section (2)”.

61. Section 105M of the Principal Act is repealed and the following section is substituted:

**Reduction for period in institution** 30

“105M. Where, on any day or days during a family allowance period—

(a) a child in respect of whom a handicapped child’s allowance would, but for this sub-section, be payable is an inmate of an institution;

(b) by reason of the child being an inmate of an institution, a benefit is payable in relation to that child in respect of that day or those days under Part VA of the *National Health Act 1953* or under Part VII of the *Handicapped Persons Assistance Act 1974*; and 35

(c) the Secretary has given a direction under sub-section 105KA (2) in relation to the child in respect of that day or those days,

a handicapped child's allowance is not payable in respect of the child in respect of that day or those days.”.

**Cessation of handicapped child's allowance by reason of child ceasing to be a dependent child**

5       **62.** Section 105QB of the Principal Act is amended by omitting from sub-section (3) “sub-section 105KA (1)” and substituting “sub-section 105KA (2)”.

**Rate of unemployment or sickness benefit**

10       **63. (1)** Section 112 of the Principal Act is amended—

(a) by omitting paragraphs (1) (a), (aa) and (b) and substituting the following paragraphs:

“(a) where the beneficiary is an unmarried person who is under the age of 18 years and has no dependants—\$50 per week;

15       (aa) where the benefit is an unemployment benefit and the beneficiary is an unmarried person who is over the age of 18 years and under the age of 21 years and who has no dependants—\$88.20 per week;

(b) where the benefit is an unemployment benefit and the beneficiary is an unmarried person who is over the age of 21 years and who has no dependants—\$91.45 per week;”;

20       (b) by omitting from paragraph (1) (c) “\$91.90 per week” and substituting “\$97.90 per week”;

(c) by omitting from paragraph (1) (d) “\$76.65 per week” and substituting “\$81.65 per week”;

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

“**(5)** Where a person qualified to receive an unemployment benefit or a sickness benefit—

(a) has a dependent child or dependent children; or

30       (b) is making regular contributions towards the maintenance of a child or children,

the rate of the benefit payable to that person under this section shall, subject to sub-section (6), be increased by—

(c) \$16 per week in respect of each such child who is not a prescribed student child of the person; and

35       (d) \$14 per week in respect of each such child who is a prescribed student child of the person.”; and

(e) by omitting from paragraph (6) (c) “\$14 per week” and substituting “\$16 per week or, if the child is a prescribed student child of the person, \$14 per week”.

(2) Section 112 of the Principal Act is amended—

- (a) by omitting from sub-section (4B) "\$10" and substituting "\$12";
- (b) by omitting from sub-section (4D) "\$10" and substituting "\$12".

(3) The amendments made by sub-section (1) apply in relation to each instalment of unemployment or sickness benefit that falls due on or after 1 November 1985. 5

(4) The amendments made by sub-section (2) apply in relation to each instalment of unemployment or sickness benefit that falls due on or after 1 May 1986.

(5) Section 112AA of the *Social Security Act 1947* does not apply to the rates specified in paragraphs 112 (1) (b), (c) and (d) of that Act on 1 November 1985, but those rates shall, for the purposes of the operation of that section on or after 1 May 1986, be deemed to be substituted rates. 10

### Rent assistance

64. (1) Section 112A of the Principal Act is amended— 15

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

" 'parent', in relation to a person, includes a step-parent or a guardian of the person;";

- (b) by omitting "and" from the end of paragraph (a) of the definition of "prescribed period" in sub-section (1); 20

- (c) by adding at the end of the definition of "prescribed period" in sub-section (1) the following paragraphs:

"; (c) in relation to a person who is in receipt of an unemployment benefit or a special benefit and who, for a continuous period of more than 6 months (whether that period commenced before or after 1 May 1986)— 25

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

(ii) has been a person in continuous full-time training under a training program included in the programs known as the Labour Force Programs and who received payments under that program the amounts of which are calculated by reference to an amount of benefit; 30

(iii) has been a person in continuous full-time training under a program included in the programs known as the Labour Force Programs and who received payments by way of remuneration in respect of that training; 35

(iv) has been a person who received payments under the program known as the Adult Migrant Education Program; or 40



(v) has been a person to whom 2 or more of the preceding paragraphs applied successively,

any part of that period (not including that first 6 months) in respect of which the person pays, or is liable to pay, rent at a weekly rate exceeding \$10; and

(d) in relation to a person who is qualified to receive an unemployment benefit or a special benefit and who, immediately before becoming qualified to receive the benefit, was receiving payments of a prescribed pension and an allowance by way of rent assistance, or an incentive allowance under section 26 or 133JA—any part of the period in respect of which the person pays, or is liable to pay, rent at a weekly rate exceeding \$10.”;

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

“(3) Subject to this Part—

(a) there is payable to a person to whom a sickness benefit is payable and who pays, or is liable to pay, rent an allowance by way of rent assistance in respect of any period that is a prescribed period in relation to the person; and

(b) there is payable to a person—

(i) to whom an unemployment benefit or a special benefit is payable;

(ii) who—

(A) is over the age of 18 years; or

(B) is under that age and is a married person or has a dependant;

(iii) in the case of a person who is under the age of 25 years and is not living permanently or indefinitely away from the principal home of a parent of the person—who is married or who has a dependant; and

(iv) who pays, or is liable to pay, rent,

an allowance by way of rent assistance in respect of any period that is a prescribed period in relation to the person.”; and

(e) by omitting paragraph (3A) (b) and substituting the following paragraph:

“(b) \$15 in the case of a person in receipt of a sickness benefit or \$10 in any other case.”.

(2) The amendments made by sub-section (1) apply in relation to each instalment of benefit that falls due on or after 1 May 1986.

**Income test**

**65. (1)** Section 114 of the Principal Act is amended—

- (a) by omitting from sub-section (1) "\$20" (wherever occurring) and substituting "\$30"; and
- (b) by omitting from paragraph (1) (b) "\$25" and substituting "\$20".

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(2) The amendments made by sub-section (1) apply in relation to each instalment of unemployment or sickness benefit that falls due on or after 1 May 1986.

**Waiting period**

**66. (1)** Section 119 of the Principal Act is amended—

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- (a) by omitting from paragraph (1) (a) "neither paragraph (b) nor (c) applies" and substituting "none of paragraphs (b), (c) and (d) applies";
- (b) by omitting from the end of paragraph (1) (b) "and";
- (c) by omitting from sub-paragraph (1) (c) (i) "eligible to receive a rehabilitation allowance under Part VIII" and substituting "entitled to receive a prescribed pension";
- (d) by adding at the end of sub-section (1) the following word and paragraph:

15

“; and (d) in a case where—

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- (i) the person is a married person and the person's spouse was entitled to receive a prescribed pension immediately before the person became qualified to receive the unemployment benefit, being a prescribed pension the rate of which was increased by reference to the person; and
- (ii) the person lodged a claim for the benefit within 14 days of the day on which the person became so qualified,

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from and including that day.”; and

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

“(5) Where—

- (a) a person was entitled to receive a prescribed pension immediately before becoming qualified to receive a sickness benefit; or
- (b) a married person's spouse was entitled to receive a prescribed pension immediately before the person became qualified to receive a sickness benefit, being a prescribed pension the rate of which was increased by reference to the person,

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then, notwithstanding the other provisions of this section, the sickness benefit is payable—

(c) in a case where the person lodges a claim for the benefit within 13 weeks after the day (in this sub-section referred to as the 'relevant day') on which—

(i) in a case to which paragraph (a) applies—the person ceased to receive the prescribed pension referred to in that paragraph; or

(ii) in a case to which paragraph (b) applies—the person became qualified to receive the benefit,

from and including the day after the relevant day; or

(d) in any other case—from and including the day on which a claim for the benefit is lodged, unless the Secretary is satisfied that the failure to lodge the claim within the time referred to in paragraph (c) was due to the cause of the incapacity or to some other sufficient cause, in which case the benefit shall be payable from and including the day after the relevant day.”.

(2) The amendments made by sub-section (1) apply in relation to each instalment of unemployment or sickness benefit that falls due on or after 1 November 1985.

## 20 **Payment and calculation of instalments of certain pensions**

67. (1) Section 135TBA of the Principal Act is amended—

(a) by omitting from sub-paragraph (10) (b) (i) “\$28” and substituting “\$32”;

(b) by omitting from sub-paragraph (10) (b) (ii) “\$2,028” and substituting “\$2,132”; and

(c) by inserting after sub-section (10) the following sub-section:

“(10A) Sub-section (10) applies in relation to a person who—

(a) has at least one dependent child; and

(b) does not have a dependent child who is not a prescribed student child,

as if—

(c) the reference in sub-sub-paragraph (10) (b) (i) (B) to \$32 were a reference to \$28; and

(d) the reference in sub-sub-paragraph (10) (b) (ii) (B) to \$2,132 were a reference to \$2,028.”.

(2) The amendments made by sub-section (1) apply in relation to each instalment of pension or benefit or each payment of allowance that falls due on or after 1 November 1985.

68. After section 135TJ of the Principal Act the following section is inserted:

**Pension, &c., to cease to be payable in certain cases**

“135TJA. (1) Where—

- (a) a person who is in receipt of a pension, benefit or allowance under Part IIA, III, IV, IVAAA, VIIA or VIII or under section 135U, notifies the Department of the occurrence of an event or a change in circumstances in accordance with section 45, 74 or 83AAH or in accordance with a notice under sub-section 135TE (1); and 5
- (b) by reason of the occurrence of that event or that change in circumstances, the person ceases to be qualified or eligible to receive that pension, benefit or allowance, 10

that pension, benefit or allowance ceases to be payable to the person as from the day after the last day on which the person could, in accordance with section 45, 74, 83AAH or in accordance with a notice under sub-section 135TE (1), have notified the Department of the occurrence of that event or that change in circumstances. 15

“(2) Where—

- (a) a person who is in receipt of a pension, benefit or allowance under Part IIA, III, IV, IVAAA, VIIA or VIII or section 135U is required to notify the Department of the occurrence of an event or a change in circumstances in accordance with section 30B, 45, 65B, 74 or 83AAH or in accordance with a notice under sub-section 135TE (1); 20
- (b) the person does not notify the Department of the occurrence of that event or that change in circumstances within the period specified in that section or in the notice; and 25
- (c) by reason of the occurrence of that event or that change in circumstances—
  - (i) the person ceases to be qualified or eligible to receive that pension, benefit or allowance; or 30
  - (ii) that pension, benefit or allowance is payable to the person at a lower rate,

that pension, benefit or allowance ceases to be payable to the person or becomes payable to the person at the lower rate, as the case may be, as from the day after the day on which that event or that change in circumstances occurred.”. 35

**Payments received under the New Enterprise Incentive Scheme—effect where recipient is in receipt of a particular pension, benefit or allowance and spouse of recipient is not in receipt of wife’s pension or carer’s pension** 40

69. Section 139A of the Principal Act is amended—

- (a) by inserting in sub-paragraph (1) (c) (i) “or an instalment of a carer’s pension in respect of the person’s spouse” after “wife’s pension” (first occurring);

- (b) by inserting in sub-paragraph (1) (c) (i) “or an instalment of a carer’s pension in respect of the person’s spouse,” after “wife’s pension” (last occurring); and
- 5 (c) by omitting from sub-paragraph (1) (c) (ii) “spouse” (wherever occurring).

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

70. Section 139B of the Principal Act is amended—

- 10 (a) by inserting in paragraph (1) (b) “or an instalment of a carer’s pension in respect of the person’s spouse” after “wife’s pension” (first occurring);
- (b) by inserting in paragraph (1) (b) “or an instalment of a carer’s pension in respect of the person’s spouse,” after “wife’s pension” (last occurring); and
- 15 (c) by omitting from paragraph (2) (b) “spouse” (wherever occurring).

**Recovery of overpayments**

71. Section 140 of the Principal Act is amended—

- 20 (a) by omitting from sub-section (1) “shall be recoverable in a court of competent jurisdiction from the person to whom, or on whose account, the amount was paid, or from the estate of that person, as a debt due to the Commonwealth” and substituting “is a debt due to the Commonwealth”;
- (b) by omitting sub-section (2) and substituting the following sub-section:

25 “(2) Notwithstanding anything contained in this Act (other than sub-section (3) of this section), where—

- (a) an amount has been paid by way of pension, benefit or allowance under this Act that should not have been paid; or
- 30 (b) an amount has been paid by way of service pension under the *Repatriation Act 1920* that should not, by reason of sub-section 86 (1) of that Act, have been paid,

and the person to whom that amount was paid is receiving, or is entitled to receive, a pension, benefit or allowance under this Act (other than a funeral benefit under Part IVA), that amount shall, unless the Secretary takes action under sub-section 146 (1) in relation to that amount, be deducted from that last-mentioned pension, benefit or allowance.”; and

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- (c) by omitting sub-section (5).

40 **Repeal of section 143A**

72. Section 143A of the Principal Act is repealed.

73. After section 144 of the Principal Act the following sections are inserted:

**Payments of pension, &c., and war pension**

“145. (1) Where—

- (a) an amount of pension, benefit or allowance under this Act is paid to a person in respect of a period; 5
- (b) after that payment was made, a war pension, or a war pension at an increased rate, becomes payable to the person or to the person's spouse in respect of that period; and
- (c) the whole or a part of the amount of the pension, benefit or allowance paid to the person in respect of that period would not have been payable if, during that period, the person or the person's spouse had been in receipt of the war pension, or the war pension at the increased rate, as the case may be, 10

the amount referred to in paragraph (c) shall be deemed not to have been payable to the person. 15

“(2) Where sub-section (1) applies in relation to a person, the Secretary may give a certificate in writing specifying the amount of the pension, benefit or allowance that is deemed not to have been payable to the person and a certificate so given is, in any proceedings in relation to that amount, evidence of the matter specified in it. 20

“(3) In this section, ‘war pension’ means a pension (not including a service pension) or allowance (other than an allowance for an attendant) payable under the *Repatriation Act 1920*, the *Repatriation (Far East Strategic Reserve) Act 1956* or the *Repatriation (Special Overseas Service) Act 1962* or the *Seamen's War Pensions and Allowances Act 1940*. 25

**Waiver, &c.**

“146. (1) The Secretary may, on behalf of the Commonwealth, by determination in writing—

- (a) write off debts arising under or as a result of this Act, or debts arising under or as a result of this Act that are included in a class of debts specified by the Minister by notice in writing published in the *Gazette*; 30
- (b) waive or defer the right of the Commonwealth—
  - (i) to recover from a person the whole or a part of a debt that is payable by the person under or as a result of this Act; or 35
  - (ii) to recover debts under or as a result of this Act included in a class of debts specified by the Minister by notice in writing published in the *Gazette*; or
- (c) allow an amount that is payable by a person to the Commonwealth under or as a result of this Act to be paid in instalments. 40

5 “(2) Subject to sub-section (3), proceedings for the recovery from a person of any amount that is payable by the person to the Commonwealth under or as a result of this Act shall not be commenced after the end of the period of 6 years commencing on the day on which that amount became payable.

“(3) Where an amount becomes payable by a person to the Commonwealth under or as a result of this Act because of—

(a) a false statement or representation made by any person; or

(b) a failure or omission by any person to comply with a provision of this Act,

proceedings for the recovery of that amount may be commenced at a time within the period of 6 years commencing on the day on which an officer becomes aware that the statement or representation was false or that the person had not complied with that provision, as the case may be.

15 “(4) A reference in sub-section (1) to a debt, or to an amount, arising or payable under or as a result of this Act includes a reference to a debt, or to an amount, payable to the Commonwealth by reason of sub-section 86 (1) of the *Repatriation Act 1920*.”

#### **Transitional provisions relating to carer's pension**

20 **74. (1) Where—**

(a) a person, not being a person who would, if the person had lodged a claim for a spouse carer's pension under Part III of the *Social Security Act 1947* and the provisions of that Act relating to spouse carer's pension had continued in operation, have become qualified to receive such a pension, becomes qualified to receive a carer's pension under Part III of that Act after the commencement of this section and before 1 February 1986; and

(b) the person would have become qualified to receive that carer's pension on an earlier day if a claim for that pension had been lodged on that earlier day,

the claim shall be taken to have been lodged on that earlier day.

(2) A person who was, immediately before 1 November 1985, qualified to receive a spouse carer's pension under Part III of the *Social Security Act 1947* is, on and after that date, qualified to receive, subject to that Act, a carer's pension under Part III of that Act.

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### **NOTES**

1. No. 81, 1954, as amended. For previous amendments, see No. 47, 1957; No. 83, 1967; No. 68, 1969; No. 84, 1972; Nos. 128 and 216, 1973; No. 115, 1974; No. 91, 1976; No. 157, 1980; No. 61, 1981; No. 98, 1982; No. 69, 1983; Nos. 78, 134 and 165, 1984; and Nos. 24 and 95, 1985.

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**NOTES—continued**

2. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 92, 118, 163 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 35, 54 and 139, 1983; Nos. 46, 63, 72, 120, 135 and 165, 1984; and Nos. 24 and 95, 1985.
3. 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 and 80, 1982; No. 100, 1982 (as amended by No. 39, 1983); Nos. 36 and 70, 1983; Nos. 78, 97 and 134, 1984; and No. 95, 1985.
4. No. 60, 1940, as amended. For previous amendments, see No. 77, 1946; No. 80, 1950; Nos. 17 and 75, 1952; No. 70, 1953; No. 32, 1954; No. 40, 1955; No. 45, 1957; No. 48, 1958; No. 59, 1959; No. 46, 1960; No. 47, 1961; Nos. 64 and 113, 1964; No. 65, 1965; No. 43, 1966; No. 102, 1967; No. 67, 1968; No. 96, 1969; No. 61, 1970; Nos. 18 and 69, 1971; Nos. 16 and 83, 1972; Nos. 6 and 106, 1973; Nos. 4, 25 and 90, 1974; Nos. 35 and 111, 1975; Nos. 27, 91 and 112, 1976; No. 56, 1977; No. 129, 1978; Nos. 18 and 124, 1979; No. 129, 1980; No. 160, 1981; Nos. 80 and 100, 1982; No. 70, 1983; No. 97, 1984; and No. 95, 1985.
5. No. 26, 1947, as amended. For previous amendments, see Nos. 38 and 69, 1948; No. 16, 1949; Nos. 6 and 26, 1950; No. 22, 1951; Nos. 41 and 107, 1952; No. 51, 1953; No. 30, 1954; Nos. 15 and 38, 1955; Nos. 67 and 98, 1956; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1960; No. 45, 1961; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; Nos. 57 and 152, 1965; No. 41, 1966; Nos. 10 and 61, 1967; No. 65, 1968; No. 94, 1969; Nos. 2 and 59, 1970; Nos. 16 and 67, 1971; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48, 103 and 216, 1973; Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979 (as amended by Nos. 37 and 98, 1982); No. 130, 1980; Nos. 61 and 1970, 1981; No. 159, 1981 (as amended by No. 98, 1982); Nos. 37, 98 and 148, 1982; Nos. 4 and 36, 1983; No. 69, 1983 (as amended by No. 78, 1984); Nos. 46, 78, 93, 120, 134 and 165, 1984; and Nos. 24, 52 and 95, 1985.