

SOCIAL SERVICES.

No. 30 of 1954.

An Act to amend the *Social Services Consolidation Act 1947-1953*.

[Assented to 6th October, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- 1.—(1.) This Act may be cited as the *Social Services Act 1954*. Short title
and citation.
- (2.) The *Social Services Consolidation Act 1947-1953** is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Social Services Act 1947-1954*.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. Section five of the Principal Act is amended by omitting the words— Parts.
“ Division 6.—Blind Persons (Section 36).”.
4. Section eighteen of the Principal Act is amended— Definitions.
(a) by inserting before paragraph (a) of the definition of “ income ” the following paragraph :—
“ (aa) income derived from property ; ” ; and

* Act No. 23, 1947, as amended by Nos. 38 and 60, 1948 ; No. 16, 1949 ; Nos. 6 and 26, 1950 ; No. 22, 1951 ; Nos. 41 and 107, 1952 ; and No. 51, 1953.

- (b) by inserting after the definition of "income" the following definition :—

" 'income derived from property', in relation to a person, means income derived from property owned, whether alone or jointly or in common with another person, by that person, other than income which—

(a) consists of an annuity ; or

(b) is derived from a life interest in property, not being, where that person is a claimant or pensioner or the spouse of a claimant or pensioner, property which is the permanent home of the claimant or pensioner ; ”.

Conditions of
grant of age
pension.

5. Section twenty-two of the Principal Act is amended by omitting from paragraph (g) the words "One thousand two hundred and fifty pounds" and inserting in their stead the words "One thousand seven hundred and fifty pounds".

Conditions of
grant of
invalid pension.

6. Section twenty-five of the Principal Act is amended by omitting from paragraph (f) of sub-section (1.) the words "One thousand two hundred and fifty pounds" and inserting in their stead the words "One thousand seven hundred and fifty pounds".

Rate of
pension.

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

- (a) by omitting sub-sections (2.), (2A.) and (2B.) and inserting in their stead the following sub-sections :—

" (2.) The annual rate at which an age or invalid pension is determined shall, except in the case of a claimant or pensioner who is permanently blind, be reduced by the amount (if any) by which the income of the claimant or pensioner, apart from the pension, exceeds One hundred and eighty-two pounds per annum.

" (2A.) The annual rate at which an age or invalid pension would be payable under the preceding provisions of this section shall, except in the case of a claimant or pensioner who is permanently blind, be reduced by One pound for every complete Ten pounds of that portion (if any) of the value of the property of the claimant or pensioner which exceeds Two hundred pounds but does not exceed One thousand seven hundred and fifty pounds." ;

- (b) by omitting from paragraph (a) of sub-section (3.) the words "Two hundred and fifty-three pounds ten shillings" and inserting in their stead the words "Two hundred and ninety-two pounds ten shillings" ;

- (c) by omitting from paragraph (b) of sub-section (3.) the words "Four hundred and sixty-one pounds ten shillings" and inserting in their stead the words "Five hundred pounds ten shillings" ; and

- (d) by omitting from paragraph (c) of sub-section (3.) the words "Three hundred and ninety pounds" and inserting in their stead the words "Four hundred and twenty-nine pounds".

8. Section thirty-two of the Principal Act is amended by omitting from sub-section (1.) the words “(not being a permanently blind person who would not be in receipt of a pension but for the operation of sub-section (2A.) of section thirty-six of this Act) ”.

Wife's allowance.

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

Amount of wife's allowance.

(a) by omitting from paragraph (a) of sub-section (2.) the words “One hundred and thirty pounds” and inserting in their stead the words “One hundred and eighty-two pounds”;

(b) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

“(b) by One pound for every complete Ten pounds of that portion (if any) of the value of the property of the wife which exceeds Two hundred pounds.”; and

(c) by omitting from sub-section (2A.) the words “Four hundred and sixty-one pounds ten shillings” and inserting in their stead the words “Five hundred pounds ten shillings”.

10. Division 6 of Part III. of the Principal Act is repealed.

Repeal of Division 6 of Part III.

11. Section forty-one of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

Payment of pension in instalments.

“(2.) Subject to the next succeeding sub-section, the amount of a fortnightly instalment of a pension shall be ascertained by dividing the annual rate of the pension by twenty-six.

“(3.) Where the amount so ascertained includes an amount of pence—

(a) if the pence are six or more than six—the amount shall be increased by treating the pence as One shilling; and

(b) if the pence are less than six—the amount shall be reduced by the amount of the pence.”.

12. Section forty-four of the Principal Act is amended by inserting after the word “pensioner” (first occurring) the words “, not being a permanently blind person,”.

Statement of income and property to be furnished when required.

13. Section forty-five of the Principal Act is amended—

Receipt of property, &c., to be notified

(a) by inserting in sub-section (1.), after the word “pensioner”, the words “, not being a permanently blind person,”;

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Whenever a pensioner, not being a permanently blind person, throughout any period of eight consecutive weeks, receives income exceeding—

(a) in the case of a married pensioner not living apart from his spouse—Seven pounds per week; or

(b) in any other case—Three pounds ten shillings per week,

and the average weekly rate of that income is higher than the weekly rate of income last specified by him in a claim,

statement or notification under this Part, the pensioner shall, within fourteen days after the expiration of that period, notify a Director accordingly.”; and

- (c) by inserting in sub-section (3.), after the word “shall,” the words “unless he is a permanently blind person,”.

**Cancellation,
&c., of
pension.**

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

“(2.) The last preceding sub-section does not authorize the Director-General to cancel or suspend, or reduce the rate of, a pension which is being paid to a pensioner who is permanently blind on account of the income, or the value of the property, of that pensioner.”.

Interpretation.

15. Section fifty-nine of the Principal Act is amended—

- (a) by omitting the definition of “income”; and
(b) by adding at the end thereof the following sub-section :—

“(2.) For the purposes of this Part, ‘income’, in relation to a widow, has the same meaning as in Part III. of this Act, except that income derived from property shall be deemed to mean income derived from property owned, whether alone or jointly or in common with another person, by that widow, other than income which—

- (a) consists of an annuity; or
(b) is derived from a life interest in property, not being property which is the permanent home of that widow.”.

**Conditions of
grant of
widow's
pension.**

16. Section sixty-two of the Principal Act is amended—

- (a) by omitting from sub-paragraph (i) of paragraph (d) of sub-section (1.) the words “One thousand five hundred pounds” and inserting in their stead the words “One thousand seven hundred and fifty pounds”; and
(b) by omitting from sub-paragraph (ii) of paragraph (d) of sub-section (1.) the words “One thousand two hundred and fifty pounds” and inserting in their stead the words “One thousand seven hundred and fifty pounds”.

**Rate of
widow's
pension.**

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

- (a) by omitting from paragraph (a) of sub-section (2.) the words “One hundred and four pounds” and inserting in their stead the words “One hundred and eighty-two pounds”;
(b) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following word and paragraph :—

“and (b) in the case of a class B widow or a class D widow—by One pound for every complete Twelve pounds of that portion (if any) of the value of the property of the widow which exceeds Two hundred pounds but does not exceed One thousand seven hundred and fifty pounds.”;

- (c) by omitting from paragraph (a) of sub-section (2A.) the words "Two hundred and seventy-three pounds" and inserting in their stead the words "Three hundred and twelve pounds";
- (d) by omitting from paragraph (b) of sub-section (2A.) the words "Two hundred and twenty-seven pounds ten shillings" and inserting in their stead the words "Two hundred and sixty pounds"; and
- (e) by omitting from sub-section (4.) the words "Four pounds seven shillings and sixpence" and inserting in their stead the words "Five pounds".

18. Section seventy of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

Payment of pension in instalments.

"(2.) Subject to the next succeeding sub-section, the amount of a fortnightly instalment of a pension shall be ascertained by dividing the annual rate of the pension by twenty-six.

"(3.) Where the amount so ascertained includes an amount of pence—

- (a) if the pence are six or more than six—the amount shall be increased by treating the pence as One shilling; and
- (b) if the pence are less than six—the amount shall be reduced by the amount of the pence."

19. Section seventy-four of the Principal Act is amended by omitting from sub-section (2.) the words "Two pounds" and inserting in their stead the words "Three pounds ten shillings".

Receipt of property, &c., to be notified.

20. Section one hundred and fourteen of the Principal Act is amended by omitting from sub-section (4.) the words "One pound ten shillings" and inserting in their stead the words "Two pounds".

Means test.

21. After section one hundred and forty-three of the Principal Act the following section is inserted:—

"143A.—(1.) Where—

- (a) pension, allowance or benefit under this Act has been paid (whether before or after the commencement of this section) to a person in respect of a period and, on a date subsequent to that payment (not being a date before the commencement of this section), a war pension, or war pension at an increased rate, becomes payable to that person or his spouse in respect of that period; and
- (b) the whole or a part of the pension, allowance or benefit paid to that person under this Act in respect of that period would not have been payable if, during that period, he or his spouse had been in receipt of the war pension, or the war pension at the increased rate,

Certificate by Director-General as to amount of pension to be deducted under certain other laws.

the Director-General may, by writing under his hand, certify the amount of pension, allowance or benefit that would not have been so paid in respect of that period.

“(2.) For the purposes of a law of the Commonwealth providing for the deduction from pensions or allowances payable under that law of amounts referred to in paragraph (b) of the last preceding sub-section (including any legal proceedings arising under such a law), a certificate under the last preceding sub-section is evidence of the matters certified.”.

**Application of
amendments.**

22. The amendments effected by this Act, in so far as they relate to instalments of pensions and of allowances, apply in relation to an instalment of a pension or of an allowance, as the case may be, falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.
