

## SOCIAL SERVICES.

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No. 45 of 1960.

An Act to amend the *Social Services Act* 1947-1959.

[Assented to 27th September, 1960.]

**B**E 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* 1960.

Short title and  
citation.

(2.) The *Social Services Act 1947–1959\** 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 1947–1960*.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) The amendments made by sections three to five (inclusive), by paragraphs (b) and (c) of section six, by section nine, by paragraphs (b) and (c) of section twelve, by section fourteen and by paragraph (b) of section fifteen of this Act, and section twenty-five of this Act, shall come into operation on a date to be fixed by Proclamation.

3. Section eighteen of the Principal Act is amended—

Definitions.

(a) by inserting after the definition of “married person” the following definition:—

“ ‘means as assessed’, in relation to a person, means an amount equal to the sum of the annual rate of the income of that person, apart from any pension, and the property component calculated in relation to that person; ”; and

(b) by inserting after the definition of “pensioner” the following definition:—

“ ‘property component’, in relation to a person, means an amount calculated at the rate of One pound for every complete Ten pounds included in so much of the value of the property of that person as exceeds Two hundred pounds; ”.

4. Section twenty-two of the Principal Act is amended—

Conditions of grant of age pension.

(a) by adding at the end of paragraph (e) the word “or”;

(b) by omitting from paragraph (f) the word “or” (last occurring); and

(c) by omitting paragraph (g).

5. Section twenty-five of the Principal Act is amended—

Conditions of grant of invalid pension.

(a) by adding at the end of paragraph (d) of sub-section (1.) the word “or”;

(b) by omitting from paragraph (e) of sub-section (1.) the word “or” (last occurring); and

(c) by omitting paragraph (f) of sub-section (1.).

\* Act No. 26, 1947, as amended by 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; and No. 57, 1959.

Rate of  
pension.

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

(a) by omitting from sub-section (1A.) the words “Two hundred and forty-seven pounds” and inserting in their stead the words “Two hundred and sixty pounds”;

(b) by omitting from sub-section (1B.) the word “two” (last occurring) and inserting in its stead the word “three”;

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

“(1E.) Sub-section (1B.) of this section does not apply in relation to a person if the property component calculated in relation to that person exceeds by One hundred and eighty-two pounds or more the maximum annual rate of pension specified in sub-section (1A.) of this section.

“(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 amount of the means as assessed of the claimant or pensioner exceeds One hundred and eighty-two pounds.”; and

(d) by omitting from sub-paragraph (i) of paragraph (b) of sub-section (3.) the words “Thirty-three pounds” and inserting in their stead the words “Thirty-four pounds”.

Computation  
of income.

7. Section twenty-nine of the Principal Act is amended by inserting in sub-section (2.), after the word “Part,” the words “unless the contrary intention appears,”.

Supplementary  
assistance.

8. Section thirty A of the Principal Act is amended by omitting from sub-section (6.) the words and figures “sub-section (1.) or (3.)” and inserting in their stead the words and figures “sub-section (1.), (6.) or (8.)”.

Amount of  
wife's  
allowance.

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

“(2.) The annual rate at which a wife's allowance is determined shall be reduced by the amount (if any) by which the amount of the means as assessed of the wife exceeds One hundred and eighty-two pounds.”.

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

10. Section forty-five of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections:—

“(2.) Where the average weekly rate of any income, other than pension, received in any prescribed period by a pensioner who—

(a) is not married, or is married but is living apart from his spouse;

- (b) is not a permanently blind person; and
- (c) is not a person in receipt of an allowance under section thirty A of this Act,

is higher than the prescribed rate and is higher than the average weekly rate of the 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 of the amount of the income received by him in that period.

“(3.) Where the average weekly rate of the sum of—

- (a) any income, other than pension, received in any prescribed period by a pensioner who—
  - (i) is married and is not living apart from his spouse;
  - (ii) is not a permanently blind person; and
  - (iii) is not a person in receipt of an allowance under section thirty A of this Act; and
- (b) any income, other than pension, received in that period by his spouse,

is higher than the prescribed rate and is higher than the average weekly rate of the sum of the income of the pensioner and the income of his spouse 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 of the amount of the income received by him, and the amount of the income received by his spouse, in that period.

“(4.) For the purposes of the last two preceding subsections—

‘prescribed period’, in relation to a pensioner, means—

- (a) any period of such number of consecutive weeks as the Director-General, by notice in writing to the pensioner, from time to time specifies; or
- (b) in the absence of such a notice—any period of eight consecutive weeks;

‘prescribed rate’, in relation to a pensioner, means—

- (a) such rate as the Director-General, by notice in writing to the pensioner, from time to time specifies; or
- (b) in the absence of such a notice—
  - (i) if the pensioner is married and is not living apart from his spouse—the rate of Seven pounds per week; or
  - (ii) in any other case—the rate of Three pounds ten shillings per week.

“(5.) A notice for the purposes of the last preceding subsection may be given by sending it by post to the address of the pensioner last known to the Director-General.

“(6.) In the event of—

- (a) the marriage or remarriage of a pensioner;
- (b) the dissolution of the marriage of a pensioner;
- (c) a married pensioner ceasing to live with his spouse or ceasing to live apart from his spouse;
- (d) the death of the spouse of a pensioner;
- (e) a pensioner ceasing to have the custody, care and control of a child who has not attained the age of sixteen years;
- (f) a pensioner ceasing to reside in a home owned by him or his spouse;
- (g) a pensioner becoming an inmate of a benevolent home; or
- (h) a pensioner disposing of any property the value of which—
  - (i) is, by virtue of paragraph (a) of sub-section (1.) of section thirty of this Act, disregarded in the computation of the value of property for the purposes of this Part; and
  - (ii) exceeds One hundred pounds,

the pensioner shall, subject to the next succeeding sub-section, notify a Director accordingly within fourteen days after the occurrence of the event.

“(7.) Paragraphs (a), (b), (c), (d), (f) and (h) of the last preceding sub-section do not apply in relation to a pensioner who is permanently blind.

“(8.) A pensioner shall not leave Australia without first giving to a Director notice of his intended departure from Australia.

Penalty: Twenty pounds.”.

**Inmates of benevolent homes.**

**11.** Section fifty of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words “Eighty-five pounds sixteen shillings” and inserting in their stead the words “Ninety-one pounds”.

**Interpretation.**

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

- (a) by omitting from sub-section (1.) the definition of “class D widow”;
- (b) by inserting in sub-section (1.), after the definition of “deserted wife”, the following definition:—
  - “‘means as assessed’, in relation to a widow, means—
  - (a) in the case of a class A widow the value of whose property does not exceed Two thousand two hundred and fifty pounds—the annual rate of the income of the widow, apart from any pension; and

- (b) in any other case—an amount equal to the sum of the annual rate of the income of the widow, apart from any pension, and the property component calculated in relation to her;”;
- (c) by inserting in sub-section (1.), after the definition of “pensioner”, the following definition:—  
 “‘property component’, in relation to a widow, means an amount calculated at the rate of One pound for every complete Ten pounds included in so much of the value of the property of the widow as exceeds—  
 (a) in the case of a class A widow—One thousand pounds; or  
 (b) in the case of a class B widow—Two hundred pounds;”.

**13. Section sixty of the Principal Act is amended—**

Qualifications  
for widow's  
pension.

- (a) by omitting from paragraphs (a) and (b) of sub-section (1.) the words “(not being a widow specified in paragraph (d) of this sub-section)”;
- (b) by adding at the end of paragraph (b) of sub-section (1.) the word “or”;
- (c) by omitting from paragraph (c) of sub-section (1.) the word “or” (last occurring); and
- (d) by omitting paragraph (d) of sub-section (1.).

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

Conditions of  
grant of  
widow's  
pension.

- (a) by adding at the end of paragraph (c) of sub-section (1.) the word “or”; and
- (b) by omitting paragraph (d) of sub-section (1.).

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

Rate of  
widow's  
pension.

- (a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) Subject to this Part, the rate of the pension payable to a class A widow or a class B widow shall in each case be a rate determined by the Director-General as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed—

- (a) in the case of a class A widow—Two hundred and seventy-three pounds per annum; or  
 (b) in the case of a class B widow—Two hundred and twenty-seven pounds ten shillings per annum.

“(1A.) Where a class A widow has the custody, care and control of two or more children, the maximum rate of pension specified in paragraph (a)

of the last preceding sub-section shall be increased by Twenty-six pounds per annum for each of those children other than the elder or eldest child.”;

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

“(1B.) The last preceding sub-section does not apply in relation to a widow if the property component calculated in relation to her exceeds by One hundred and eighty-two pounds or more the maximum annual rate of pension specified in paragraph (a) of sub-section (1.) of this section.

“(2.) The annual rate at which a pension is determined shall be reduced by the amount (if any) by which the amount of the means as assessed of the widow exceeds One hundred and eighty-two pounds.”; and

(c) by omitting from sub-section (3.) the words “ Four pounds two shillings and sixpence ” and inserting in their stead the words “ Four pounds seven shillings and sixpence ”.

Supplementary  
assistance.

16. Section sixty-five A of the Principal Act is amended by omitting from sub-section (5.) the words and figures “ sub-section (1.) or (3.) ” and inserting in their stead the words and figures “ sub-section (1.), (5.) or (6.) ”.

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

17. Section seventy-four of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections:—

“(2.) Where the average weekly rate of income, other than pension, received in any prescribed period by a pensioner who is not in receipt of an allowance under section sixty-five A of this Act is higher than the prescribed rate and is higher than the average weekly rate of the income last specified by her in a claim, statement or notification under this Part, the pensioner shall, within fourteen days after the expiration of that period, notify a Director of the amount of the income received by her in that period.

“(3.) For the purposes of the last preceding sub-section—  
‘ prescribed period ’, in relation to a pensioner, means—

(a) any period of such number of consecutive weeks as the Director-General, by notice in writing to the pensioner, from time to time specifies; or

(b) in the absence of such a notice—any period of eight consecutive weeks;

'prescribed rate', in relation to a pensioner, means—

- (a) such rate as the Director-General, by notice in writing to the pensioner, from time to time specifies; or
- (b) in the absence of such a notice—the rate of Three pounds ten shillings per week.

“(4.) A notice for the purposes of the last preceding sub-section may be given by sending it by post to the address of the pensioner last known to the Director-General.

“(5.) In the event of—

- (a) a pensioner ceasing to be a widow;
- (b) a pensioner ceasing to have the custody, care and control of a child;
- (c) a pensioner ceasing to reside in a home owned by her;
- (d) a pensioner becoming an inmate of a benevolent home; or
- (e) a pensioner disposing of any property the value of which—

- (i) is, by virtue of paragraph (a) of sub-section (1.) of section sixty-five of this Act, disregarded in the computation of the value of property for the purposes of this Part; and
- (ii) exceeds One hundred pounds,

the pensioner shall, within fourteen days after the occurrence of the event, notify a Director accordingly.

“(6.) A pensioner shall not leave Australia without first giving to a Director notice of her intended departure from Australia.

Penalty: Twenty pounds.”.

18. Section eighty of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “or a class D widow” (wherever occurring); and
- (b) by omitting from paragraph (a) of sub-section (1.) the words “Seventy-six pounds fourteen shillings” and inserting in their stead the words “Eighty-one pounds eighteen shillings”.

Inmates of benevolent homes.

19. Section one hundred and fifteen of the Principal Act is amended—

- (a) by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections:—

“(1.) Where a person has received, is receiving or is qualified or entitled to receive, in respect of any period during which he is qualified to receive a sickness benefit, a payment by way of compensation in respect of the incapacity by reason of which he is qualified to receive that sickness benefit, the rate of the sickness

Provisions where beneficiary entitled to compensation, &c.



benefit to which that person would otherwise be entitled shall be reduced<sub>e</sub> by the amount per week of that payment.

“(2.) Where a person is or has been qualified to receive a sickness benefit in respect of an incapacity and the Director-General is of opinion that the whole or a part of a payment by way of a lump sum that that person has received, or is qualified or entitled to receive, can reasonably be regarded for the purposes of this section as being a payment that—

(a) is by way of compensation in respect of the incapacity; and

(b) is in respect of a period during which that person is or was qualified<sub>a</sub> to receive that sickness benefit,

the payment, or that part of the payment, as the case may be, shall, for the purposes of this section, be deemed to be such a payment.”;

(b) by inserting in sub-section (9.), after the word “ under ”, the words “ sub-section (6.) of ”; and

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

“(11.) The reference in sub-section (1.) of this section to a payment by way of compensation shall be read as including a reference to—

(a) a payment by way of damages; and

(b) a payment that, in the opinion of the Director-General, is in the nature of compensation or damages,

but shall not be read as including a reference to a payment for which the person who has received, is receiving or is qualified or entitled to receive the payment has made contributions.

“(12.) The reference in sub-section (5.) of this section to a person who is liable to make a payment of the kind referred to in sub-section (1.) of this section to or on behalf of another person shall be read as including a reference to an insurer who, under a contract of insurance, is liable to indemnify the person liable to make the payment against his liability.”.

Recovery of  
cost of  
treatment  
and training

20. Section one hundred and thirty-five R of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) In this section—

‘ compensation ’, in relation to a person who has received or is receiving treatment or training,

means any payment that is by way of compensation or damages, or is, in the opinion of the Director-General, in the nature of compensation or damages, in respect of the disability by reason of which the treatment or training has been or is being provided, but does not include a payment for which the person has made contributions;

‘cost’, in relation to the treatment or training of a person, means the cost, as determined by the Director-General, of and incidental to the treatment or training, including—

- (a) any allowances paid to that person under section one hundred and thirty-five D of this Act; and
- (b) the cost of providing, maintaining and replacing, under section one hundred and thirty-five K of this Act, any articles used by that person.

“(1A.) Where a person (including the Commonwealth or an authority of the Commonwealth or a State or an authority of a State) is liable to pay, or has paid, an amount of compensation to or on behalf of another person who is receiving or has received treatment or training, the last-mentioned person is, subject to the next succeeding sub-section and notwithstanding section one hundred and thirty-five J of this Act, liable to pay to the Director-General an amount equal to the cost of that treatment or training.

“(1B.) Where the Director-General is satisfied that special circumstances exist by reason of which a person liable by virtue of the last preceding sub-section to pay an amount to the Director-General should be released in whole or in part from the liability, the Director-General may release the person accordingly.”;

- (b) by omitting from sub-section (2.) the words “and incidental to”;
- (c) by omitting from paragraph (a) of sub-section (3.) the words “and incidental to”;
- (d) by omitting from sub-section (3.) the words “and, in default of payment, the Director-General may recover that amount in any court of competent jurisdiction

from the person liable to pay compensation ” and inserting in their stead the words “ or the amount of the compensation, whichever is the less ”;

(e) by inserting in sub-section (5.), after the word “ under ”, the words “ sub-section (3.) of this section ”; and

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

“ (7.) The Director-General may recover in a court of competent jurisdiction an amount that a person is liable to pay to him under this section but the Director-General is not entitled to recover an amount in respect of the cost of treatment or training provided for a person both from that person and from the person liable to pay compensation to that person.

“ (8.) The reference in sub-section (2.) of this section to a person who is liable to pay an amount of compensation to or on behalf of another person shall be read as including a reference to an insurer who, under a contract of insurance, is liable to indemnify the person liable to pay the amount of compensation against his liability.”.

**Finance.**

**21.** Section one hundred and thirty-six of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word “ Payment ” and inserting in its stead the words “ Subject to this section, payment ”;

(b) by omitting from sub-section (1.) the words “ (except payments to which the next succeeding sub-section applies) ”;

(c) by inserting in sub-section (2.), after the word “ shall ”, the words “, subject to the next succeeding sub-section,”; and

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

“ (3.) A payment in respect of expenditure incurred in connexion with the provision of treatment or training under Part VIII. of this Act on the purchase of an item of plant or equipment the purchase price of which does not exceed Two hundred pounds may be made out of the Trust Account referred to in sub-section (1.) of this section.”.

**22.** Section one hundred and thirty-eight of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“ (2.) Charges against the same person for any number of offences against the last preceding sub-section may be joined in one complaint, information or declaration if those charges are founded on the same facts or form, or are part of, a series of offences of the same or a similar character.

“ (3.) Where two or more such charges are included in the same complaint, information or declaration, particulars of each offence charged shall be set out in a separate paragraph.

“ (4.) All charges so joined shall be tried together unless the Court deems it just that any charge should be tried separately and makes an order to that effect.

“ (5.) If a person is convicted of more than one offence against sub-section (1.) of this section, the Court may, if it thinks fit, inflict one penalty in respect of all offences of which he has been convicted, but that penalty shall not exceed the sum of the maximum penalties that could be inflicted if penalties were imposed for each offence separately.

“ (6.) Where a person is convicted of an offence against sub-section (1.) of this section, the Court may, in addition to imposing a penalty in respect of the offence, order him to pay to the Commonwealth an amount equal to any amount paid by way of pension, allowance, endowment or benefit in consequence of the act, failure or omission in respect of which he was convicted.

“ (7.) For the purposes of the last preceding sub-section, a certificate, under the hand of the Director-General or a Director, that an amount specified in the certificate is the amount that has been paid to a person specified in the certificate by way of pension, allowance, endowment or benefit in consequence of an act, failure or omission specified in the certificate is evidence of the matters specified in the certificate.”

**23.** Section one hundred and thirty-nine of the Principal Act is amended by adding at the end of sub-section (2.) the words “ or a person authorized in writing by the Director-General to consent to prosecutions for offences against this Act ”.

**24.** Section one hundred and forty of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words “ some other pension ” and inserting in their stead the words “ a pension ”; and

(b) by omitting from sub-section (2.) the word “ other ” (last occurring).

Saving in  
respect of class  
B widows.

25.—(1.) In this section—

“ the new means test reduction ”, in relation to a pension, means the amount by which the annual rate of the pension is required to be reduced under the provisions of sub-section (2.) of section sixty-three of the *Social Services Act 1947-1960*;

“ the old means test reduction ”, in relation to a pension, means the sum of the amounts by which the annual rate of the pension would be required to be reduced under the provisions of sub-section (2.) of section sixty-three of the *Social Services Act 1947-1959* if those provisions applied in relation to the pension;

“ the proclaimed date ” means the date fixed under sub-section (2.) of section two of this Act.

(2.) In this section, expressions have the same respective meanings as they have in Part IV. of the *Social Services Act 1947-1960*.

(3.) This section applies to a pension that was in force in respect of a class B widow immediately before the proclaimed date and is in force on that date.

(4.) Where, on the proclaimed date, the new means test reduction in relation to a pension to which this section applies exceeds the old means test reduction in relation to the pension, the amendment made by paragraph (b) of section fifteen of this Act shall not apply in relation to the pension until such time as the old means test reduction in relation to the pension is equal to or exceeds the new means test reduction in relation to the pension.

Application of  
amendments.

26.—(1.) The amendments made by this Act that come into operation on the day on which this Act receives the Royal Assent, in so far as they affect instalments of pensions, apply in relation to an instalment of pension falling due on the first pension pay day after that day and to all subsequent instalments.

(2.) Subject to the last preceding section, the amendments made by this Act that come into operation on the date fixed under sub-section (2.) of section two of this Act, in so far as they affect instalments of pensions, apply in relation to an instalment of pension falling due on the first pension pay day after that date and to all subsequent instalments.