

Social Services

No. 41 of 1966

An Act to amend the *Social Services Act 1947–1965*.

[Assented to 30 September 1966]

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 1966*.

Short title
and citation.

(2.) The *Social Services Act 1947-1965** 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 1947-1966*.

**Commence-
ment.**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Savings.

3. Section 4 of the Principal Act is amended by omitting paragraph (a) of sub-section (1.).

Parts.

4. Section 5 of the Principal Act is amended—

(a) by omitting the words and figures—

“ Part II.—Administration (Sections 7-17).”

and inserting in their stead the words and figures—

“ Part II.—Administration (Sections 7-17A).”; and

(b) by omitting the words and figures—

“ Division 7.—Claims for Pensions (Sections 37-38).”

and inserting in their stead the words and figures—

“ Division 7.—Claims for Pensions (Section 37).”.

Interpretation.

5. Section 6 of the Principal Act is amended—

(a) by omitting the definition of “ Magistrate ”;

(b) by inserting after the definition of “ member of the Forces ” the following definitions:—

“ ‘ mental hospital ’ means premises declared by the Director-General under section seventeen A of this Act to be a mental hospital for the purposes of this Act;

‘ mental hospital patient ’ means a person who has been admitted to a mental hospital as a patient of the hospital and is shown on the records of the hospital as a patient, other than an out-patient, of the hospital;” and

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

“ (2.) Where a mental hospital patient is transferred from one mental hospital to another mental hospital, he shall, for the purposes of this Act, be deemed to be a mental hospital patient during the period of the transfer notwithstanding that, during that period, he is not shown on the records of a mental hospital as a patient of a mental hospital.”.

* 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; No. 57, 1959; No. 45, 1960; No. 45, 1961; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; and Nos. 57 and 152, 1965.

6. Section 11 of the Principal Act is repealed. Special Magistrates.
7. Section 16 of the Principal Act is amended by omitting the words “, a Magistrate ” (wherever occurring). Powers as to taking of evidence and production of documents.
8. After section 17 of the Principal Act the following section is inserted in Part II. :—
 “ 17A. Where the Director-General is satisfied that accommodation for mentally ill or mentally defective persons is provided in any premises, he may, by instrument in writing, declare the premises to be a mental hospital for the purposes of this Act.” Declaration of mental hospitals.
9. Section 19 of the Principal Act is repealed. Aliens.
10. Section 28 of the Principal Act is amended—
 (a) by omitting from paragraph (a) of sub-section (1A.) the words “ Three hundred and twelve pounds ” and inserting in their stead the words “ Six hundred and seventy-six dollars ”; and
 (b) by omitting from paragraph (b) of sub-section (1A.) the words “ Two hundred and eighty-six pounds ” and inserting in their stead the words “ Six hundred and eleven dollars ”. Rate of age or invalid pension (including guardian's allowance payable to an unmarried person).
11. Section 29 of the Principal Act is amended by omitting from paragraph (b) of sub-section (1.) the words “ Twenty-six pounds ” and inserting in their stead the words “ One hundred and fifty-six dollars ”. Computation of income.
12. Section 35 of the Principal Act is amended by omitting the words “ hospital for the insane ” (wherever occurring) and inserting in their stead the words “ mental hospital ”. Allowances not to be paid in certain circumstances.
13. Section 38 of the Principal Act is repealed. Reference to Magistrate.
14. Section 41 of the Principal Act is amended by omitting from sub-section (3.) the words “, as affected by the *Currency Act* 1965,”. Payment of pensions in instalments.
15. Section 48 of the Principal Act is repealed and the following section inserted in its stead:—
 “ 48.—(1.) Subject to this section, where an age or invalid pensioner becomes a mental hospital patient, his pension is, by force of this section, suspended in respect of the period during which he is a mental hospital patient. Suspension of pension of mental hospital patient.
 “ (2.) Where a pensioner who is a mental hospital patient is, for a continuous period of more than six days, absent from a mental hospital, the last preceding sub-section does not apply in respect of any whole day included in the period during which he is so absent.

“ (3.) Where—

- (a) the pension of an age or invalid pensioner has been suspended by force of sub-section (1.) of this section; and
- (b) he ceases to be a mental hospital patient otherwise than by reason of death,

he is, subject to this Part, entitled to payment of pension—

- (c) in respect of each day in respect of which his pension was suspended; or
- (d) if the number of days in respect of which his pension was suspended exceeds eighty-four—in respect of each of the last eighty-four of those days.

“ (4.) Where a mental hospital patient is absent from a mental hospital for a continuous period of four weeks or more, he shall, for the purposes of the last preceding sub-section, be deemed to have ceased to be a mental hospital patient at the commencement of the absence, and, if he ceases to be so absent by reason of again becoming an inmate of a mental hospital, he shall, for the purposes of sub-section (1.) of this section, be deemed to have again become a mental hospital patient.”

Inmates of
benevolent
homes.

16. Section 50 of the Principal Act is amended—

- (a) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (1.) the words “ One hundred and nine pounds four shillings ” and inserting in their stead the words “ Two hundred and thirty-four dollars ”;
- (b) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (1.) the words “ One hundred and thirty-five pounds four shillings ” and inserting in their stead the words “ Two hundred and eighty-six dollars ”; and
- (c) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (1.) the words “ One hundred and one pounds eight shillings ” and inserting in their stead the words “ Two hundred and eighteen dollars forty cents ”.

Interpretation.

17. Section 59 of the Principal Act is amended—

- (a) by omitting from paragraph (d) of the definition of “ widow ” in sub-section (1.) the words “ an inmate of a hospital for the insane ” and inserting in their stead the words “ a mental hospital patient ”; and

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

“ (3.) For the purposes of paragraph (d) of the definition of ‘widow’ in sub-section (1.) of this section, a mental hospital patient who is, for a continuous period of more than six days, absent from a mental hospital shall be deemed not to be a mental hospital patient during that period.”.

18. Section 62 of the Principal Act is amended—

Condition of
grant of
widow's
pension.

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

19. Section 63 of the Principal Act is amended—

Rate of
widow's
pension.

- (a) by omitting from paragraph (b) of sub-section (1.) the words “ Two hundred and seventy-nine pounds ten shillings ” and inserting in their stead the words “ Six hundred and eleven dollars ”; and
- (b) by omitting from sub-section (3.) the words “ Five pounds seven shillings and sixpence ” and inserting in their stead the words “ Eleven dollars seventy-five cents ”.

20. Section 64 of the Principal Act is amended—

Computation
of income.

- (a) by omitting from paragraph (b) the words “ Twenty-six pounds ” and inserting in their stead the words “ One hundred and fifty-six dollars ”; and
- (b) by omitting from paragraph (d) the words “ Thirty-nine pounds ” and inserting in their stead the words “ One hundred and fifty-six dollars ”.

21. Section 70 of the Principal Act is amended by omitting from sub-section (3.) the words “, as affected by the *Currency Act 1965*,”.

Payment of
pensions in
instalments.

22. Section 77 of the Principal Act is repealed and the following section inserted in its stead:—

“ 77.—(1.) Subject to this section, where a pensioner becomes a mental hospital patient, her pension is, by force of this section, suspended in respect of the period during which she is a mental hospital patient.

Suspension of
pension of
mental hospital
patient.

“(2.) Where a pensioner who is a mental hospital patient is, for a continuous period of more than six days, absent from a mental hospital, the last preceding sub-section does not apply in respect of any whole day included in the period during which she is so absent.

“(3.) Where—

(a) the pension of a pensioner has been suspended by force of sub-section (1.) of this section; and

(b) she ceases to be a mental hospital patient otherwise than by reason of death,

she is, subject to this Part, entitled to payment of pension—

(c) in respect of each day in respect of which her pension was suspended; or

(d) if the number of days in respect of which her pension was suspended exceeds eighty-four—in respect of each of the last eighty-four of those days.

“(4.) Where a mental hospital patient is absent from a mental hospital for a continuous period of four weeks or more, she shall, for the purposes of the last preceding sub-section, be deemed to have ceased to be a mental hospital patient at the commencement of the absence, and, if she ceases to be so absent by reason of again becoming an inmate of a mental hospital, she shall, for the purposes of sub-section (1.) of this section, be deemed to have again become a mental hospital patient.”

**Inmates of
benevolent
homes.**

23. Section 80 of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1.) the words “One hundred pounds two shillings” and inserting in their stead the words “Two hundred and eighteen dollars forty cents”; and

(b) by omitting from paragraph (a) of sub-section (1.) the words “One hundred and twenty-six pounds two shillings” and inserting in their stead the words “Two hundred and seventy dollars forty cents”.

Interpretation.

24. Section 94 of the Principal Act is amended—

(a) by omitting from the definition of “institution” in sub-section (1.) the words “hospital for the insane” and inserting in their stead the words “mental hospital”; and

(b) by omitting from sub-section (3.) the words “hospital for the insane” and inserting in their stead the words “mental hospital”.

25. Section 95 of the Principal Act is amended by omitting from sub-section (7.) the words “ but one or both of whose parents are aboriginal natives of Australia ”.

Child
endowment.

26. Section 97 of the Principal Act is repealed.

Children of
aboriginal
natives of
Australia.

27. Section 122 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Sickness benefit
in lieu of
unemployment
benefit, &c.

“ (3.) Where, upon a person ceasing to be in receipt of a sustenance allowance under the Repatriation Regulations, he becomes qualified to receive an unemployment benefit, the unemployment benefit may be paid from and including the day after the day up to which the sustenance allowance was paid to that person or, if the last-mentioned day is a Saturday, from and including the following Monday.”.

28. Section 133 of the Principal Act is repealed and the following section inserted in its stead:—

Benefits in
respect of
inmates of
prisons, and
mental hospital
patients.

“ 133.—(1.) Subject to this section, benefit is not payable to a person in respect of any period during which—

- (a) he is, following upon his conviction for an offence, imprisoned; or
- (b) he is, while a mental hospital patient, an inmate of a mental hospital,

and, if a beneficiary becomes so imprisoned or becomes an inmate of a mental hospital, payment of benefit to him shall forthwith cease.

“ (2.) Where—

- (a) a person ceases to be a mental hospital patient otherwise than by reason of death; and
- (b) he has, while a mental hospital patient, lodged a claim for sickness benefit or he lodges such a claim within thirteen weeks after he ceases to be a mental hospital patient or within such longer period as the Director-General, in special circumstances, approves,

sickness benefit may, subject to this Part (other than section one hundred and nineteen of this Act) and whether or not sickness benefit is payable to him in respect of any other period, be paid to the person in respect of each day during which he was a mental hospital patient, other than—

- (c) any Sunday;

- (d) a day in respect of which he has previously been paid sickness benefit;
- (e) a day earlier than the last eighty-four days on which he was an inmate of a mental hospital; or
- (f) a day earlier than the seventh day after the day on which he became incapacitated.

“(3.) Where a mental hospital patient is absent from a mental hospital for a continuous period of four weeks or more, he shall, for the purposes of the last preceding sub-section, be deemed to have ceased to be a mental hospital patient at the commencement of the absence, and, if he ceases to be so absent by reason of again becoming an inmate of a mental hospital, he shall, for the purposes of sub-section (1.) of this section, be deemed to have again become a mental hospital patient.

“(4.) Where sickness benefit is payable to a married person under sub-section (2.) of this section, he shall, for the purpose of determining the rate of sickness benefit payable to him in respect of any day on which he was an inmate of a mental hospital, be deemed to be an unmarried person.”.

Certain
aboriginals
not entitled to a
pension, &c.

29. Section 137A of the Principal Act is repealed.

Recovery of
overpayments.

30. Section 140 of the Principal Act is amended by omitting from sub-section (2.) the words “funeral benefit under Part III.” and inserting in their stead the words “funeral benefit under Part IVA.”.

Information as
to pensioners,
&c.

31. Section 141 of the Principal Act is amended by omitting the words “, a Magistrate”.

Amendments in
relation to
decimal
currency.

32. The Principal Act is amended as set out in the Schedule to this Act.

Application of
amendments.

33.—(1.) In so far as an amendment made by this Act affects instalments of pensions or allowances, the amendment applies in relation to an instalment of a pension or an allowance, as the case may be, falling due on the first pension pay day after the commencement of this Act and to all subsequent instalments.

(2.) The increase in the rate of service pension under the *Repatriation Act 1920–1965* consequent upon the amendments made by section 10 of this Act applies in relation to an instalment of service pension falling due on the first service pension pay day after the commencement of this Act and to all subsequent instalments.