

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 14 May 1985

(Minister for Social Security)

A BILL

FOR

**An Act relating to family allowance and nursing homes
assistance**

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 Legislation Amendment Act 1985*.

Commencement

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

10 **PART II—AMENDMENTS OF THE NURSING HOMES
 ASSISTANCE ACT 1974**

Principal Act

3. The *Nursing Homes Assistance Act 1974*¹ is in this Part referred to as the Principal Act.

Approval of additional services

4. Section 6 of the Principal Act is amended—

- (a) by inserting in sub-section (2) “and subject to sub-section (3A)” after “sub-section (3)”; and
- (b) by inserting after sub-section (3) the following sub-section: 5

“(3A) The Minister shall not, on or after 21 August 1985, approve an application made under sub-section (1) unless the Minister had, before that date, informed the applicant under sub-section (3) that the application would not be refused.”.

PART III—AMENDMENT OF THE SOCIAL SECURITY ACT 1947 10**Principal Act**

5. The *Social Security Act 1947*² is in this Part referred to as the Principal Act.

6. After section 97 of the Principal Act the following section is inserted:

Family allowance not payable in respect of certain student children over the age of 18 years 15

“98. (1) Subject to sub-section (2), a family allowance shall not, on or after 1 November 1985, be paid in respect of a child who is over the age of 18 years, but nothing in this sub-section affects the grant, or the payment, after 1 November 1985, of a family allowance in respect of any family allowance period ending on or before 14 October 1985. 20

“(2) Sub-section (1) does not apply in respect of a child if—

- (a) a person would, but for sub-section (1), be eligible to receive a family income supplement, a double orphan’s pension or a handicapped child’s allowance in respect of the child; 25
- (b) a person is receiving a pension, benefit or allowance of the kind referred to in paragraph 85 (1) (a) and, if—
 - (i) the person were not receiving that pension, benefit or allowance or, if the person is a married person, neither the person nor the person’s spouse were receiving such a pension, benefit or allowance; and 30
 - (ii) sub-section (1) did not apply in respect of the child, the person or the person’s spouse would be eligible to receive a family income supplement in respect of the child;
- (c) a person is receiving, or becomes eligible to receive, payments in respect of the child under the scheme administered by the Commonwealth known as the Secondary Allowances Scheme or the scheme administered by the Commonwealth known as the Aboriginal Secondary Grants Scheme; 35
- (d) a person is receiving, or becomes eligible to receive, payments in respect of the child under the scheme administered by the 40

Commonwealth known as the Assistance for Isolated Children Scheme, being payments that would not be payable or would be payable at a lower rate if the income of any person were higher; or

- 5 (e) a person is receiving, or becomes eligible to receive, or the child is receiving, or becomes eligible to receive, payments under any other scheme under a law of the Commonwealth or under a scheme administered by the Commonwealth, being a scheme declared by the Minister, by notice in writing published in the *Gazette*, to be a scheme to which this paragraph applies.”.
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NOTES

1. No. 147, 1974, as amended. For previous amendments, see No. 91, 1976; No. 100, 1977; No. 118, 1980; No. 118, 1981; Nos. 26 and 80, 1982; No. 139, 1983; No. 63, 1984; and No. 000, 1985.
2. 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 170, 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 No. 000, 1985.

