

# SOCIAL SECURITY AMENDMENT BILL

## EXPLANATORY NOTE

*Clause 1* relates to the Short Title.

### PART I

#### MONETARY BENEFITS

*Clause 2, subclause (1)* inserts a new definition of "Appeal Authority" for the purposes of the new sections 12A to 12R inserted by *clause 4* of this Bill.

*Subclause (2)* amends the definition of the term "benefit" to include an additional amount payable in respect of a dependent child.

*Clause 3* amends section 10 of the principal Act, which relates to the delegation of the Social Security Commission's powers.

At present there is a right of appeal to the Commission from the decision of any person to whom powers have been delegated.

The amendment provides for a right to apply for a review by the Commission of such a decision instead of an appeal, so as to avoid confusion with the right of appeal given under *clause 4* of this Bill.

*Clause 4* inserts new sections 12A to 12R in the principal Act. The new sections provide for a right of appeal from decisions of the Commission, and will come into force on a date to be fixed by Order in Council.

*New section 12A* establishes the Social Security Appeal Authority consisting of 3 persons, 1 of whom is to be appointed as Chairman.

*New section 12B* provides that members of the Appeal Authority are to hold office for 3 years and are eligible for reappointment.

*New section 12C* provides for extraordinary vacancies.

*New section 12D* provides for the establishment of 1 or more Special Social Security Appeal Authorities. Every Special Appeal Authority will consist of 3 persons, 1 of whom is to be appointed as Chairman, and all of whom will hold office during the pleasure of the Governor-General.

*New section 12E* provides for the appointment of deputies in the event of the incapacity of members of any Appeal Authority by reason of illness or absence or any other cause.

*New section 12F* provides for the payment of remuneration and travelling allowances to members of the Appeal Authority.

*New section 12G* provides that the Secretary for Justice shall designate an officer of the Department of Justice to be Secretary of the Authority, and shall provide such secretarial, recording, and clerical services as may be necessary to enable the Authority to discharge its functions.

*New section 12H* provides that the Authority shall have a seal which shall be judicially noticed by all Courts for all purposes.

*New section 12I* states that the Appeal Authority shall sit as a judicial authority for the determination of appeals made under section 12J.

In hearing and determining any appeal, the Authority is to have all the powers, duties, functions, and discretions that the Social Security Commission had in respect of the same matter.

*New section 12J, subsection (1)* provides for a right of appeal to the Authority against any decision or determination of the Commission relating to benefits and advances of family benefits for housing purposes.

*Subsection (2)* provides that the Authority may not hear and determine any appeal on medical grounds against any decision of the Commission in respect of an invalid's benefit or a miner's benefit. (Under sections 45 and 51 of the principal Act, there is already a right of appeal on medical grounds to an Appeal Board consisting of 3 medical practitioners.)

*Subsection (3)* provides that if any person has the right to apply for a review of a decision (see *clause 3*), he shall exercise that right before appealing to the Appeal Authority.

*New section 12K* sets out detailed rules in respect of procedure on appeals.

*New section 12L* provides that if the Appeal Authority requests an appellant to appear before it and the appellant does so, the Commission is to pay the actual and reasonable travelling and accommodation expenses (if any) incurred by the appellant.

*New section 12M* sets out detailed rules for the hearing and determination of appeals.

*New section 12N, subsection (1)* provides that the presence of the Chairman and 1 other member shall be necessary to constitute a sitting of the Authority.

*Subsection (2)* provides that the decision of a majority of the members shall be the decision of the Authority. If the members are equally divided, the Chairman's decision shall be the decision of the Authority.

*Subsection (3)* provides for sittings of the Authority to be held in private. However, the Authority may, if it considers that the interests of the parties to the appeal and of all other persons concerned will not be adversely affected, order that a sitting or any part of it be held in public.

*Subsections (4) and (5)* make it an offence punishable by a maximum fine of \$100 to publish any part of the proceedings before the Appeal Authority unless in any case the Authority orders otherwise.

*New section 12O* sets out the rules governing the award of costs on appeals.

*New section 12P* provides that, on the determination of any appeal, the Secretary shall send to the Commission and to the appellant a memorandum of the Authority's decision and the reasons for the decision, and the Commission shall forthwith take all necessary steps to carry into effect the decision of the Authority.

*New section 12Q* provides for an appeal to the Administrative Division of the Supreme Court against a decision of the Authority on a question of law by way of case stated.

*New section 12R* provides for a further right of appeal to the Court of Appeal on a question of law.

*Clause 5* repeals sections 22, 23, 24 (2) and (3), 25, and 26 of the principal Act.

Those sections relate to benefits for wives of mental patients, deserted wives, and mothers' allowances for widows.

Such benefits are replaced by the new domestic purposes benefits provided for in *clause 6* of this Bill. The mothers' allowances for widows were replaced by the provision relating to additional amounts for dependent children set out in the Social Security Amendment Act 1972.

*Clause 6* inserts new sections 27A to 27H in the principal Act, relating to the new domestic purposes benefits.

*New section 27A, subsections (1) and (2)* define the terms "children", "husband", and "wife".

The term "children" does not include—

- (a) A child born in New Zealand when neither of his parents was ordinarily resident in New Zealand at the time;
- (b) A child born out of New Zealand unless at least 1 of the following conditions is satisfied:
  - (i) The mother gave birth to the child while only temporarily absent from New Zealand; or
  - (ii) Both of his parents were ordinarily resident in New Zealand for the 3 years immediately preceding the qualifying date; or
  - (iii) One of his parents, being ordinarily resident in New Zealand at the qualifying date, has resided continuously in New Zealand for not less than 5 years.

The term "husband" includes a man with whom a woman has entered into a relationship in the nature of marriage although not legally married to him; and "wife" has a corresponding meaning.

*Subsection (3)* defines the term "dependent child" for the purposes of sections 27B to 27D and the Fourteenth Schedule.

The term "dependent child" means a child in respect of whom a family benefit is for the time being payable.

In addition, the subsection provides that the Commission may, in its discretion, regard any child as being a child of the applicant and the applicant as being the mother or father of that child, if that child is being maintained by the applicant and was at any time maintained by the husband or wife of the applicant.

*New section 27B* provides for domestic purposes benefits for solo parents.

The following classes of persons will be entitled to the benefit, if they have attained the age of 16 years and are caring for a dependent child or children:

- (a) A woman who is the mother of 1 or more dependent children and who is living apart from, and has lost the support of or is being inadequately maintained by, her husband;
- (b) An unmarried woman who is the mother of 1 or more dependent children;
- (c) A woman whose marriage has been dissolved by divorce and who is the mother of 1 or more dependent children;
- (d) A woman who is the mother of 1 or more dependent children and whose husband is and has been continuously in a hospital within the meaning of the Mental Health Act 1969 as a patient for a period of not less than 6 months immediately preceding the making of the application for a benefit:

- (e) A woman who is the mother of 1 or more dependent children and who has lost the regular support of her husband as a result of his imprisonment:
- (f) A man who is the father of 1 or more dependent children and who has lost his wife by death, divorce, or some other cause.

*New section 27c* provides for domestic purposes benefits for women alone.

*Subsection (1)* defines the terms "marriage", "relative", and "woman alone".

The term "marriage" includes a relationship in the nature of marriage although the 2 parties to the relationship are not legally married:

The term "relative" means a parent, stepparent, child or stepchild over the age of 15 years, grandparent, great grandparent, sister, stepsister, brother, stepbrother, aunt, uncle, nephew, niece, or first cousin, whether affinitive or consanguineous:

The term "woman alone" means a woman who has never been married or who has lost the support of her husband.

*Subsection (2)* empowers the Minister of Social Welfare to amend the definition of the term "relative" by notice in the *Gazette*.

*Subsection (3)* provides that a woman alone with no dependent children shall be entitled to receive a domestic purposes benefit if—

- (a) She satisfies 1 of the following conditions:
  - (i) That she has had the care and control of 1 or more dependent children for not less than 15 years; or
  - (ii) That the aggregate of the periods of the duration of her marriage or marriages during which she had the care and control of at least 1 of her dependent children was not less than 15 years; or
  - (iii) That she has had the responsibility for the full time care and attention of an incapacitated relative for not less than 15 years; or
  - (iv) That the duration of the periods during which she had the responsibility for the full time care and attention of an incapacitated relative was not less than 15 years; or
  - (v) That she was married for not less than 5 years and lost the support of her husband after she had attained the age of 50 years; or
  - (vi) That she had responsibility for the full time care and attention of an incapacitated relative for not less than 5 years and ceased to have responsibility for the said relative after she had attained the age of 50 years; or
- (b) She satisfies all of the following conditions:
  - (i) That she is not less than 50 years of age;
  - (ii) That she lost the support of her husband, or ceased to have responsibility for the full time care and attention of an incapacitated relative, after she had attained the age of 40 years;
  - (iii) That the duration of her marriage or, if she was married more than once, the aggregate of the periods of the duration of her marriages, or the duration of the period, or periods, during which she had the responsibility for the full time care and attention of an incapacitated relative, was not less than 10 years; and
  - (iv) That not less than 15 years has elapsed since the date of her marriage or, if she was married more than once, since the date of her first marriage, or since the date she commenced to have responsibility for the full time care and attention of an incapacitated relative.

*New section 27D, subsection (1)* sets out the residential qualifications for domestic purposes benefits for women alone.

A woman will not be entitled to the benefit unless—

- (a) Both the applicant and her husband were ordinarily resident in New Zealand for not less than 3 years immediately preceding the qualifying date; or
- (b) The applicant, or her husband, being ordinarily resident in New Zealand at the qualifying date, has resided continuously in New Zealand for not less than 5 years.

*Subsection (2)* defines the term qualifying date.

*New section 27E, subsection (1)* provides that if a domestic purposes benefit has been computed by reference to a child, the benefit will cease to be payable at the end of the pay period in which, by reason of death or otherwise, there ceases to be any child in respect of whom the benefit is payable.

*Subsection (2)* provides that a beneficiary whose benefit has been so terminated shall be entitled, if able to satisfy the provisions of section 27C, to receive a benefit under that section computed as for an applicant without a dependent child.

*New section 27F* makes special provisions relating to the payment of maintenance to domestic purposes beneficiaries. The clause largely follows the present section 25 of the principal Act which is repealed by *clause 5* of this Bill.

*New section 27G* provides for the payment of a domestic purposes benefit to a person who is required to give full time care and attention at home to a person who would otherwise have to be admitted to a hospital.

*New section 27H, subsection (1)* provides for the rates of domestic purposes benefits.

*Subsection (2)* provides that in determining the rate of any domestic purposes benefit such income of the husband or wife of the applicant as the Commission considers reasonable shall be taken into account as if it were income derived by the applicant.

*Clause 6, subclause (2)* provides that any benefits for wives of mental patients or deserted wives, and any emergency benefits, being paid immediately before the commencement of this clause, may continue to be paid notwithstanding the new sections 27A to 27H.

*Clause 7* amends section 36 of the principal Act, which relates to advance payments of family benefits.

At present a lump sum payment of a family benefit in advance for a child commencing his first year at an intermediate or secondary school may not be made more than once in respect of the same child.

The amendment provides that such a lump sum payment may be made more than once, but the aggregate of the payments may not exceed the equivalent of 52 weeks' benefit.

*Clause 8, paragraph (a)* provides for additional amounts for dependent children to be paid to domestic purposes beneficiaries.

*Paragraph (b)* provides for the rate of the additional amount for a dependent child to be a maximum rather than a set amount.

*Clause 9* rewrites the present section 61B of the principal Act. That section provides for the Commission to apply for the variation of a maintenance order or agreement if it considers any maintenance to be inadequate.

The section is being divided into 2 sections 61B and 61C.

The new section 61B largely repeats the existing section 61B (1) to (3).

The new section 61C repeats the existing section 61B (4) and (5). However, the new section 61C will now apply to all benefits and not just to the additional benefit for dependent children.

*Clause 10* amends section 66 of the principal Act, which relates to the special income exemption relating to a sick benefit received from a friendly society.

The exemption applies to age, widows', invalids', and sickness benefits.

The amendment adds domestic purposes benefits to the classes of benefits to which the provision applies.

*Clause 11* inserts a new section 69A in the principal Act which provides for the payment of half of the cost of telephone rentals paid by income-tested beneficiaries.

*Clause 12* amends section 74 of the principal Act which relates to the power of the Commission to refuse to grant or terminate a benefit or to grant a benefit at a reduced rate under certain circumstances.

The amendment provides for the power to be exercised if an applicant has failed to take reasonable steps to obtain maintenance.

*Clause 13* amends section 85 (2) of the principal Act, which relates to the payment of lump sums to the widows, widowers, and dependent children of certain classes of beneficiaries who die.

The amendment adds domestic purposes beneficiaries to the classes of beneficiaries to which that provision applies.

*Clause 14* empowers the Commission to authorise the provisional writing-off of any overpayment which arose as the result of an error not intentionally contributed to by the debtor, if the Commission is satisfied that the person receiving the overpayment did so in good faith and has so altered his position in reliance on the validity of the payment that it would be inequitable in all the circumstances, including his financial circumstances, to require repayment.

*Clause 15* adds new Sixteenth and Seventeenth Schedules to the principal Act.

The new Schedules set out the rates of domestic purposes benefits.

*Clause 16* increases the allowable income of age, widows', invalids', and sickness beneficiaries by \$3 a week on and after 14 February 1973.

*Clause 17* increases benefits in respect of the period 6 June 1973 to 31 July 1973.

The rates of superannuation, age, widows', invalids', miners', sickness, unemployment, and related emergency benefits, are increased by \$1.50 a week in respect of unmarried persons and \$2.50 a week in respect of married persons.

However, the rates of sickness, invalids', and related emergency benefits, payable to persons under 18 years of age are increased by \$1 a week, and the rate of unemployment benefits payable to persons under 20 years of age is also increased by \$1 a week.

The additional amount payable to an unmarried person receiving an age, widow's, domestic purposes, invalid's, sickness, unemployment, or related emergency benefit on account of the first or only dependent child is increased by \$1 a week.

The rate of orphans' benefits is increased by \$1 a week.

*Clause 18* increases benefits on and after 1 August 1973. The increases are additional to those referred to in *clause 17*.

The rates of superannuation, age, widows', invalids', miners', sickness, unemployment, and related emergency benefits, are increased by \$1.20 a week in respect of unmarried persons and \$2 a week in respect of married persons.

However, the rates of sickness, invalids', and related emergency benefits, payable to persons under 18 years of age are increased by \$1 a week, and the rate of unemployment benefits payable to persons under 20 years of age is also increased by \$1 a week.

The additional amount payable to an unmarried person receiving an age, widow's, invalid's, sickness, unemployment, or related emergency benefit on account of the first or only dependent child is increased by 80c a week.

The rate of orphans' benefits is increased by 50c a week.

NOTE: There are no changes to the Fifth, Tenth, Twelfth, or Fifteenth Schedules to the principal Act set out in the Fourth Schedule to this Bill. They are being re-enacted so that all of the Schedules will appear in 1 Act.

*Clause 19* validates the additional benefit paid to income-tested beneficiaries in December 1972.

## PART II

### MEDICAL AND HOSPITAL BENEFITS AND OTHER RELATED BENEFITS

*Clause 20, subclause (1)* amends section 88 of the principal Act which defines various terms used in Part II.

*Paragraph (a)* inserts a definition of the term "dentist" for the purposes of the new definition of "pharmaceutical benefits".

*Paragraph (b)* repeals the definition of the term "Drug Tariff". The new definition of "pharmaceutical benefits" and the repeal of section 95 of the principal Act by *clause 17* of this Bill will make the definition redundant.

*Paragraph (c)* rewrites the definition of the term "pharmaceutical benefits". The main changes are to include dental prescriptions, and to make the supply of pharmaceutical requirements subject to any terms or conditions fixed under section 99 of the principal Act or by any regulations in force under the principal Act.

*Paragraph (d)* rewrites the definition of the term "specialist" for the purposes of specialist medical services benefits.

The new definition defines a specialist as a medical practitioner whose name appears in the register of medical practitioners possessing specialist status in accordance with section 39 of the Medical Practitioners Act 1968.

At present a specialist is defined as a person recognised by the Minister of Health as a specialist for the purposes of providing specialist medical services.

The new definition also includes medical practitioners at present recognised by the Minister as specialists even if they are not on the roll of specialists.

*Subclause (2)* relates to consequential repeals.

*Clause 21* repeals section 95 of the principal Act, which relates to the supply of pharmaceutical requirements by medical practitioners, as its provisions are no longer availed of.

*Clause 22* repeals subsections (1) and (2) of section 97 of the principal Act. Those subsections relate to the recognition of specialists by the Minister of Health and will now be redundant owing to the new definition of specialist contained in *clause 20 (1) (d)* of this Bill.

*Clause 23* rewrites section 99 of the principal Act, which relates to the fixing of prices for pharmaceutical requirements.

The provisions of the section are expanded to make the discretions vested in the Minister wider and more flexible.

*Clause 24* amends section 100 of the principal Act which relates to contracts for the supply of pharmaceutical requirements.

*Subclause (1)* corrects a wrong reference.

*Subclause (2)* rewrites subsection (2) of section 100 and adds a new subsection (3).

*New subsection (2)*: At present the Minister may approve any competent person, for the purpose of supplying pharmaceutical requirements, who is not entitled as of right to a contract for such supply, as are proprietors of pharmacies.

The new subsection empowers the Minister to approve not only specified persons but also persons belonging to a specified class. In addition the Minister's approval may now be given in respect of specified classes of pharmaceutical requirements as well as in respect of all pharmaceutical requirements.

*New subsection (3)*: Under this subsection, any approval given by the Minister under subsection (1) or subsection (2) shall cease to have effect if—

- (a) In the case of approval given to an individual person in respect of a pharmacy or other place of business, that person ceases to be the sole proprietor of that pharmacy or place of business; or
- (b) In the case of approval given to a firm within the meaning of the Partnership Act 1908, the partnership constituting the firm is dissolved.

In addition, the Minister may at any time revoke any approval given under the new subsection (2).

*Clause 25* inserts a new section 100A in the principal Act.

The new section extends the power of the use by the Crown of a patented invention. The section empowers the Minister of Health to specify pharmaceutical requirements in respect of which the Department of Health may authorise the purchase of drugs patented in New Zealand from unlicensed sources.

The Minister may not delegate his powers to any officer of the Department of Health.

*Clause 26* repeals subsections (1) and (2) of section 113 of the principal Act. Those subsections relate to the recognition by the Minister of Health of specialists for the purpose of providing maternity benefits and will now be redundant owing to the new definition of specialist contained in *clause 20 (1) (d)* of this Bill.

*Clause 27* amends section 122 of the principal Act which relates to the termination of contracts entered into between the Minister and other persons for rendering professional or other services or for supplying pharmaceutical requirements.

The amendment provides that if a person whose contract has been terminated becomes a shareholder in, or a director, manager, or other principal officer of, a company which is a party to a contract, the Minister may terminate the contract of the company.

In addition, the terms "company" and "shareholder" are defined.

"Company" includes any body of persons, whether corporate or unincorporate.

"Shareholder" includes any member of a company.

*Clause 28* amends section 123 of the principal Act which relates to the power to make regulations.

The amendment will enable regulations to be made providing for the payment of fees by persons to whom the Department has afforded facilities, including the production of documents and records for inspection.

*Clause 29* inserts a new section 41A in the Dental Act 1963.

The new section requires the Dental Council to inquire into such complaints in connection with matters arising under Part II of the Social Security Act 1964 as may be referred to it by the Minister. In connection with any such complaint the Dental Council may make recommendations to the Minister and order the person concerned to pay any costs or expenses of or incidental to the inquiry.

The section is based on a similar provision in the Medical Practitioners Act 1968.

### PART III

#### GENERAL PROVISIONS

*Clause 30* provides for a consequential amendment.

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*Hon. Mr King*

## SOCIAL SECURITY AMENDMENT

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<p>17. Increasing rates of benefits in respect of period 6 June 1973 to 31 July 1973</p> <p>18. Increasing rates of benefits on and after 1 August 1973</p> <p>19. Authority to increase rates of benefits</p> <p style="text-align: center;">PART II</p> <p>MEDICAL AND HOSPITAL BENEFITS AND OTHER RELATED BENEFITS</p> <p>20. Interpretation</p> <p>21. Pharmaceutical requirements</p> <p>22. Specialist medical services</p> <p>23. Fixing of prices for pharmaceutical requirements</p> <p>24. Contracts for pharmaceutical requirements</p>	<p>25. Extension of power of use by Crown of patented invention</p> <p>26. Specialists in relation to maternity benefits</p> <p>27. Termination of contracts</p> <p>28. Regulations</p> <p>29. Consequential amendment to Dental Act 1963</p> <p style="padding-left: 20px;">41A. Functions as to complaints under Social Security Act 1964</p> <p style="text-align: center;">PART III</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p>30. Money payable out of Consolidated Revenue Account Schedules</p>
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## A BILL INTITULED

### An Act to amend the Social Security Act 1964

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

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**1. Short Title**—This Act may be cited as the Social Security Amendment Act 1973, and shall be read together with and deemed part of the Social Security Act 1964\* (hereinafter referred to as the principal Act).

## PART I

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### MONETARY BENEFITS

**2. Interpretation**—(1) Subsection (1) of section 3 of the principal Act is hereby amended by inserting, before the definition of the term “applicant”, the following definition:

“‘Appeal Authority’ or ‘Authority’ means the Social Security Appeal Authority established under section 12A of this Act; and includes any Special Social Security Appeal Authority established under section 12D of this Act:”

(2) The said subsection (1) is hereby further amended by adding to the definition of the term “benefit” the words “; and includes an additional amount payable under section 61A of this Act:”

(3) Subsection (1) of this section shall come into force on a date to be fixed by the Governor-General by Order in Council.

\*1964, No. 136

Amendments: 1966, No. 85; 1967, No. 4; 1968, No. 44; 1969, No. 46; 1970, No. 9; 1970, No. 149; 1971, No. 8; 1971, No. 128; 1972, No. 133

**3. Delegation of powers of Commission**—(1) Section 10 of the principal Act is hereby amended by omitting from subsection (6) the words “appeal therefrom”, and substituting the words “apply for a review of the decision”.

5 (2) The said section 10 is hereby further amended by omitting from subsection (7) the words “appealed from as aforesaid”, and substituting the words “in respect of which an application for a review has been made under subsection (6) of this section”.

10 (3) This section shall come into force on a date to be fixed by the Governor-General by Order in Council.

**4. New sections inserted**—(1) The principal Act is hereby further amended by inserting, after section 12, the following heading and sections:

15 *“Appeal Authority*

“12A. **Social Security Appeal Authority**—(1) There is hereby established an Authority to be known as the Social Security Appeal Authority.

20 “(2) The Authority shall consist of 3 persons appointed by the Governor-General on the recommendation of the Minister given after consultation with the Minister of Justice.

“(3) One of the members shall be appointed as Chairman of the Authority.

25 “12B. **Term of office of members**—(1) Except as otherwise provided by this Act, every member of the Appeal Authority shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

30 “(2) Notwithstanding anything to the contrary in this Act, every member of the Appeal Authority shall, unless he sooner vacates his office under section 12c of this Act, continue in office until his successor comes into office.

35 “12c. **Extraordinary vacancies**—(1) Any member of the Appeal Authority may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice to the Minister.

40 “(2) When the office of any member becomes vacant by death, resignation, or removal from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made.

“(3) Every person appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

“(4) The powers of the Appeal Authority shall not be affected by any vacancy in its membership. 5

“12D. **Special Appeal Authorities**—(1) In addition to the Appeal Authority established by section 12A of this Act, there may from time to time be established in accordance with this section one or more Special Authorities each of which shall be known as a Special Social Security Appeal Authority. 10

“(2) Every Special Social Security Appeal Authority shall consist of 3 persons appointed by the Governor-General on the recommendation of the Minister given after consultation with the Minister of Justice, and those members shall hold office during the pleasure of the Governor-General. 15

“(3) One of the members shall be appointed as Chairman of the Authority.

“(4) Any member of a Special Social Security Appeal Authority may from time to time be reappointed, or may at any time resign his office by written notice to the Minister. 20

“12E. **Deputies of members**—(1) In the event of the incapacity of any member of the Appeal Authority by reason of illness or absence or any other cause, the Governor-General may, on the recommendation of the Minister given after consultation with the Minister of Justice, appoint some other person qualified for appointment to act in the place of the Chairman or member, as the case may require. Every person so appointed as deputy shall, while the incapacity continues, be deemed for all purposes to be the Chairman or a member of the Authority, as the case may be. 25 30

“(2) No appointment of a deputy, and no acts done by a deputy acting as Chairman or by the Authority, while the deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased. 35

“12F. **Remuneration and travelling allowances**—(1) The Appeal Authority is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 40

“(2) There shall be paid, out of money appropriated by Parliament for the purpose, to the members of the Appeal Authority remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance  
5 with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

“12G. **Services for Appeal Authority**—The Secretary for Justice shall designate an officer of the Department of Justice to be Secretary of the Appeal Authority, and  
10 shall provide such secretarial, recording, and clerical services as may be necessary to enable the Appeal Authority to discharge its functions.

“12H. **Authority to have seal**—The Authority shall have a seal, which shall be judicially noticed by all Courts for all  
15 purposes.

“12I. **Functions of Appeal Authority**—(1) The functions of the Appeal Authority shall be to sit as a judicial authority for the determination of appeals in accordance with section 12J of this Act.

20 “(2) In hearing and determining any appeal, the Appeal Authority shall have all the powers, duties, functions, and discretions that the Commission had in respect of the same matter.

“12J. **Right of appeal**—(1) Subject to subsections (2) and (3) of this section, an appeal shall lie to the Appeal Authority against any decision or determination of the Commission under—

“(a) Part I of this Act:

30 “(b) Paragraph (d) of subsection (1) of, and subsection (3) of, section 124, and sections 124A and 125 of this Act:

“(c) The Family Benefits (Home Ownership) Act 1964.

35 “(2) The Appeal Authority shall not have the authority to hear and determine any appeal on medical grounds against any decision or determination of the Commission in respect of an invalid’s benefit or a miner’s benefit.

40 “(3) If any person has the right to apply for a review under subsection (6) of section 10 of this Act, no appeal shall lie under this section until he has exercised that right and the Commission has given its decision following the review.

“12κ. **Procedure on appeal**—(1) Every appeal shall be by notice in writing, and shall be lodged with the Secretary of the Appeal Authority within 3 months after the date on which the decision of the Commission was notified to the applicant or within such further time as the Appeal Authority may allow an application made either before or after the expiration of those 3 months. 5

“(2) The notice of appeal shall state with particularity the grounds of appeal and the relief sought.

“(3) Either before or immediately after the lodging of the notice of appeal, a copy of it shall be left with or sent to the Commission. 10

“(4) As soon as possible after the receipt of the copy of the notice of appeal by the Commission, it shall send to the Secretary of the Appeal Authority— 15

“(a) Any application, documents, written submissions, statements, reports, and other papers lodged with, received by, or prepared for, the Commission and relating to the decision or determination appealed against; 20

“(b) A copy of any notes made by or by direction of the Commission of the evidence given at the hearing (if any) before the Commission;

“(c) Any exhibits in the custody of the Commission; and

“(d) A copy of the decision or determination appealed against. 25

“(5) The Commission may also, if it thinks fit, and shall if the Authority so directs, lodge with the Secretary a report setting out the considerations to which regard was had in making the decision or determination. 30

“(6) Where any such report is so lodged, the Authority may direct that a further report be lodged by the Commission.

“(7) A copy of every report lodged pursuant to subsection (5) or subsection (6) of this section shall be given or sent forthwith to every party to the appeal, and any such party shall be entitled to be heard and to tender evidence on any matter referred to in the report. 35

“(8) As soon as conveniently may be after the receipt of any appeal, the Appeal Authority shall, unless it considers that the appeal can be properly determined without a hearing, fix a time and place for the hearing of the appeal, and shall give not less than 10 clear days' notice thereof to the appellants and to the Commission. 40

“(9) At the hearing of any appeal the Commission may be represented by counsel or by an officer of the Department and any other party may appear and act personally or by counsel or any duly authorised representative.

5 “(10) Proceedings before the Authority shall not be held bad for want of form.

“(11) Except as provided by this Act or by any regulations for the time being in force under this Act, the procedure of the Authority shall be such as the Authority  
10 may determine.

“(12) Where notice of any decision or determination in respect of which an appeal lies to the Authority has been given by post addressed to the appellant at his last known or usual address, then, for the purposes of subsection (1) of this  
15 section, the appellant shall be deemed to have been notified of the decision or determination at the time when the letter would have been delivered in the ordinary course of post.

“12L. **Expenses payable to appellants**—If the Appeal Authority requests an appellant to appear before it and the  
20 appellant does so, the Commission shall, out of money appropriated by Parliament for the purpose, pay the actual and reasonable travelling and accommodation expenses (if any) incurred by the appellant.

“12M. **Hearing and determination of appeal**—(1) Subject  
25 to subsection (8) of section 12k of this Act, every appeal against a decision of the Commission shall be by way of rehearing; but where any question of fact is involved in any appeal, the evidence taken before or received by the Commission bearing on the subject shall, subject to any  
30 special order, be brought before the Authority as follows:

“(a) As to any evidence given orally, by the production of a copy of the notes of the Commission or of such other material as the Authority thinks expedient:

“(b) As to any evidence taken by affidavit and as to any  
35 exhibits, by the production of the affidavits and such of the exhibits as may have been forwarded to the Authority by the Commission, and by the production by the parties to the appeal of such exhibits as are in their custody.

“(2) Notwithstanding anything in subsection (1) of this section, on any appeal against a decision or determination of the Commission, the Authority may rehear the whole or any part of the evidence, and shall rehear the evidence of any

witness if the Authority has reason to believe that any note of the evidence of that witness made by the Commission is or may be incomplete in any material particular.

“(3) The Authority shall have full discretionary power to hear and receive evidence or further evidence on questions of fact, either by oral evidence or by affidavit. 5

“(4) The Authority shall also have regard to any report lodged by the Commission under section 12k of this Act and to any matters referred to therein and to any evidence tendered thereon, whether or not such matters would be otherwise admissible in evidence. 10

“(5) In the exercise of its powers under this section the Authority may receive as evidence any statement, document, information, or matter which in the opinion of the Authority may assist it to deal with the matters before it, whether or not the same would be admissible in a Court of Law. 15

“(6) The Authority shall, within the scope of its jurisdiction, be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and subject to the provisions of this Act, all the provisions of that Act, except sections 2, 10, 11, and 12, shall apply accordingly. 20

“(7) Subject to subsection (2) of section 12i of this Act, in the determination of any appeal the Authority may confirm, modify, or reverse the decision or determination appealed against. 25

“(8) Notwithstanding the provisions of subsection (7) of this section, the Authority may refer to the Commission for further consideration, the whole or any part of the matter to which an appeal relates, and where any matter is so referred the Authority shall advise the Commission of its reasons for so doing and shall give such directions as it thinks just as to the rehearing or reconsideration or otherwise of the whole or any part of the matter that is so referred. 30

“12N. **Sittings of Appeal Authority**—(1) The presence of the Chairman and 1 other member shall be necessary to constitute a sitting of the Authority. 35

“(2) The decision of a majority of the members present at a sitting of the Authority shall be the decision of the Authority. If the said members are equally divided in opinion, the decision of the Chairman shall be the decision of the Authority. 40

“(3) Every sitting of the Authority shall be held in private and in such place as it considers convenient having regard to the nature of the matters to be decided:

“Provided that the Authority may, in any case if it considers that the interests of the parties to the appeal and of all other persons concerned will not be adversely affected, order that the sitting or any part of it shall be held in public.

5 “(4) It shall not be lawful to publish any part of the proceedings before the Appeal Authority unless in any case the Authority orders otherwise.

“(5) Every person who acts in contravention of subsection (4) of this section commits an offence and shall be liable on  
10 summary conviction to a fine not exceeding \$100.

“12o. **Costs**—(1) Where an appeal is allowed in whole or in part, or the whole or any part of the matter is referred back to the Commission, the Authority may allow the appellant the costs of bringing the appeal or any part  
15 thereof.

“(2) Where any appeal is not allowed, no award of costs shall be made against the appellant unless in the opinion of the Authority the appeal was frivolous or vexatious or one that ought not to have been brought.

20 “(3) The amount of costs awarded shall be stated in the order.

“(4) Where under this section an award of costs is made and any sum remains unpaid, the person in whose favour the award or order was made may obtain from the Secretary of  
25 the Authority a certificate under seal of the sum awarded. When any such certificate is filed in a Magistrate’s Court it may be enforced as to the amount specified therein that is still owing as if it were a judgment of that Court.

“12p. **Notice of decision**—On the determination of any  
30 appeal, the Secretary shall send to the Commission and to the appellant a memorandum of the Authority’s decision and the reasons for the decision, and the Commission shall forthwith take all necessary steps to carry into effect the decision of the Authority.

35 “12q. **Appeals to Supreme Court on questions of law only**—

(1) Where any party to any proceedings before the Authority is dissatisfied with any determination of the Authority as being erroneous in point of law, he may appeal to the Supreme Court by way of case stated for the opinion of the  
40 Court on a question of law only.

“(2) Every such appeal shall be heard and determined by the Administrative Division of the Supreme Court.

“(3) Within 14 days after the date of the determination the appellant shall lodge a notice of appeal with the Secretary of the Authority. The appellant shall forthwith deliver or post a copy of the notice to every other party to the proceedings.

5

“(4) Within 14 days after the lodging of the notice of appeal, or within such further time as the Chairman of the Authority may in his discretion allow, the appellant shall state in writing and lodge with the Secretary of the Authority a case setting out the facts and the grounds of the determination and specifying the question of law on which the appeal is made. The appellant shall forthwith deliver or post a copy of the case to every other party to the proceedings.

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“(5) As soon as practicable after the lodging of the case, the Secretary of the Authority shall submit it to the Chairman of the Authority.

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“(6) The Chairman shall, as soon as practicable, and after hearing the parties if he considers it necessary to do so, settle the case, sign it, send it to the Registrar of the Supreme Court at Wellington, and make a copy available to each party.

20

“(7) The settling and signing of the case by the Chairman shall be deemed to be the statement of the case by the Authority.

“(8) If within 14 days after the lodging of the notice of appeal, or within such further time as may be allowed, the appellant does not lodge a case pursuant to subsection (4) of this section, the Chairman of the Authority may certify that the appeal has not been prosecuted.

25

“(9) The Court or a Judge thereof may in its or his discretion, on the application of the appellant or intending appellant extend any time prescribed or allowed under this section for the lodging of a notice of appeal or the stating of any case.

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“(10) Subject to the provisions of this section, the case shall be dealt with in accordance with rules of Court.

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“12R. Appeals to Court of Appeal—The provisions of section 144 of the Summary Proceedings Act 1957 shall apply in respect of any determination of the Supreme Court under section 12Q of this Act as if the determination were made under section 107 of the Summary Proceedings Act 1957.”

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(2) This section shall come into force on a date to be fixed by the Governor-General by Order in Council.

**5. Repealing certain provisions**—(1) The principal Act is hereby further amended by repealing sections 22 and 23, subsections (2) and (3) of section 24, and sections 25 and 26.

(2) The Domestic Proceedings Act 1968 is hereby sequentially amended by repealing so much of the First Schedule as relates to section 25 of the principal Act.

**6. Domestic purposes benefits**—(1) The principal Act is hereby further amended by inserting, after section 27, the following heading and sections:

10

*“Domestic Purposes Benefits*

“27A. **Interpretation**—(1) In sections 27B to 27H of this Act—

“‘Children’ does not include—

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“(a) A child born in New Zealand when neither of his parents was ordinarily resident in New Zealand at the time:

“(b) A child born out of New Zealand unless at least 1 of the following conditions is satisfied:

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“(i) The mother gave birth to the child while only temporarily absent from New Zealand; or

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“(ii) Both of his parents were ordinarily resident in New Zealand for the 3 years immediately preceding the qualifying date; or

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“(iii) One of his parents, being ordinarily resident in New Zealand at the qualifying date, has resided continuously in New Zealand for not less than 5 years:

“‘Husband’ includes a man with whom a woman has entered into a relationship in the nature of marriage although not legally married to him; and ‘wife’ has a corresponding meaning.

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“(2) In subsection (1) of this section, the term ‘qualifying date’ means the date on which the applicant—

“(a) Became qualified as an applicant under subsection (1) of section 27B of this Act; or

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“(b) Ceased to be responsible for the full-time care and attention of an incapacitated relative—  
as the case may require.

“(3) For the purposes of sections 27B to 27D of, and the Fourteenth Schedule to, this Act—

“(a) The term ‘dependent child’ means a child in respect of whom a family benefit is for the time being payable under section 32 of this Act: 5

“(b) The Commission may, in its discretion, regard any child as being a child of an applicant and the applicant as being the mother or father of that child, if that child is being maintained by the applicant and was at any time maintained by the husband or wife 10 of the applicant.

“27B. Domestic purposes benefits for solo parents—(1) In this section the term ‘applicant’ means—

“(a) A woman who is the mother of 1 or more dependent children and who is living apart from, and has 15 lost the support of or is being inadequately maintained by, her husband:

“(b) An unmarried woman who is the mother of 1 or more dependent children:

“(c) A woman whose marriage has been dissolved by 20 divorce and who is the mother of 1 or more dependent children:

“(d) A woman who is the mother of 1 or more dependent children and whose husband is and has been 25 continuously in a hospital within the meaning of the Mental Health Act 1969 as a patient for a period not less than 6 months immediately preceding the making of the application for a benefit:

“(e) A woman who is the mother of 1 or more dependent children and who has lost the regular support 30 of her husband as a result of his imprisonment:

“(f) A man who is the father of 1 or more dependent children and who has lost his wife by death, divorce, or some other cause.

“(2) Subject to the provisions of this Part of this Act, 35 an applicant shall be entitled to receive a domestic purposes benefit if the Commission is satisfied that—

“(a) The applicant has attained the age of 16 years; and

“(b) The applicant is caring for a dependent child or 40 children.

“(3) If a man qualifies as an applicant under paragraph (f) of subsection (1) of this section owing to the fact that his wife has been admitted to a hospital within the meaning of the Mental Health Act 1969, a grant of a domestic purposes

benefit under this section shall not be made from a date earlier than 6 months after the date of her admission to such a hospital.

“(4) If a person qualifies as an applicant under paragraph (a), paragraph (b), paragraph (c), or paragraph (f) of subsection (1) of this section, the Commission may, in its discretion, refuse to grant a benefit under this section until such time as the applicant has obtained a maintenance order for the applicant and the applicant’s child or children (other than an interim maintenance order) or has entered into a registered maintenance agreement which, in the opinion of the Commission, makes reasonable provision for the maintenance of the applicant and the applicant’s child or children.

“(5) In determining, for the purposes of this section, whether any person has been continuously in a hospital within the meaning of the Mental Health Act 1969 the Commission may disregard any period or part of any period during which that person is or has been on leave or absent from the hospital.

“(6) If a domestic purposes benefit granted under this section, or a benefit granted under the corresponding provisions of any former enactment, to a person whose husband or wife was in a hospital within the meaning of the Mental Health Act 1969 as a patient, is cancelled for any reason whatsoever, then, if application is subsequently made by the beneficiary within 12 months after the cancellation, the 6 months’ qualification period specified in paragraph (d) of subsection (1), or in subsection (3), of this section shall not be required.

“27c. Domestic purposes benefits for women alone—(1) In this section—

“‘Marriage’ includes a relationship in the nature of marriage although the 2 parties to the relationship are not legally married:

“‘Relative’ means a parent, stepparent, child or stepchild over the age of 15 years, grandparent, great grandparent, sister, stepsister, brother, stepbrother, aunt, uncle, nephew, niece, or first cousin, whether affinitive or consanguineous:

“‘Woman alone’ means a woman who has never been married or who has lost the support of her husband.

“(2) The Minister may from time to time, by notice in the *Gazette*, amend the definition of the term ‘relative’ in subsection (1) of this section by—

“(a) Inserting any other class of relative: 5

“(b) Omitting any class of relative— 5

and every such notice shall have effect according to its tenor.

“(3) Subject to the provisions of this Part of this Act, a woman alone with no dependent children shall be entitled to receive a domestic purposes benefit if— 10

“(a) She satisfies 1 of the following conditions:

“(i) That she has had the care and control of 1 or more dependent children for not less than 15 years; or

“(ii) That the aggregate of the periods of the 15 duration of her marriage or marriages during which she had the care and control of at least 1 of her dependent children was not less than 15 years; or

“(iii) That she has had the responsibility for the 20 full time care and attention of an incapacitated relative for not less than 15 years; or

“(iv) That the duration of the periods during 25 which she had the responsibility for the full time care and attention of an incapacitated relative was not less than 15 years; or

“(v) That she was married for not less than 5 years and lost the support of her husband after she had attained the age of 50 years; or

“(vi) That she had the responsibility for the full 30 time care and attention of an incapacitated relative for not less than 5 years and ceased to have responsibility for the said relative after she had attained the age of 50 years; or

“(b) She satisfies all of the following conditions: 35

“(i) That she is not less than 50 years of age;

“(ii) That she lost the support of her husband, or ceased to have responsibility for the full time care and attention of an incapacitated relative, after she had attained the age of 40 years; 40

“(iii) That the duration of her marriage or, if she was married more than once, the aggregate of the periods of the duration of her marriages, or the duration of the period or periods during

which she had the responsibility for the full time care and attention of an incapacitated relative, was not less than 10 years; and

5           “(iv) That not less than 15 years has elapsed since the date of her marriage or, if she was married more than once, since the date of her first marriage, or since the date she commenced to have responsibility for the full time care and attention of an incapacitated relative.

10   **“27D. Residential qualifications for domestic purposes benefits for women alone—**(1) In any case to which section 27C of this Act applies, the applicant shall not be entitled to a domestic purposes benefit unless—

15           “(a) Both the applicant and her husband were ordinarily resident in New Zealand for not less than 3 years immediately preceding the qualifying date; or

          “(b) The applicant, or her husband, being ordinarily resident in New Zealand at the qualifying date, has resided continuously in New Zealand for not less than 5 years.

20           “(2) In subsection (1) of this section the term ‘qualifying date’ means the date on which—

          “(a) The applicant lost the support of her husband; or

25           “(b) The last child of the applicant ceased to be dependent; or

          “(c) The applicant ceased to be responsible for the full time care and attention of an incapacitated relative; or

30           “(d) In the case of an unmarried mother, the applicant gave birth to her child—

as the case may require.

**“27E. Continuation of benefit when benefit ceases to be payable in respect of children—**(1) If a domestic purposes benefit has been computed by reference to any child or children, the benefit shall cease to be payable at the end of the pay period in which, by reason of death or otherwise, there ceases to be any child in respect of whom the benefit is payable.

35           “(2) Any domestic purposes beneficiary whose benefit has been terminated in accordance with subsection (1) of this section shall thereupon be entitled, if able to satisfy the provisions of section 27C of this Act, to receive a domestic purposes benefit computed as for an applicant without a dependent child.

“27F. **Special provisions as to maintenance**—(1) In this section, unless the context otherwise requires,—

“‘Benefit’ means a benefit granted under section 27B or section 27C or section 61 of this Act; and includes a benefit continued in accordance with subsection (2) of section 6 of the Social Security Amendment Act 1973: 5

“‘Beneficiary’ means an applicant for such a benefit or a person to whom such a benefit has been granted: 10

“‘Maintenance’ has the same meaning as in the Domestic Proceedings Act 1968; and includes any maintenance under Part VI or Part VII of the Matrimonial Proceedings Act 1963; and also includes any periodical or lump sum payments of sums of money for the maintenance of the beneficiary or any child or children of the beneficiary, whether or not such periodical or lump sum payments are required pursuant to a maintenance order: 15

“‘Maintenance order’ has the same meaning as in the Domestic Proceedings Act 1968; and includes any order under Part VI or Part VII of the Matrimonial Proceedings Act 1963 which has been registered in the Magistrate’s Court under section 87 of the Domestic Proceedings Act 1968. 20 25

“(2) If at any time after the date of the commencement of and before the date of the termination of a benefit any amount is received by the beneficiary from her husband, or her former husband, or the father of her child, whether under a maintenance order or otherwise, in respect of the maintenance of the beneficiary or of any child or children of the beneficiary, the Commission may, in its discretion, determine that the whole or any part of the amount so received shall be regarded as an instalment of the benefit in excess of the amount to which the beneficiary is by law entitled, and in any such case the provisions of subsection (1) of section 86 of this Act shall apply accordingly. 30 35

“(3) So long as any benefit is payable to a beneficiary and for so long thereafter as any relevant Court proceedings remain pending, any officer of the Department, without special appointment, may, as if he were that beneficiary, institute or appear personally or by agent in any proceedings 40

under the Domestic Proceedings Act 1968 or the Matrimonial Proceedings Act 1963 for or relating to the maintenance of that beneficiary or of any child of that beneficiary.

“(4) If any money is payable under a maintenance order  
5 in respect of the maintenance of any beneficiary or of any child or children of a beneficiary, the Commission shall give notice to the person to whom payment of the order is for the time being payable of the granting of the benefit to the beneficiary, and in any such case all money (including  
10 arrears) received under the order by that person, or any other person to whom the money under the order is for the time being payable, after the receipt of the notice shall, without further authority than this section, be paid into the Consolidated Revenue Account. The Commission shall  
15 also give notice of the granting of the benefit to the Registrar of the Court which made or registered the maintenance order, and the Registrar shall, on request, supply the Commission with a copy of the order.

“(5) On the termination of any benefit in respect of  
20 which a notice has been so given, the Commission shall give notice of the termination to every person to whom notice has been given under subsection (4) of this section, and in any such case any money received under the order after the date of the receipt of the notice of termination  
25 shall not be paid into the Consolidated Revenue Account:

“Provided that any such money payable in respect of any period ending on or before that date shall be paid into the Consolidated Revenue Account unless the Commission in any case otherwise directs.

30 “(6) If any money received or payable under any maintenance order is so payable into the Consolidated Revenue Account, the Commission shall, for the purposes of the Domestic Proceedings Act 1968 or any other enactment, be deemed to be the person to whom and for whose benefit  
35 the money is payable pursuant to the order, and may take any proceedings accordingly.

“(7) If any money payable under a maintenance order is payable into the Consolidated Revenue Account pursuant to this section, either the beneficiary or the Commission,  
40 acting for and on behalf of the beneficiary, may—

“(a) Institute and prosecute proceedings under Part X of the Domestic Proceedings Act 1968 for the enforcement of the order:

“(b) So long as a benefit continues to be payable to the beneficiary, institute and prosecute proceedings under section 85 of the Domestic Proceedings Act 1968 for an order cancelling, varying, or suspending the maintenance order. 5

“(8) While any money payable under a maintenance order is payable into the Consolidated Revenue Account, the Commission shall be served with a copy of any proceedings instituted by any person under the Domestic Proceedings Act 1968 or the Matrimonial Proceedings Act 1963 10 in relation to the order, and the Commission or any officer of the Department, without special appointment, shall be entitled to appear and be heard in any such proceedings.

“(9) All money paid into the Consolidated Revenue Account under this section by or on behalf of the husband 15 or former husband of any beneficiary, or by or on behalf of the father of the beneficiary’s child in respect of whom the order was made, shall from time to time, without further appropriation than this section, be applied as follows:

“(a) In payment of the legal and other expenses incidental 20 to the recovery of the money incurred by the Crown;

“(b) In reimbursing the Consolidated Revenue Account for the amount of every benefit or instalment of a benefit paid to the beneficiary; and 25

“(c) In payment of the balance to the beneficiary.

“(10) Nothing in this section shall so operate as to take away or restrict any liability imposed by the Domestic Proceedings Act 1968 or the Matrimonial Proceedings Act 1963 on any person for the maintenance of any other person, 30 or to affect the power of a Magistrate or Judge to make any maintenance order under those Acts.

“27c. Domestic purposes benefits for care at home of the sick or infirm—(1) In this section, ‘patient’ means any sick or infirm person receiving the full time care and attention 35 of an applicant for a domestic purposes benefit.

“(2) Subject to the provisions of this Part of this Act, an applicant who has attained the age of 16 years shall be entitled to receive a domestic purposes benefit under this section if the Commission is satisfied that the applicant is 40 required to give full time care and attention at home to a person (other than the applicant’s husband or wife) who would otherwise have to be admitted to hospital within the meaning of section 88 of this Act.

“(3) Every application for a domestic purposes benefit under this section shall be supported by the certificate of a medical practitioner certifying that the patient requires the full time care and attention of the applicant and that  
5 but for that care and attention the patient would have to be admitted to such a hospital; and the Commission may, in its discretion, require that the patient be examined by a medical practitioner to be nominated by the Commission for the purpose, who shall determine whether the patient would, but  
10 for the full time care and attention of the applicant, have to be admitted to such a hospital.

“(4) Any benefit granted under this section may, in the discretion of the Commission, be continued for any period not exceeding 4 weeks notwithstanding that the patient was not  
15 during that period in the full time care of the beneficiary.

“(5) On the death or admission to hospital of the patient, the Commission may, in its discretion, continue a domestic purposes benefit granted under this section to such date as it thinks fit, being a date not later than the end of the pay  
20 period next after the pay period in which the patient died or was admitted to hospital.

“27H. Rates of domestic purposes benefits—(1) Subject to the provisions of this Part of this Act, the rate of domestic purposes benefit payable to any beneficiary under section 27B  
25 or section 27C of this Act shall be the appropriate rate specified in the Sixteenth Schedule to this Act, and the rate of domestic purposes benefit payable to any beneficiary under section 27G of this Act shall be the rate specified in the Seventeenth Schedule to this Act.

30 “(2) In determining the rate of domestic purposes benefit payable to any applicant to whom paragraph (d), paragraph (e), or paragraph (f) of subsection (1) of section 27B of this Act applies, such income of the husband or wife of the applicant (including any pension or allowance under the War  
35 Pensions Act 1954) as the Commission considers reasonable in the circumstances, having regard to the nature of the income and the means by which it was derived, shall be taken into account as if it were income derived by the applicant.”

(2) Notwithstanding anything in this section, if any person  
40 was, immediately before the commencement of this section, in receipt of a benefit under section 22 or section 23 or section 61 of the principal Act, the Commission may in its discretion continue to pay the benefit as if this section and section 5 of this Act had not been enacted.

**7. Advance payments of family benefit**—(1) Section 36 of the principal Act is hereby amended by repealing subsection (3) (as added by section 2 (2) of the Social Security Amendment Act (No. 2) 1970), and substituting the following subsection:

“(3) A lump sum payment under paragraph (b) of subsection (1) of this section may be made more than once in respect of the same child, but the aggregate of such payments shall not exceed the equivalent of 52 weeks’ family benefit payable in respect of the child.”

(2) Section 2 of the Social Security Amendment Act (No. 2) 1970 is hereby consequentially amended by repealing subsection (2).

**8. Additional benefit for dependent children**—Section 61A of the principal Act (as substituted by section 19 of the Social Security Amendment Act 1972) is hereby amended—

(a) By inserting in paragraph (a), after the word “widow’s,”, the words “domestic purposes,”:

(b) By inserting, before the words “the appropriate”, the words “an additional amount at such rate as the Commission determines, being not more than”.

**9. New sections substituted**—(1) The principal Act is hereby further amended by repealing section 61B (as inserted by section 4 (1) of the Social Security Amendment Act 1968), and substituting the following sections:

“61B. **Special provisions in respect of additional benefit for dependent children**—(1) In this section the term ‘beneficiary’ means an applicant for a benefit who has a dependent child or children or a person to whom a benefit (which includes an additional amount for a dependent child or children) has been granted.

“(2) The Commission may decline to grant or may discontinue payment of the additional amount for a dependent child or children until such time as the beneficiary takes proceedings for a maintenance order in respect of any child or children of the beneficiary.

“(3) The provisions of section 27F of this Act shall, with the necessary modifications, apply to every beneficiary as if the additional amount for a dependent child or children were a benefit granted under section 27B of this Act.

“61C. **Special provisions in respect of inadequate maintenance**—(1) Notwithstanding anything in the Domestic Proceedings Act 1968, if—

5 “(a) Any person is required to make periodical payments of sums of money towards the maintenance of any beneficiary or any child or children in the care of the beneficiary in accordance with a maintenance agreement that is for the time being registered under section 55 of that Act; or

10 “(b) The sums of money payable towards the maintenance of any beneficiary or any child or children in the care of the beneficiary in accordance with a maintenance order made under that Act have been consented to or agreed to by both the beneficiary and the person liable to pay the money—

15 and the amount of the sums of money so payable is, in the opinion of the Commission, inadequate for the maintenance of the beneficiary or any child or children in the care of the beneficiary, the Commission may apply to the Magistrate’s Court in which the agreement was registered or which made the order, as the case may be, for a variation of the agreement or order; and, notwithstanding anything 20 in section 85 of that Act, the Court may, after having regard to such of the provisions of that Act relating to the making of maintenance orders as it considers relevant, vary the agreement or order.

25 “(2) Jurisdiction in respect of any proceedings under subsection (1) of this section shall be exercised by a Magistrate’s Court presided over by a Magistrate appointed under section 7 of the Domestic Proceedings Act 1968 to exercise the domestic jurisdiction of the Court.”

30 (2) The following enactments are hereby consequentially repealed:

- (a) Section 4 of the Social Security Amendment Act 1968:
- (b) Section 2 of the Social Security Amendment Act 1970:
- (c) Section 20 of the Social Security Amendment Act 1972.

35 **10. Exemption of income from friendly or like society—** Section 66 of the principal Act is hereby amended by inserting in subsection (1), after the words “widow’s benefit,”, the words “a domestic purposes benefit,”.

40 **11. Telephone-rental concessions—**(1) The principal Act is hereby further amended by inserting, after section 69, the following section:

“69A. (1) Subject to the provisions of subsections (2) and (3) of this section, the Commission may, in its discretion,

grant a concession (in this section referred to as a telephone-rental concession) to or on account of any person who is in receipt of—

- “(a) An age, invalid’s, widow’s, or related emergency benefit payable under section 61 of this Act; or 5
  - “(b) A miner’s benefit or a miner’s widow’s benefit, if the income of the beneficiary or the income of the wife or husband of the beneficiary, as the case may be, is such that it would not prevent the payment of an invalid’s benefit under this Part of this Act; or 10
  - “(c) A domestic purposes benefit, sickness benefit, or emergency benefit payable under section 61 of this Act (other than an emergency benefit referred to in paragraph (a) of this subsection), if the benefit is, in the opinion of the Commission, likely to 15 continue for a period of more than 26 weeks; or
  - “(d) A war pension or allowance granted under the War Pensions Act 1954 which, in the opinion of the Commission, is analogous to any 1 of the benefits referred to in paragraph (a) or paragraph (c) of 20 this subsection; or
  - “(e) A war veteran’s allowance gratuity granted under the War Pensions Act 1954, or a war service pension continued by instalments under section 66j or section 66k of that Act. 25
- “(2) The amount of the telephone-rental concession granted to any person under this section shall be equal to one half of the amount of the rental levied from time to time by the Post Office in respect of a telephone leased by that person.
- “(3) No telephone-rental concession shall be granted to or 30 on account of any person under this section in respect of more than 1 telephone lease.”
- (2) This section shall come into force, in respect of each person entitled to receive a telephone-rental concession, on the commencement of the first rental period, within the 35 meaning of the Telephone Regulations 1968, after the 30th day of September 1973 applicable to the person’s telephone lease.

**12. Limitation of benefits**—Section 74 of the principal Act is hereby amended by adding the following paragraph: 40

- “(e) That the applicant has failed to take reasonable steps to obtain any maintenance to which she may be entitled in respect of herself or her children under the Domestic Proceedings Act 1968 or any other Act.” 45

**13. Termination of benefit on death of beneficiary**—Section 85 of the principal Act is hereby amended by inserting in subsection (2) (as substituted by section 27 (1) of the Social Security Amendment Act 1972), after the word “widow’s”,  
5 the word “domestic purposes,”.

**14. Recovery of payments made in excess of authorised rates**—Section 86 of the principal Act is hereby amended by inserting, after subsection (9), the following subsection:

“(9A) Notwithstanding anything to the contrary in this  
10 section, the Commission may, in its discretion, authorise the provisional writing-off of a debt which arose as a result of an error not intentionally contributed to by the debtor if the Commission is satisfied that the person receiving the amount so paid in error did so in good faith and has so  
15 altered his position in reliance on the validity of the payment that it would be inequitable in all the circumstances, including his financial circumstances, to require repayment.”

**15. New Schedules added**—The principal Act is hereby further amended by adding the Sixteenth and Seventeenth  
20 Schedules set out in the First Schedule to this Act.

**16. Increasing allowable income on and after 14 February 1973**—(1) In respect of the period commencing on the 14th day of February 1973 and ending with the 5th day of June 1973, the principal Act shall have  
25 effect as if the Second, Third, Sixth, and Eighth Schedules thereto (as substituted by section 29 (1) of the Social Security Amendment Act 1972) had been amended in the manner indicated in the Second Schedule to this Act.

(2) This section and the Second Schedule to this Act  
30 shall be deemed to have come into force on the 14th day of February 1973.

**17. Increasing rates of benefits in respect of period 6 June 1973 to 31 July 1973**—(1) In respect of the period commencing on the 6th day of June 1973 and ending with the  
35 31st day of July 1973, the principal Act shall have effect as if the First to Fourth, Sixth to Ninth, and Fourteenth Schedules thereto (as substituted by section 29 (1) of the Social Security Amendment Act 1972) had been amended in the manner indicated in the Third Schedule to this Act.

(2) This section and the Third Schedule to this Act shall be deemed to have come into force on the 6th day of June 1973.

**18. Increasing rates of benefits on and after 1 August 1973—**(1) The principal Act is hereby further amended by repealing the First to Tenth, Twelfth, Fourteenth, and Fifteenth Schedules (as substituted by section 29 (1) of the Social Security Amendment Act 1972), and substituting the First to Tenth, Twelfth, Fourteenth, and Fifteenth Schedules set out in the Fourth Schedule to this Act. 5 10

(2) Sections 28 and 29 of, and the First and Second Schedules to, the Social Security Amendment Act 1972 are hereby repealed.

(3) This section and the Fourth Schedule to this Act shall be deemed to have come into force on the 1st day of August 1973. 15

**19. Authority to increase rates of benefits—**(1) Notwithstanding anything to the contrary in the principal Act, the Commission may, in accordance with any general or special instructions given by the Minister, in respect of the period commencing on the 1st day of December 1972 and ending with the 31st day of December 1972, increase the rate of any benefit under the principal Act by an amount not exceeding the rate of that benefit payable in respect of any 1 week in that period. 20 25

(2) This section shall be deemed to have come into force on the 1st day of December 1972.

## PART II

### MEDICAL AND HOSPITAL BENEFITS AND OTHER RELATED BENEFITS 30

**20. Interpretation—**(1) Subsection (1) of section 88 of the principal Act is hereby amended—

(a) By inserting, before the definition of the term “Department”, the following definition:

“‘Dentist’ means a dentist registered under the Dental Act 1963:” 35

(b) By repealing the definition of the term "Drug Tariff":

(c) By repealing the definition of the term "pharmaceutical benefits", and substituting the following definition:

5           " 'Pharmaceutical benefits' means the right of a  
            person entitled to claim such benefits to be  
            supplied, subject to any terms or conditions  
            fixed under section 99 of this Act or by any  
10           regulations for the time being in force under  
            this Act, by a person approved by the Minister  
            under section 100 of this Act, with  
            pharmaceutical requirements to which any  
            general or special direction made under  
15           the said section 99 applies and which are  
            ordered for that person or for any member  
            of his family by a medical practitioner or  
            dentist acting in the course of his practice:"

(d) By repealing the definition of the term "specialist" (as  
20           inserted by section 9 (2) of the Social Security  
            Amendment Act 1969), and substituting the following  
            definition:

            " 'Specialist' means—

            "(a) For the purposes of section 97 of this  
25           Act, a medical practitioner whose name  
            appears in the register of medical practitioners  
            possessing specialist status in accordance  
            with section 39 of the Medical Practitioners  
            Act 1968:

30           "(b) For the purposes of section 113 of  
            this Act, a medical practitioner whose name  
            appears in the register of medical practitioners  
            possessing specialist status in accordance  
            with section 39 of the Medical Practitioners  
            Act 1968, in respect of a specialty  
35           that is material to the provision of maternity  
            benefits:

40           "(c) For the purposes of section 97 or  
            section 113 of this Act, as the case may  
            require, a medical practitioner who, immediately  
            before the commencement of Part II of the Social  
            Security Amendment Act 1973, was recognised by  
            the Minister as a specialist for the purposes of  
            whichever of those sections is applicable:"

(2) The following enactments are hereby consequentially repealed:

(a) Subsection (4) of section 7 of the Social Security Amendment Act 1967:

(b) Section 9 of the Social Security Amendment Act 1969. 5

**21. Pharmaceutical requirements**—The principal Act is hereby further amended by repealing section 95.

**22. Specialist medical services**—(1) Section 97 of the principal Act (as substituted by section 14 of the Social Security Amendment Act 1969 and amended by section 5 (1) 10 of the Social Security Amendment Act (No. 2) 1970) is hereby further amended by repealing subsections (1) and (2).

(2) Section 5 of the Social Security Amendment Act (No. 2) 1970 is hereby consequentially repealed. 15

**23. Fixing of prices for pharmaceutical requirements**—The principal Act is hereby further amended by repealing section 99, and substituting the following section:

“99. (1) The Minister may from time to time, for the purposes of pharmaceutical benefits, by direction fix the 20 prices to be paid for pharmaceutical requirements by the Department to persons who supply such requirements—

“(a) To persons entitled to claim and claiming pharmaceutical benefits:

“(b) To persons for the purpose of enabling them to supply 25 pharmaceutical requirements to persons so entitled and so claiming in the course of rendering a service which is the subject of any other benefit under this Part of this Act.

“(2) Any direction under subsection (1) of this section 30 may—

“(a) Fix the prices to be paid by the Department directly, or by reference to prices outside the control of the Minister, or in any other manner that the Minister sees fit, or by a combination of any 2 or more of 35 such methods of calculation:

“(b) Fix the terms and conditions subject to which pharmaceutical requirements shall be supplied for the purposes of pharmaceutical benefits, or to which payment shall be made by the Department: 40

“(c) In the case of pharmaceutical requirements supplied to persons for the purpose of enabling them to supply those requirements to other persons, specify or describe the persons to whom any such payment shall be made:

5 “(d) Be a general direction, relating to pharmaceutical requirements supplied to any person claiming pharmaceutical benefits, or a special direction relating to specified pharmaceutical requirements or  
10 a specified class of pharmaceutical requirements supplied to a specified person or to a specified class of person:

“(e) Make, in the case of a general direction, different provision for different pharmaceutical requirements or classes of pharmaceutical requirements, or for  
15 different classes of person supplying pharmaceutical requirements, or for different classes of person for whom pharmaceutical requirements are supplied.

20 “(3) Nothing in this section shall limit or affect the provisions of sections 117, 118, 123, or 132 of this Act.”

**24. Contracts for pharmaceutical requirements—**

(1) Section 100 of the principal Act is hereby amended by omitting from subsection (1) the words “this section”, and substituting the words “section 99 of this Act”.

25 (2) The said section 100 is hereby further amended by repealing subsection (2), and substituting the following subsections:

“(2) For the purposes of section 99 of this Act, the Minister may, in any general direction under that section, approve  
30 persons belonging to a specified class or, in such manner as he thinks fit, approve specified persons (being in neither case persons entitled as of right to a contract under subsection (1) of this section), as persons who may supply pharmaceutical requirements or specified classes of pharmaceutical  
35 requirements in accordance with terms and conditions fixed by the Minister.

“(3) Notwithstanding anything in section 122 of this Act—

40 “(a) Any approval given under subsection (1) or subsection (2) of this section shall cease to have effect if—

“(i) In the case of approval given to an individual person in respect of a pharmacy or other

place of business, that person ceases to be the sole proprietor of that pharmacy or place of business;  
or

“(ii) In the case of approval given to a firm within the meaning of the Partnership Act 1908, the partnership constituting the firm is dissolved: 5

“(b) The Minister may at any time revoke any approval given under subsection (2) of this section.”

**25. Extension of power of use by Crown of patented invention**—The principal Act is hereby further amended by inserting, after section 100, the following section: 10

“100A. (1) The powers exercisable in relation to a patented invention under section 55 of the Patents Act 1953 by a Government Department or a person authorised by a Government Department shall include the power to make, use, exercise, and vend the invention for the production or supply of such pharmaceutical requirements required for the purposes of pharmaceutical benefits, or for the provision of such other benefits under this Part of this Act, as may be specified or described in writing by the Minister for the purposes of this section; and any reference in the said section 55 or in section 56 or section 57 of the said Act to the services of the Crown shall be construed accordingly. 15

“(2) Nothing in section 9 of the Health Act 1956 shall apply in respect of the power conferred on the Minister by subsection (1) of this section.” 25

**26. Specialists in relation to maternity benefits**—(1) Section 113 of the principal Act is hereby amended by repealing—

- (a) Subsection (1) (as substituted by section 17 (1) of the Social Security Amendment Act 1969); and 30
- (b) Subsection (2) (as substituted by section 6 (1) of the Social Security Amendment Act (No. 2) 1970).

(2) The following enactments are hereby consequentially repealed:

- (a) Subsection (1) of section 17 of the Social Security Amendment Act 1969: 35
- (b) Section 6 of the Social Security Amendment Act (No. 2) 1970.

**27. Termination of contracts**—(1) Section 122 of the principal Act is hereby amended by inserting, after subsection (8), the following subsection: 40

“(8A) Notwithstanding any other provision of this Act, if a person whose contract has been terminated in accordance with this section becomes a shareholder in, or a director, manager, or other principal officer of, a company which is a party to a  
5 contract to which this section applies, the Minister may terminate the contract of the company.”

(2) The said section 122 is hereby further amended by adding the following subsection:

“(12) In this section—  
10 “‘Company’ includes any body of persons, whether corporate or unincorporate:  
“‘Shareholder’ includes any member of a company.”

**28. Regulations**—Section 123 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (g),  
15 the following paragraph:

“(ga) Providing for the payment to the Department of fees by persons to whom the Department has, in accordance with any regulations for the time being in force under this Act, afforded facilities, including the production of documents and records for inspection; prescribing the amount of such fees and the circumstances in which they are payable; and authorising the reduction or remission of such fees:”  
20

**29. Consequential amendment to Dental Act 1963**—The Dental Act 1963 is hereby amended by inserting, after section 41, the following section:

“41A. **Functions as to complaints under Social Security Act 1964**—(1) The Dental Council shall inquire into such complaints against persons who are dentists, in connection with matters arising under Part II of the Social Security Act 1964, as may be referred to it by the Minister, and it may, if it thinks fit, make recommendations to the Minister regarding any such complaint, and order the person concerned to pay any costs  
30 or expenses of or incidental to the inquiry.

“(2) The provisions of subsections (10) and (11) of section 39, and section 40, of this Act shall apply in respect of any recommendation made to the Minister under subsection (1) of this section as if the recommendation were an order of  
40 censure made on a complaint of professional misconduct and as if an order to pay costs and expenses made under the said subsection (1) were made under paragraph (e) of subsection (2) of the said section 39.

“(3) Nothing in subsection (1) of this section shall operate to prevent any complaint of professional misconduct or of infamous conduct in a professional respect, being a complaint of a matter or related to a matter arising under Part II of the Social Security Act 1964, from being made and dealt with as provided for in this Part of this Act.” 5

### PART III

#### GENERAL PROVISIONS

**30. Money payable out of Consolidated Revenue Account—** Section 124 of the principal Act is hereby amended by omitting from subsection (4) (as added by section 19 (2) of the Social Security Amendment Act 1969) the words “clause 1 of”. 10

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SCHEDULES

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FIRST SCHEDULE

Section 15

NEW SIXTEENTH AND SEVENTEENTH SCHEDULES TO  
PRINCIPAL ACT

"SIXTEENTH SCHEDULE

Sections 27B, 27C, and 27H

RATES OF DOMESTIC PURPOSES BENEFITS

1. To a beneficiary under the age of 18 years without dependent children \$936 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.
  2. To any other beneficiary without dependent children \$1,232.40 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.
  3. To a beneficiary with 1 or more dependent children \$1,232.40 a year, increased, in the discretion of the Commission, by an amount not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act, and diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$884 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.
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**FIRST SCHEDULE—continued****“SEVENTEENTH SCHEDULE****Sections 27G and 27H****RATES OF DOMESTIC PURPOSES BENEFITS**

1. To a beneficiary under the age of 18 years \$936 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.
2. To any other beneficiary \$1,232.40 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.”

Section 16 (1)

SECOND SCHEDULE

AMENDMENTS TO PRINCIPAL ACT INCREASING ALLOWABLE INCOME  
IN RESPECT OF PERIOD 14 FEBRUARY 1973 TO 5 JUNE 1973

Schedule Amended	Amendment
Second Schedule	<p>By omitting from clause 1 (a) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (b) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (c) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (d) the expression "\$1,430", and substituting the expression "\$1,586".</p>
Third Schedule	<p>By omitting from clause 1 the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 2 the expression "\$624", and substituting the expression "\$884".</p>
Sixth Schedule	<p>By omitting from clause 1 (a) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (b) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (c) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (d) the expression "\$520", and substituting the expression "\$676".</p> <p>By omitting from clause 1 (e) the expression "\$1,430", and substituting the expression "\$1,586".</p>
Eighth Schedule	<p>By omitting from clause 1 (a) the expression "\$10", and substituting the expression "\$13".</p> <p>By omitting from clause 1 (b) the expression "\$10", and substituting the expression "\$13".</p> <p>By omitting from clause 1 (c) the expression "\$10", and substituting the expression "\$13".</p> <p>By omitting from clause 1 (d) the expression "\$27.50", and substituting the expression "\$30.50".</p>

## Section 17 (1)

## THIRD SCHEDULE

AMENDMENTS TO PRINCIPAL ACT INCREASING RATES OF BENEFITS IN  
RESPECT OF PERIOD 6 JUNE 1973 TO 31 JULY 1973

Schedule Amended	Amendment
First Schedule	By omitting the expression "\$910", and substituting the expression "\$975".
Second Schedule	By omitting the expression "\$182", and substituting the expression "\$195".
	By omitting from clause 1 (a) the expression "\$1,092", and substituting the expression "\$1,170".
	By omitting from clause 1 (a) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (b) the expression "\$910", and substituting the expression "\$975".
	By omitting from clause 1 (b) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (c) the expression "\$910" in both places where it occurs, and substituting in each case the expression "\$975".
	By omitting from clause 1 (c) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (d) the expression "\$910", and substituting the expression "\$975".
	By omitting from clause 1 (d) the expression "\$1,430", and substituting the expression "\$1,651".
	By omitting from clause 1 (d) the expression "\$2,210" in both places where it occurs, and substituting in each case the expression "\$2,275".
	By omitting from the proviso to clause 1 (d) the expression "\$910", and substituting the expression "\$975".
Third Schedule	By omitting from clause 1 the expression "\$1,092", and substituting the expression "\$1,170".
	By omitting from clause 1 the expression "\$520", and substituting the expression "\$676".

THIRD SCHEDULE—*continued*

AMENDMENTS TO PRINCIPAL ACT INCREASING RATES OF BENEFITS IN  
RESPECT OF PERIOD 6 JUNE 1973 TO 31 JULY 1973—*continued*

Schedule Amended	Amendment
	By omitting from clause 2 the expression "\$1,092", and substituting the expression "\$1,170".
Fourth Schedule	By omitting from clause 2 the expression "\$624", and substituting the expression "\$884".
Sixth Schedule	By omitting the expression "\$520", and substituting the expression "\$572".
	By omitting from clause 1 (a) the expression "\$832", and substituting the expression "\$884".
	By omitting from clause 1 (a) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (b) the expression "\$1,092", and substituting the expression "\$1,170".
	By omitting from clause 1 (b) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (c) the expression "\$910", and substituting the expression "\$975".
	By omitting from clause 1 (c) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (d) the expression "\$910" in both places where it occurs, and substituting in each case the expression "\$975".
	By omitting from clause 1 (d) the expression "\$520", and substituting the expression "\$676".
	By omitting from clause 1 (e) the expression "\$910", and substituting the expression "\$975".
	By omitting from clause 1 (e) the expression "\$1,430", and substituting the expression "\$1,651".
	By omitting from clause 1 (e) the expression "\$2,210" in both places where it occurs, and substituting in each case the expression "\$2,275".

THIRD SCHEDULE—*continued*AMENDMENTS TO PRINCIPAL ACT INCREASING RATES OF BENEFITS IN  
RESPECT OF PERIOD 6 JUNE 1973 TO 31 JULY 1973—*continued*

Schedule Amended	Amendment
Seventh Schedule	<p>By omitting from the proviso to clause 1 (e) the expression "\$910", and substituting the expression "\$975".</p> <p>By omitting from clause 2 the expression "\$1,898", and substituting the expression "\$1,963".</p> <p>By omitting from clause 2 the expression "\$182", and substituting the expression "\$195".</p>
Eighth Schedule	<p>By omitting from clause 1 (a) the expression "\$910" in both places where it occurs, and substituting in each case the expression "\$975".</p> <p>By omitting from clause 1 (b) the expression "\$1,092", and substituting the expression "\$1,170".</p> <p>By omitting from clause 2 the expression "\$1,008.80", and substituting the expression "\$1,086.80".</p> <p>By omitting from clause 1 (a) the expression "\$16", and substituting the expression "\$17".</p> <p>By omitting from clause 1 (a) the expression "\$10", and substituting the expression "\$13".</p> <p>By omitting from clause 1 (b) the expression "\$21", and substituting the expression "\$22.50".</p> <p>By omitting from clause 1 (b) the expression "\$10", and substituting the expression "\$13".</p> <p>By omitting from clause 1 (c) the expression "\$17.50" in both places where it occurs, and substituting in each case the expression "\$18.75".</p> <p>By omitting from clause 1 (c) the expression "\$10", and substituting the expression "\$13".</p> <p>By omitting from clause 1 (d) the expression "\$17.50", and substituting the expression "\$18.75".</p> <p>By omitting from clause 1 (d) the expression "\$27.50", and substituting the expression "\$31.75".</p>

THIRD SCHEDULE—*continued*

AMENDMENTS TO PRINCIPAL ACT INCREASING RATES OF BENEFITS IN RESPECT OF PERIOD 6 JUNE 1973 TO 31 JULY 1973—*continued*

Schedule Amended	Amendment
Ninth Schedule .....	<p>By omitting from clause 1 (d) the expression "\$42.50" in both places where it occurs, and substituting in each case the expression "\$43.75".</p> <p>By omitting from the proviso to clause 1 (d) the expression "\$17.50", and substituting the expression "\$18.75".</p> <p>By omitting from clause 2 the expression "\$14", and substituting the expression "\$15".</p>
Fourteenth Schedule .....	<p>By omitting from clause 1 (a) the expression "\$16", and substituting the expression "\$17".</p> <p>By omitting from clause 1 (b) the expression "\$21", and substituting the expression "\$22.50".</p> <p>By omitting from clause 1 (c) the expression "\$17.50" in both places where it occurs, and substituting in each case the expression "\$18.75".</p> <p>By omitting from clause 1 (d) the expression "\$17.50", and substituting the expression "\$18.75".</p> <p>By omitting from clause 2 the expression "\$14", and substituting the expression "\$15".</p>
	<p>By omitting from clause 1 (a) (i) the expression "\$572", and substituting the expression "\$624".</p> <p>By omitting from clause 2 (a) (i) the expression "\$11", and substituting the expression "\$12".</p>

Section 18 (1)

## FOURTH SCHEDULE

NEW FIRST TO TENTH, TWELFTH, FOURTEENTH, AND FIFTEENTH  
SCHEDULES TO PRINCIPAL ACT*(Effective on and after 1 August 1973)*

## "FIRST SCHEDULE

Section 15

## RATES OF SUPERANNUATION BENEFITS

1. To any unmarried beneficiary \$1,232.40 a year.
2. To any married beneficiary \$1,027 a year.

## "SECOND SCHEDULE

Sections 18, 19, 20

## RATES OF AGE BENEFITS

1. (a) To any unmarried beneficiary \$1,232.40 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of his or her total annual income in excess of \$1,300 a year.
- (b) To a married beneficiary whose wife or husband is granted, in her or his own right, a benefit (other than a superannuation benefit) under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$1,027 a year, diminished by 50c for every complete \$2 of the total annual income of the beneficiary and his or her spouse in excess of \$676 a year but not in excess of \$1,300 a year, and by \$1.50 for every complete \$4 of such income in excess of \$1,300 a year.
- (c) To a married male beneficiary whose wife is not granted, in her own right, a benefit under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$1,027 a year, increased by \$1,027 a year in respect of his wife, the total to be diminished by \$1 for every complete \$2 of the total annual income of the beneficiary and his wife in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of such income in excess of \$1,300 a year.

FOURTH SCHEDULE—*continued*

“SECOND SCHEDULE—*continued*

- (d) To any other married beneficiary \$1,027 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary and the spouse of the beneficiary, including the amount of any superannuation benefit under Part I of this Act granted to the spouse of the beneficiary, in excess of \$1,703 a year but not in excess of \$2,327 a year, and by \$3 for every complete \$4 of such income, including superannuation benefit, in excess of \$2,327 a year:

Provided that, if the spouse of the beneficiary is not in receipt of a superannuation benefit under Part I of this Act, the rate of the age benefit payable to the beneficiary shall not be less than the aggregate of the rates of age benefits that would be payable if the beneficiary and the spouse of the beneficiary were both entitled to receive an age benefit, but the rate of benefit payable hereunder shall not exceed \$1,027 a year:

Provided that, if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by an amount not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act:

Provided also that in computing, for the purposes of this clause, the income of any totally blind person the Commission shall take no account of the personal earnings of that person:

Provided further that, in any case where a beneficiary is totally blind, the rate of the age benefit, together with any benefits and allowances payable to or in respect of the wife or husband of the beneficiary, shall not be less than the aggregate rate of the benefits and allowances that would have been payable to or in respect of the beneficiary and his or her spouse if the beneficiary had been eligible for an invalid's benefit.

2. Additional age benefit for \$52 a year.  
South African war veterans, in every case
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FOURTH SCHEDULE—*continued*

Sections 21, 24

## “THIRD SCHEDULE

## RATES OF WIDOWS' BENEFITS

1. To a beneficiary without dependent children \$1,232.40 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of her total annual income in excess of \$1,300 a year.
2. To a beneficiary with 1 or more dependent children \$1,232.40 a year, increased, in the discretion of the Commission, by an amount not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act, and diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$884 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of her total annual income in excess of \$1,300 a year.

Section 29

## “FOURTH SCHEDULE

## MAXIMUM RATES OF ORPHANS' BENEFITS

- In every case ..... \$598 a year, diminished by \$3 for every complete \$4 of the total annual income of the orphan in excess of \$260 a year.

Section 34

## “FIFTH SCHEDULE

## RATES OF FAMILY BENEFITS

- In respect of each child ..... \$3 a week.

## “SIXTH SCHEDULE

Sections 42, 43

## RATES OF INVALIDS' BENEFITS

1. (a) To an unmarried beneficiary under the age of 18 years \$936 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.

FOURTH SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”

- (b) To any other unmarried beneficiary \$1,232.40 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of the total annual income of the beneficiary in excess of \$1,300 a year.
- (c) To a married beneficiary whose wife or husband is granted, in her or his own right, a benefit (other than a superannuation benefit) under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$1,027 a year, diminished by 50c for every complete \$2 of the total annual income of the beneficiary and his or her spouse in excess of \$676 a year but not in excess of \$1,300 a year, and by \$1.50 for every complete \$4 of such income in excess of \$1,300 a year.
- (d) To a married male beneficiary whose wife is not granted, in her own right, a benefit under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$1,027 a year, increased by \$1,027 a year in respect of his wife, the total rate to be diminished by \$1 for every complete \$2 of the total annual income of the beneficiary and his wife in excess of \$676 a year but not in excess of \$1,300 a year, and by \$3 for every complete \$4 of such income in excess of \$1,300 a year.
- (e) To any other married beneficiary \$1,027 a year, diminished by \$1 for every complete \$2 of the total annual income of the beneficiary and the spouse of the beneficiary, including the amount of any superannuation benefit under Part I of this Act granted to the spouse of the beneficiary, in excess of \$1,703 a year but not in excess of \$2,327 a year, and by \$3 for every complete \$4 of such income, including superannuation benefit, in excess of \$2,327 a year:

FOURTH SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*

- (e) To any other married beneficiary — *continued*
- Provided that, if the spouse of the beneficiary is not in receipt of a superannuation benefit under Part I of this Act, the rate of the invalid's benefit payable to the beneficiary shall not be less than the aggregate of the rates of invalid's benefits that would be payable if the beneficiary and the spouse of the beneficiary were both entitled to receive an invalid's benefit, but the rate of benefit payable hereunder shall not exceed \$1,027 a year:

Provided that, if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by an amount not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act:

Provided also that, in computing for the purposes of this clause the income of any totally blind person, the Commission shall take no account of the personal earnings of that person:

Provided further that the rates specified in paragraphs (a) and (b) of this clause shall be reduced by the amount of any family benefit payable under Part I of this Act in respect of the beneficiary.

2. Maximum amount from all sources where subsidy paid on earnings of blind invalid, in every case
- \$2,015 a year, increased by \$205.40 a year if the beneficiary is an unmarried person.

Sections 49, 53

## "SEVENTH SCHEDULE

## RATES OF MINERS' BENEFITS AND MINERS' WIDOWS' BENEFIT

1. (a) To a married miner ..... \$1,027 a year, increased by \$1,027 a year in respect of his wife.
- (b) In any other case ..... \$1,232.40 a year.
2. To a miner's widow ..... \$1,149.20 a year.

Section 55

## "EIGHTH SCHEDULE

## RATES OF SICKNESS BENEFITS

1. (a) To an unmarried beneficiary under the age of 18 years without dependants
- \$18 a week, diminished by 10c for every complete 20c of the total weekly income of the beneficiary in excess of \$13 a week but not in excess of \$25 a week, and by 15c for every complete 20c of the total weekly income of the beneficiary in excess of \$25 a week.

FOURTH SCHEDULE—*continued*"EIGHTH SCHEDULE—*continued*

- (b) To any other unmarried beneficiary \$23.70 a week, diminished by 10c for every complete 20c of the total weekly income of the beneficiary in excess of \$13 a week but not in excess of \$25 a week, and by 15c for every complete 20c of the total weekly income of the beneficiary in excess of \$25 a week.
- (c) To a married male beneficiary \$19.75 a week, increased by \$19.75 a week in respect of his wife, the total rate to be diminished by 10c for every complete 20c of the total weekly income of the beneficiary and his wife in excess of \$13 a week but not in excess of \$25 a week, and by 15c for every complete 20c of such income in excess of \$25 a week.
- (d) To a married female beneficiary \$19.75 a week, diminished by 10c for every complete 20c of the total weekly income of the beneficiary and her husband (including the amount of any benefit under Part I of this Act received by the husband) in excess of \$32.75 a week but not in excess of \$44.75 a week, and by 15c for every complete 20c of such income in excess of \$44.75 a week:

Provided that, if the husband of the beneficiary is not in receipt of a benefit under Part I of this Act, the rate of sickness benefit payable to the beneficiary shall not be less than the rate of sickness benefit that would be payable to a married male beneficiary under paragraph (c) of this clause, but the rate of benefit payable hereunder shall not exceed \$19.75 a week:

Provided that, if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by an amount not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act.

2. Maximum increase in respect of a housekeeper \$15.80 a week.

FOURTH SCHEDULE—*continued*

Section 59

## "NINTH SCHEDULE

## MAXIMUM RATES OF UNEMPLOYMENT BENEFITS

1. (a) To an unmarried beneficiary under the age of 20 years without dependants \$18 a week.
- (b) To any other unmarried beneficiary \$23.70 a week.
- (c) To a married male beneficiary \$19.75 a week, increased by \$19.75 a week in respect of his wife.
- (d) To a married female beneficiary \$19.75 a week:

Provided that, if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by an amount not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act:

Provided also that the rates specified in paragraphs (a) and (b) of this clause shall be reduced by the amount of any family benefit payable under Part I of this Act in respect of the beneficiary.

2. Maximum increase in respect of a housekeeper \$15.80 a week.

Section 66

## "TENTH SCHEDULE

## SPECIAL INCOME EXEMPTION IN RESPECT OF SICK BENEFITS FROM FRIENDLY OR LIKE SOCIETY (AGE, INVALIDS', WIDOWS', DOMESTIC PURPOSES, AND SICKNESS BENEFITS ONLY)

Maximum rate ..... \$2 a week in the case of a sickness benefit, and \$104 a year in any other case.

## "TWELFTH SCHEDULE

Section 69

## MAXIMUM INCREASE IN RATE OF BENEFIT PAYABLE TO PARENT OF DECEASED MEMBER OF FORCES OR MERCANTILE MARINE

Maximum rate ..... \$1 a week.

FOURTH SCHEDULE—*continued*

Section 61A

“FOURTEENTH SCHEDULE

ADDITIONAL AMOUNTS FOR DEPENDENT CHILDREN

1. To any person receiving an emergency benefit payable otherwise than by weekly instalments, or an age, widow's, domestic purposes, or invalid's benefit—
  - (a) At the rate payable to an unmarried beneficiary—
    - (i) On account of first or only dependent child \$665.60 a year.
    - (ii) On account of second dependent child \$156 a year.
    - (iii) On account of each additional dependent child after the second \$65 a year.
  - (b) At the rate payable to a married beneficiary—
    - (i) On account of first or only dependent child \$156 a year.
    - (ii) On account of each additional dependent child after the first \$65 a year.
  
2. To any person receiving an emergency benefit payable by weekly instalments, or a sickness or unemployment benefit—
  - (a) At the rate payable to an unmarried beneficiary—
    - (i) On account of first or only dependent child \$12.80 a week.
    - (ii) On account of second dependent child \$3 a week.
    - (iii) On account of each additional dependent child after the second \$1.25 a week.

FOURTH SCHEDULE—*continued*“FOURTEENTH SCHEDULE—*continued*”

- (b) At the rate payable to a married beneficiary—
- (i) On account of first or only dependent child \$3 a week.
  - (ii) On account of each additional dependent child after the first \$1.25 a week.

## Section 124 (4) “FIFTEENTH SCHEDULE

## MAXIMUM RATES OF REHABILITATION ALLOWANCES

1. To any unmarried disabled person under the age of 20 years, without dependants \$6 a week.
2. To any other disabled person \$8 a week.”