

## Social Welfare

### Social Security Act 1964

#### Direction by the Minister of Social Welfare

In the matter of section 5 of the Social Security Act 1964:

*To:* The Director-General of Social Welfare.

Pursuant to section 5 (2) of the Social Security Act 1964, I, Jennifer Mary Shipley, Minister of Social Welfare, HEREBY DIRECT that in the exercise of your discretion to grant a special benefit under section 61G, and without derogating from your duty to have regard for the particular financial circumstances and commitments of the applicant—

I. If, (except in the case of a person to whom clauses II and III apply)—

(a) Either:

(i) in the case of a single person, the applicant possesses cash assets of a value of not more than the equivalent of four times the maximum weekly invalid's benefit rate payable to a single person; or

(ii) in the case of a married couple or a sole parent, the applicant possesses cash assets of a value of not more than the equivalent of four times the maximum weekly invalid's benefit rate payable to a married couple; and

(b) the applicant's chargeable income, after the deduction of his or her fixed costs is less than the appropriate standard income;

you shall be satisfied that payment of a special entitlement to a special benefit is justified if the weekly amount of the special benefit is within the following limits:

(c) an amount equal to the difference between—

(i) the applicant's weekly chargeable income less the applicant's weekly fixed costs; and

(ii) the standard income less \$20 a week (except if you determine there are special circumstances, when the \$20 per week may be disregarded); or

(d) an amount equal to 30 percent of the applicant's fixed costs—

whichever is the lesser amount, but if you determine that exceptional circumstances exist, an amount of special benefit that exceeds 30 percent of the applicant's fixed costs shall be considered justified.

II. In the case of a person with psychiatric or physical disabilities who is in residential care and whose chargeable income is less than the specified amount, you shall be satisfied that a special entitlement of an amount equal to the difference between the specified amount and that person's chargeable income a week less a personal allowance is justified;

III. In the case of a person receiving training benefit who incurs additional costs because he or she is training away from home, you shall be satisfied that a special entitlement is justified of an amount equal to the extra weekly accommodation costs incurred while training away from home or \$100 per week, whichever is the lesser.

#### For the Purposes of This Direction—

"Cash assets" are assets which can be readily converted into cash and include:

(a) Shares, stocks, debentures, bonus bonds and other bonds;

(b) Bank accounts, including fixed and term deposits and any money invested with a bank or other institution;

(c) The net equity held in any property or land not used as a home;

(d) Building society shares;

(e) Mortgage investments and long term loans;

(f) Shares in partnerships;

but do not include:

(a) a motor car;

(b) a caravan, boat or other vehicle—

(i) the net equity of which is less than \$2,000;

(ii) which is being used by a person or his or her family for day to day accommodation;

(c) personal effects;

"Chargeable income" in relation to an applicant means:

(a) any benefit granted under Part I of the Social Security Act 1964; and

(b) any war disability pension granted under the War Pension's Act 1964; and

(c) National superannuation granted under the Social Welfare (Transitional Provisions) Act 1990; and

(d) veteran's pension granted under the Social Welfare (Transitional Provisions) Act 1990; and

(e) income as defined under section 3 of the Social Security Act 1964.

"Child" has the same meaning as that given to it under the Social Security Act 1964.

"Fixed costs" means any essential expenses of a fixed weekly, monthly or annual amount which cannot readily be avoided or varied and includes—

(a) actual accommodation costs including arrears, provided that any arrears incurred while the person was in receipt of the accommodation benefit or the rent rebate shall be excluded; and

(b) hire purchase or other types of regular payments for washing machines, refrigerators, televisions and essential household furniture; and

(c) disability related expenses; and

(d) attachment orders if a variation, suspension or discharge has been finalised; and

(e) for non-beneficiaries public transport to work, compulsory union fees and child care; and

(f) car repayments and running costs where chronic illness or disability exists in the applicant's family or if no public transport is available; and

(g) for beneficiaries' car repayments if the arrangement to purchase on terms was entered into prior to the applicant applying for a benefit;

"Personal allowance" means—

(a) \$62.50 in the case of a person with physical disabilities; and

(b) \$24.00 in the case of a person with psychiatric disabilities; and

(c) in the case of a person with both physical and psychiatric disabilities—

(i) \$62.50 if that person's disabilities are predominantly physical; and

(ii) \$24.00 if that person's disabilities are predominantly psychiatric.

"Residential care" in respect of a person means care received as a resident in a home either registered under section 18 of the Disabled Persons Community Welfare Act 1975 or approved by the Director-General as meeting the standards required for registration as a home under that Act.

"Specified amount" means—

(a) \$309.62 in the case of a person who requires daily supervision but not the constant presence of a caregiver; and