

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 17 November 1981

(Minister representing the Minister for Social Security)

A BILL

FOR

An Act to amend the *Social Services Act 1947*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1. (1)** This Act may be cited as the *Social Services Amendment Act (No. 3)* 1981.

(2) The *Social Services Act 1947*¹ is in this Act referred to as the Principal Act.

Commencement

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

Unemployment benefits

3. Section 107 of the Principal Act is amended—

(a) by inserting after sub-section (5) the following sub-sections:

“(5A) A married person is not qualified to receive an unemployment benefit in respect of any of the following periods:

- (a) any period during which the spouse of the married person is not qualified to receive an unemployment benefit by reason of sub-section (4); 5
- (b) where a claim for unemployment benefit by the spouse of the married person has been refused on the ground that the spouse has failed to satisfy the Director-General in relation to the matters set out in paragraph (c) of sub-section (1)—the appropriate prescribed period; 10
- (c) where the unemployment benefit of the spouse of the married person has been cancelled by the Director-General in the circumstances set out in paragraph (a), (b) or (c) of section 120—the appropriate prescribed period;
- (d) where the Director-General has, in the circumstances set out in paragraph (a), (b) or (c) of section 120, postponed for a period the date from which an unemployment benefit is to be payable to the spouse of the married person—that period. 15

“(5B) Paragraph (b) of sub-section (5A) does not apply in relation to a married person if the refusal of the claim for unemployment benefit of the spouse of the married person referred to in that paragraph was on either of the following grounds: 20

- (a) that throughout the relevant period the spouse had failed to satisfy the Director-General that the spouse was unemployed;
- (b) that throughout the relevant period the spouse had failed to satisfy the Director-General that the spouse was capable of undertaking paid work that, in the opinion of the Director-General, was suitable to be undertaken by the spouse. 25

“(5C) For the purposes of sub-section (5A)—

- (a) the reference in paragraph (b) of sub-section (5A) to the appropriate prescribed period in relation to a married person shall be read as a reference to the period that commenced on the date of the refusal of the claim for unemployment benefit of the spouse of the married person and ends on the date on which the spouse of the married person becomes employed or becomes qualified for unemployment benefit, whichever first occurs; and 30
- (b) the reference in paragraph (c) of sub-section (5A) to the appropriate prescribed period in relation to a married person shall be read as a reference to the period that commenced on the date of the cancellation of the unemployment benefit of the spouse of the married person and ends on the date on which the spouse of the married person becomes employed or becomes qualified for unemployment benefit, whichever first occurs.”; 35
and 40

- (b) by inserting after the definition of “industrial action” in sub-section (7) the following definition:

“‘married person’ does not include a person (other than a dependent female or the husband of a dependent female) who is living apart from the spouse of the person—

- (a) in pursuance of a separation agreement in writing or of a decree, judgment or order of a court; or
- (b) in such circumstances that the Director-General is satisfied that the separation is likely to be permanent;”.

10 **Special benefits**

4. Section 124 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “sub-section (2)” and substituting “this section”; and
- (b) by omitting sub-section (2) and substituting the following sub-sections:

“(2) A special benefit is not payable to a person in respect of any of the following periods:

- (a) any period in respect of which the person is not qualified to receive an unemployment benefit by reason of sub-section (4) of section 107;
- (b) where the Director-General has, in the circumstances set out in paragraph (a), (b) or (c) of section 120, postponed for a period the date from which an unemployment benefit is to be payable to the person—that period.

“(3) Except in a case of extreme hardship and where there are no other means of support, a special benefit is not payable to a person in respect of any period in respect of which the person is not qualified to receive an unemployment benefit by reason of sub-section (5A) of section 107.

“(4) Where—

- (a) a claim for unemployment benefit by a person has been refused on the ground that the person has failed to satisfy the Director-General in relation to the matters set out in paragraph (c) of sub-section (1) of section 107; or
- (b) the unemployment benefit of a person has been cancelled by the Director-General in the circumstances set out in paragraph (a), (b) or (c) of section 120,

the Director-General shall not grant a special benefit to the person unless he is satisfied that the circumstances by reason of which the claim for unemployment benefit was refused or the unemployment benefit was cancelled, as the case may be, have ceased to apply in relation to the person.

“(5) Sub-section (4) does not apply in relation to a person by reason of the refusal of a claim for unemployment benefit by the person if that refusal was on either of the following grounds:

- (a) that throughout the relevant period the person had failed to satisfy the Director-General that the person was unemployed;
- (b) that throughout the relevant period the person had failed to satisfy the Director-General that the person was capable of undertaking paid work that, in the opinion of the Director-General, was suitable to be undertaken by the person.”.

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NOTE

1. No. 26, 1947, as amended. For previous amendments, see Nos. 38 and 69, 1948; No. 16, 1949; Nos. 6 and 26, 1950; No. 22, 1951; Nos. 41 and 107, 1952; No. 51, 1953; No. 30, 1954; Nos. 15 and 38, 1955; Nos. 67 and 98, 1956; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1960; No. 45, 1961; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; Nos. 57 and 152, 1965; No. 41, 1966; Nos. 10 and 61, 1967; No. 65, 1968; No. 94, 1969; Nos. 2 and 59, 1970; Nos. 16 and 67, 1971; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48 and 103, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 37, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979; No. 130, 1980; and Nos. 61 and 159, 1981.