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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

SOCIAL SERVICES LEGISLATION AMENDMENT BILL 1982

EXPLANATORY MEMORANDUM

ADDENDUM

The first and second paragraphs on page 7 of the Explanatory Memorandum should be omitted and the following paragraphs substituted:

"Second, clause 41 proposes to amend the Principal Act to provide special rules in cases where a person has recurring periods of incapacity which are causally connected.

Presently, where a claim for sickness benefit is lodged within 13 weeks of a person becoming incapacitated, sub-section 119(2) provides that there will be a waiting period of 7 days from the date of incapacity before payment is made (paragraph 119(2)(a)), except that paragraph 119(2)(b) provides that the waiting period shall not be required to be served more than once in any period of 13 weeks.

In the latter case, there need be no connection between the causes of the incapacities.

Paragraph 41(c) proposes to modify this position by providing that, where a claim for sickness benefit is lodged within 13 weeks after a person becomes incapacitated, and that incapacity is causally connected with a previous incapacity in respect of which sickness benefit was paid (and a waiting period of 7 days served), there will not need to be a further waiting period. The proposal does not require the claim to be lodged within the period of 13 weeks of a previous incapacity.

Again, presently, where a claim for sickness benefit is lodged more than 13 weeks after a person becomes incapacitated, sub-section 119(3) provides that sickness benefit will be payable from and including the day of lodgement of the claim, unless the Director-General is satisfied that the delay in lodgment was due to the incapacity or some other sufficient cause. In such a case, sickness benefit is payable after a waiting period of 7 days from the date of the incapacity.

Paragraph 41(e), in relation to a claim lodged more than 13 weeks after a person becomes incapacitated, proposes to modify this position by providing that, where the incapacity is causally connected with a previous incapacity in respect of which sickness benefit was paid (and a waiting period of 7 days served), and the Director-General is satisfied that the delay in lodgment was due to the incapacity or some other sufficient cause, sickness benefit would be payable from the date of the incapacity. There would not be a waiting period of 7 days from the date of the incapacity in such a case.

Paragraphs 41(b) and (d) propose technical amendments to sub-sections 119(2) and (3) respectively."