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SOCIAL SERVICES AMENDMENT BILL (NO. 3) 1981

Date Introduced: 10 March 1982
House: House of Representatives
Presented by: Hon. J.R. Hunt, M.P., Minister
representing Minister for Social
Security

Short Digest of Bill

Purpose/Background

During the passage of the Social Services Bill 1981 the Government deleted clauses which would have precluded spouses of persons involved in industrial action from receiving Unemployment or Special Benefits. This followed a request from the Senate.

On 17 November 1981 these provisions were re-introduced in the Social Services Amendment Bill (No. 3) 1981. This Bill was passed by the House of Representatives but was not passed in the Senate. The present Bill re-introduces that Bill.

Under present arrangements, a worker on strike or unemployed because of industrial action by his/her union, is disqualified from receiving Unemployment Benefits or Special Benefits. However, that person's spouse has two options:

1. apply for Unemployment Benefits at unmarried rates;
2. apply for Special Benefits at unmarried rates.

The Social Services Amendment Bill (No. 3) 1981 proposes that a person, whose spouse is disqualified from receiving Unemployment Benefits because of: industrial action; unwillingness to undertake suitable work; or failure to take reasonable steps to obtain such work; will also be ineligible to receive Unemployment Benefits.

In cases of extreme financial hardship a spouse will still be able to apply for Special Benefit at unmarried rates. The granting of this benefit is subject to a means test.

Provisions

Clause 3 inserts a new sub-section, 107(5A), which would disqualify from receipt of unemployment benefit a married person whose spouse:

- (a) is not qualified to receive unemployment benefit because the spouse, or a member of the spouse's trade union, is involved in industrial action;
- (b) has been refused unemployment benefit on one of the grounds prescribed in the work tests in section 107, other than the ground that the spouse was employed or was capable of undertaking paid work; or
- (c) has had Unemployment Benefit cancelled or postponed on one of the grounds prescribed in section 120 of the Principal Act, which are:-
 - i) that a person was voluntarily unemployed;
 - ii) that a person was unemployed due to his own misconduct;
 - iii) that a person did not accept an offer of employment which the Director-General considered to be suitable.

Clause 4 proposes to prevent payment of Special Benefits to a person, or the spouse of a person, who is disqualified from receiving unemployment benefits for the reasons outlined above.

Sub-section 124(3) provides for an exception to this general position. In a case of extreme hardship and where there are no other means of support, Special Benefit is payable to the spouse, at unmarried rates.

Commencement

The Act will commence operation on date of Royal Assent.

For further information, if required, contact:

Education and Welfare Group
LEGISLATIVE RESEARCH SERVICE

16 March 1982

