

SOCIAL SERVICES ACT (No. 3) 1975

No. 110 of 1975

An Act relating to Social Services.

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

Short title
and citation.

1. (1) This Act may be cited as the *Social Services Act (No. 3) 1975*.¹

(2) The *Social Services Act 1947-1974*,² as amended by the *Social Services Act 1975*,³ the *Postal and Telecommunications Commissions (Transitional Provisions) Act 1975*⁴ and the *Social Services Act (No. 2) 1975*,⁵ is in this Act referred to as the Principal Act.

(3) Schedule 3 to the *Postal and Telecommunications Commissions (Transitional Provisions) Act 1975* is amended by omitting the following words:—

“*Social Services Act 1947-1974* | *Social Services Act 1947-1975*”.

(4) Section 1 of the *Social Services Act (No. 2) 1975* is amended by omitting sub-section (4).

(5) The Principal Act, as amended by this Act, may be cited as the *Social Services Act 1947-1975*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Definitions.

3. Section 18 of the Principal Act is amended by omitting the definition of “dependent female” and substituting the following definition:—

“‘dependent female’ means a woman who is living with a man (in this Part referred to as her husband) as his wife on a *bona fide* domestic basis although not legally married to him;”.

Rate of age
or invalid
pension
(including
guardian’s
allowance
payable to
an
unmarried
person).

4. Section 28 of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1A), the figures “\$1,872” and substituting the figures “\$2,015”;

(b) by omitting from paragraph (b) of sub-section (1A) the figures “\$1,560” and substituting the figures “\$1,677”;

(c) by omitting from sub-section (1B) the figures “\$364” and substituting the figures “\$390”;

(d) by omitting from sub-section (1F) the figures “\$364” (wherever occurring) and substituting the figures “\$390”;

- (e) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (3) the figures “\$14” and substituting the figures “\$15”; and
- (f) by omitting the formula in sub-paragraph (ii) of paragraph (b) of sub-section (3) and substituting the following formula:—

$$\frac{2 (2P + \$1,287)}{26}$$

5. Section 41 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words “the next succeeding sub-section” and substituting the words “this section”; and
- (b) by adding at the end thereof the following sub-section:—
 - “(4) Where, but for this sub-section, the amount of the fortnightly instalment of a pension would be less than \$1, the amount of that instalment shall be increased to \$1.”.

Payment of pensions in instalments.

6. Section 50 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1) the figures “\$624” and substituting the figures “\$676”; and
- (b) by omitting from that paragraph the figures “\$676” and substituting the figures “\$728”.

Inmates of benevolent homes.

7. Section 59 of the Principal Act is amended by omitting from sub-section (1) the definition of “widow” and substituting the following definition:—

Interpretation.

“ ‘widow’ includes—

- (a) a dependent female;
- (b) a deserted wife;
- (c) a woman whose marriage has been dissolved and who has not remarried;
- (d) a woman whose husband is a mental hospital patient; and
- (e) a woman whose husband has been convicted of an offence and is imprisoned and has been imprisoned for a period of not less than six months, including any period of imprisonment prior to and continuous with the period of imprisonment following upon the conviction,

but does not include a woman who is living with a man as his wife on a *bona fide* domestic basis although not legally married to him.”.

8. Section 70 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words “the next succeeding sub-section” and substituting the words “this section”; and
- (b) by adding at the end thereof the following sub-section:—

Payment of pensions in instalments.

“(4) Where, but for this sub-section, the amount of the fortnightly instalment of a pension would be less than \$1, the amount of that instalment shall be increased to \$1.”

Receipt of property, &c., to be notified.

9. Section 74 of the Principal Act is amended by omitting paragraph (a) of sub-section (5) and substituting the following paragraph:—

- “(a) the pensioner ceasing to be a widow, within the meaning of this Part, by reason that she—
- (i) marries;
 - (ii) ceases to be a deserted wife or a woman referred to in paragraph (d) or (e) of the definition of “widow” in sub-section (1) of section 59; or
 - (iii) commences to live with a man as his wife on a *bona fide* domestic basis although not legally married to him;”.

Inmates of benevolent homes.

10. Section 80 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1) the figures “\$624” and substituting the figures “\$676”; and
- (b) by omitting from that paragraph the figures “\$676” and substituting the figures “\$728”.

Definitions.

11. Section 105A of the Principal Act is amended—

- (a) by adding at the end of sub-section (1) the following definitions:—

“ ‘parent’ includes an adoptive parent;
 ‘person’ includes an institution. ”; and

- (b) by omitting sub-section (2) and substituting the following sub-section:—

“(2) For the purposes of a claim for a double orphan’s pension, where one of the parents of a child (other than an adopted child), or one of two adoptive parents of an adopted child, is dead and—

- (a) the whereabouts of the other parent are not known to the claimant;
- (b) the other parent has been convicted of an offence and sentenced to imprisonment for life or for a term of years, being a term not less than 10 years, and is serving that sentence at the time of the claim; or
- (c) the other parent is, at the time of the claim, a mental hospital patient and the Director-General is satisfied that he will require care or treatment, whether in that hospital or in a similar hospital, for an indefinite period,

that other parent shall be deemed to be dead.”.

12. Sections 105E, 105F and 105G of the Principal Act are repealed and the following sections substituted:—

“105E. Where—

- (a) a person is in receipt of a double orphan’s pension in respect of a child who is a double orphan by reason of the fact that one parent of the child is dead and—

Notification of change of circumstances.

- (i) the whereabouts of the other parent of the child are not known to that person; or
 (ii) the other parent of the child is serving a sentence of imprisonment or is a mental hospital patient; and

- (b) the whereabouts of that other parent become known, or that other parent is released from prison or from a mental hospital and that fact becomes known, to that person,

that person shall, within 14 days after the whereabouts of that other parent become known, or the fact that that other parent has been released from prison or from a mental hospital becomes known, to him, notify the Director accordingly.

Penalty: \$40.

“105F. Where a double orphan’s pension is payable in respect of a child by reason of the fact that one parent of the child is dead and—

Cessation of pension if circumstances change.

- (a) the whereabouts of the other parent of the child are not known to the person in receipt of the pension; or
 (b) the other parent of the child is serving a sentence of imprisonment or is a mental hospital patient,

that pension ceases to be payable if the whereabouts of that other parent become known, or that other parent is released from prison or from a mental hospital and that fact becomes known, to the person in receipt of the pension.

“105G. A double orphan’s pension shall be applied by the person to whom it is payable to the maintenance, training and advancement of the child in respect of whom it is granted.”

Application of pension under this Part.

13. Section 106 of the Principal Act is amended by omitting from sub-section (1) the definition of “dependent female” and substituting the following definition:—

Interpretation.

“‘dependent female’ means a woman who is living with a man (in this Part referred to as her husband) as his wife on a *bona fide* domestic basis although not legally married to him;”

14. Section 112 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:—

Rate of unemployment and sickness benefit.

“(1) Subject to this Part, the rate of an unemployment benefit or a sickness benefit is—

- (a) in the case of an unmarried person who has not attained the age of 18 years—\$36 per week;

- (b) in the case of an unmarried person who has attained the age of 18 years—\$38.75 per week; or
- (c) in any other case—\$32.25 per week.”;
- (b) by omitting from sub-section (2) the figures “\$30” (wherever occurring) and substituting the figures “\$32.25”;
- (c) by omitting from sub-section (4) the figures “\$36” (wherever occurring) and substituting the figures “\$38.75”;
- (d) by omitting from sub-section (4A) the figures “\$60” (wherever occurring) and substituting the figures “\$64.50”;
- (e) by omitting from sub-section (5) the figure “\$7” and substituting the figures “\$7.50”; and
- (f) by omitting from paragraph (c) of sub-section (6) the figure “\$7” and substituting the figures “\$7.50”.

Recovery of
overpay-
ments.

15. Section 140 of the Principal Act is amended—

- (a) by inserting in sub-section (2), after the word “Act” (first occurring), the words “(other than sub-section (3) of this section)”;
- (b) by omitting from sub-section (2) the words “, a maternity allowance under Part V or child endowment under Part VI” and substituting the words “or a maternity allowance under Part V”; and
- (c) by adding at the end thereof the following sub-section:—
 - “(3) An amount referred to in sub-section (2) that has been paid otherwise than by way of child endowment under Part VI shall not be deducted from child endowment payable under Part VI.”.

Application
of
amendments.

16. (1) The amendments made by this Act, in so far as they affect instalments of age or invalid pensions, apply in relation to an instalment of such a pension falling due on 13 November 1975 and to all subsequent instalments.

(2) The amendments made by this Act, in so far as they affect instalments of widows’ pensions or supporting mothers’ benefits, apply in relation to an instalment of such a pension or benefit falling due on 4 November 1975 and to all subsequent instalments.

(3) The amendments made by this Act, in so far as they affect instalments of service pensions under the *Repatriation Act* 1920-1975, apply in relation to an instalment of such a pension falling due on 6 November 1975 and to all subsequent instalments.

(4) The amendments made by this Act, in so far as they affect instalments of unemployment or sickness benefits, apply in relation to an instalment of such a benefit falling due on—

- (a) if this Act receives the Royal Assent on or before 1 November 1975—1 November 1975; or

(b) in any other case—the day on which this Act receives the Royal Assent.

NOTES

1. Act No. 110, 1975; assented to 27 October 1975.
2. Act No. 26, 1947, as amended by 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); and Nos. 2, 23 and 91, 1974.
3. Act No. 34, 1975.
4. Act No. 56, 1975.
5. Act No. 101, 1975.