

# SOCIAL SERVICES ACT 1975

## No. 34 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 1975*.<sup>1</sup>

(2) The *Social Services Act 1947-1974*<sup>2</sup> is in this Act referred to as the Principal Act.

(3) 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.<sup>1</sup>

Definitions.

3. Section 18 of the Principal Act is amended by omitting paragraphs (e) and (ea) of the definition of “income” and substituting the following paragraph:—

“(e) a payment under Part V, VI, VIA, VIB, VII or VIIA;”.

Rate of age  
or invalid  
pension  
(including  
guardians  
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 “\$1,612” and substituting the figures “\$1,872”;

(b) by omitting from paragraph (b) of sub-section (1A) the figures “\$1,339” and substituting the figures “\$1,560”;

(c) by omitting from sub-section (1B) the figures “\$286” and substituting the figures “\$364”;

(d) by omitting from sub-section (1F) the figures “\$286” (wherever occurring) and substituting the figures “\$364”;

(e) by omitting from sub-section (2AA) the words “seventy-five” and substituting the figures “70”;

(f) by omitting from sub-section (3) the words “seventy-five” and substituting the figures “70”;

(g) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (3) the figures “\$11” and substituting the figures “\$14”; and

- (h) by omitting the formula in sub-paragraph (ii) of paragraph (b) of sub-section (3) and substituting the following formula:—

$$\frac{2(2P + \$1,261)}{26}$$

26

5. Division 4B of Part III of the Principal Act is repealed.

Repeal.

6. Section 50 of the Principal Act is amended—

Inmates of  
benevolent  
homes.

- (a) by omitting from paragraph (a) of sub-section (1) the figures “\$520” and substituting the figures “\$624”; and  
(b) by omitting from that paragraph the figures “\$572” and substituting the figures “\$676”.

7. Section 63 of the Principal Act is amended by omitting sub-section (1A) and substituting the following sub-section:—

Rate of  
widow's  
pension  
(including  
mother's  
allowance  
payable to  
Class A  
widows).

“(1A) In the case of a Class A widow, the maximum rate of pension applicable under paragraph (a) or (aa) of sub-section (1) shall be increased by an amount per annum in respect of each child in her custody, care and control equal to the amount per annum specified in sub-section (1B) of section 28.”.

8. Section 80 of the Principal Act is amended—

Inmates of  
benevolent  
homes.

- (a) by omitting from paragraph (a) of sub-section (1) the figures “\$520” and substituting the figures “\$624”; and  
(b) by omitting from that paragraph the figures “\$572” and substituting the figures “\$676”.

9. Section 112 of the Principal Act is amended—

Rate of  
unemploy-  
ment and  
sickness  
benefit.

- (a) by omitting from paragraph (a) of sub-section (1) the figures “\$31” and substituting the figures “\$36”;  
(b) by omitting from paragraph (b) of sub-section (1) the figures “\$25.75” and substituting the figures “\$30”;  
(c) by omitting from sub-section (2) the figures “\$25.75” (wherever occurring) and substituting the figures “\$30”;  
(d) by omitting from sub-section (4) the figures “\$31” (wherever occurring) and substituting the figures “\$36”;  
(e) by omitting from sub-section (4A) the figures “\$51.50” (wherever occurring) and substituting the figures “\$60”;  
(f) by omitting from sub-section (5) the figures “\$5.50” and substituting the figure “\$7”; and  
(g) by omitting from paragraph (c) of sub-section (6) the figures “\$5.50” and substituting the figure “\$7”.

Special  
benefits.

**10.** Section 124 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:—

“(b) who is not a person to whom an unemployment benefit or a sickness benefit is payable; and”.

Benefit to be  
payable  
weekly.

**11.** Section 132 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(4) An instalment of a benefit may, if the Director-General so determines, be paid in advance.”.

**12.** After section 132 of the Principal Act the following section is inserted:—

Payment in  
advance for  
period  
during which  
qualification  
ceases.

“132A. Where—

(a) an amount has been paid in advance by way of benefit in respect of a period (being a period not exceeding 7 days) during which the beneficiary ceases to be qualified for the benefit; and

(b) the amount is not an amount to which sub-section (1) of section 140 applies,

the fact of the beneficiary so ceasing to be qualified does not affect his entitlement to that payment or any part of that payment.”.

On death of  
married  
person,  
widow or  
widower to  
receive  
combined  
pensions for  
12 weeks.

**13.** Section 135U of the Principal Act is amended by omitting from paragraph (a) of sub-section (1) the words “, and a benefit under Division 4B,”.

Payment  
into account  
with bank,  
credit union  
or building  
society.

**14.** Section 135W of the Principal Act is amended—

(a) by omitting the words “or credit union” (wherever occurring) and substituting the words “, credit union or building society”; and

(b) by omitting the definition of “account” in sub-section (7) and substituting the following definitions:—

“‘account’, in relation to a credit union or building society, means an account maintained by a person with the credit union or building society to which are credited moneys received on deposit by the credit union or building society from that person;

‘building society’ means an organization registered as a permanent building society under a law of a State or Territory.”.

**15.** (1) The amendments made by this Act, in so far as they affect instalments of age or invalid pensions—

Application  
of certain  
amendments.

- (a) shall be deemed to have come into operation on 1 May 1975; and
- (b) apply in relation to an instalment of such a pension or benefit falling due on that date and to all subsequent instalments.

(2) The amendments made by this Act, in so far as they affect transitional benefits for the aged blind, shall be deemed to have come into operation on 1 May 1975.

(3) The amendments made by this Act, in so far as they affect instalments of widows' pensions or supporting mothers' benefits—

- (a) shall be deemed to have come into operation on 6 May 1975; and
- (b) apply in relation to an instalment of such a pension or benefit falling due on that date and to all subsequent instalments.

(4) The amendments made by this Act, in so far as they affect instalments of service pensions under the *Repatriation Act 1920-1975*—

- (a) shall be deemed to have come into operation on 8 May 1975; and
- (b) apply in relation to an instalment of such a pension falling due on that date and to all subsequent instalments.

(5) In so far as an amendment made by this Act affects instalments of unemployment or sickness benefit, the amendment applies in relation to—

- (a) an instalment of benefit payable in respect of a period that commenced during the period of 6 days immediately before the day on which this Act receives the Royal Assent, being an instalment paid in arrears; and
- (b) an instalment of benefit payable in respect of a period that commences on or after the day on which this Act receives the Royal Assent, whether that instalment is paid in arrears or in advance.

**16.** Where—

- (a) before the expiration of the period of 3 months commencing on the date on which this Act receives the Royal Assent, a person lodges a claim for an age pension; and
- (b) an age pension is granted to that person by virtue of the application in relation to that person of paragraph 28 (2AA) (b) of the Principal Act, as amended by this Act,

Claims  
lodged on or  
before a  
certain date.

the age pension shall be paid from—

- (c) where the person attained the age of 70 years on or before 1 May 1975—that date; or
- (d) in any other case—the day on which the person attained or attains that age, if that day is a pension pay-day, or, if it is not, the first pension pay-day after that day.

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#### NOTES

1. Act No. 34, 1975; assented to 19 May 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, 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; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 43 and 103, 1973; No. 216, 1973 (as amended by No. 20, 1974); and Nos. 2, 23 and 91, 1974.