

SOCIAL SERVICES ACT (No. 2) 1975

No. 101 of 1975

An Act relating to Eligibility for Social Services by reason of Residence in certain External Territories.

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. 2) 1975*.¹

(2) The *Social Services Act 1947-1974*,² as amended by the *Social Services Act 1975*,³ is in this Act referred to as the Principal Act.

(3) Section 1 of the *Social Services Act 1975* is amended by omitting sub-section (3).

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

Commencement.

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

3. After section 18B of the Principal Act the following section is inserted:—

Period of residence in an external Territory.

“19. A reference in Division 2 (other than section 21A) or in Division 3 to a period of residence in Australia shall be read as including a reference to a period of residence in an area that was, at the time of the residence, an external Territory, other than Norfolk Island.”

Conditions of grant of invalid pension.

4. Section 25 of the Principal Act is amended by omitting paragraph (b) of sub-section (1) and substituting the following paragraph:—

“(b) in the case of a claimant under section 24, unless he became permanently incapacitated for work or permanently blind—

(i) while in Australia or during a temporary absence from Australia; or

(ii) while in an area that was, at the time he became permanently incapacitated for work or permanently blind, an external Territory, other than Norfolk Island;”

5. Before section 60 of the Principal Act the following section is inserted in Division 2 of Part IV:—

“59B. A reference in this Division to a period of residence in Australia shall be read as including a reference to a period of residence in an area that was, at the time of the residence, an external Territory, other than Norfolk Island.”

Period of residence in an external Territory.

6. Section 60 of the Principal Act is amended by omitting paragraph (d) of sub-section (1) and substituting the following paragraph:—

Qualifications for widow's pension.

“(d) in the opinion of the Director-General, she and her husband or, in the case of a widow being a dependent female, she and the man in respect of whom she was a dependent female were, on the occurrence of the event by reason of which she became a widow, residing permanently in Australia or in an area that was, at the time of that occurrence, an external Territory, other than Norfolk Island;”.

7. Section 83AAA of the Principal Act is amended by adding after sub-section (5) the following sub-section:—

Interpretation.

“(6) A reference in this Part to a period of residence in Australia shall be read as including a reference to a period of residence in an area that was, at the time of the residence, an external Territory, other than Norfolk Island.”.

8. Section 83AAC of the Principal Act is amended by inserting at the end thereof the following sub-section:—

Qualifications for benefit.

“(2) A reference in paragraph (a), (b) or (c) of sub-section (1) to residence in Australia shall be read as including a reference to residence in an area that was, at the time of the residence, an external Territory, other than Norfolk Island.”.

9. Section 83AD of the Principal Act is amended—

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

Pension granted to former resident of Australia, &c.

“(1) Subject to this section, where—

- (a) a person who formerly resided in Australia has returned to Australia or a person who formerly resided in an area that was, at the time of the residence, an external Territory but has never resided in Australia has arrived in Australia;
- (b) before the expiration of the period of 12 months that commenced on the date of his return to, or his arrival in, Australia, that person has lodged a claim for a pension; and
- (c) that person leaves Australia (whether before or after his claim is determined) before the expiration of that period,

any pension granted as a result of that claim is not payable in respect of any period during which the pensioner is outside Australia.”; and

- (b) by inserting in sub-section (2), after the words “return to”, the words “, or his arrival in,”.

Payment of maternity allowance in respect of birth during temporary absence from Australia.

10. Section 92 of the Principal Act is amended by omitting from subparagraph (ii) of paragraph (a) of sub-section (2) the figure “7” and substituting the figure and letter “7A”.

Payment of endowment during temporary absence from Australia.

11. Section 104 of the Principal Act is amended by omitting from paragraph (b) of sub-section (2) the figure “7” and substituting the figure and letter “7A”.

Certain pensions to continue to be payable.

12. Where, immediately before 16 September 1975, a pension was payable to a pensioner in Papua New Guinea by virtue of section 14 of the *Social Services Act (No. 2) 1973*, that pension continues to be payable, while he remains in the area that comprised Papua New Guinea immediately before that date, as if that area formed part of Australia and, if that pensioner leaves that area (other than to come to Australia), he shall, for the purposes of Part IVAA of the Principal Act as amended by this Act, be deemed to leave Australia.

NOTES

1. Act No. 101, 1975; assented to 9 September 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; Nos. 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.