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# INVALID AND OLD-AGE PENSIONS.\*

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No. 3 of 1909.

An Act to amend the *Invalid and Old-age Pensions Act 1908*.

[Assented to 13th August, 1909.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

## PART I.—INTRODUCTORY.

Citation and commencement:

1.—(1.) This Act may be cited as the *Invalid and Old-age Pensions Act 1909*.

(2.) The *Invalid and Old-age Pensions Act 1908* is in this Act referred to as the Principal Act.

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\* Amended by *Invalid and Old-age Pensions Act 1909 No. 2*, (No. 21 of 1909), see *post*, p. 81.

(3.) The Principal Act, as amended by this Act, may be cited as the *Invalid and Old-age Pensions Act 1908-1909*.\*

(4.) The *Invalid and Old-age Pensions Act 1908-1909* shall be deemed to have commenced on the fifteenth day of April One thousand nine hundred and nine.

2. Sub-section (2) of section four of the Principal Act is repealed.

Repeal of  
sub-section (2)  
of s. 4 of  
Principal Act.

## PART II.—ADMINISTRATION.

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

“5A.—(1.) There may be an Assistant Commissioner of Pensions who shall have such powers as are delegated to him by the Commissioner or as are prescribed.

Assistant  
Commissioner.

“(2.) The Commissioner may, by writing under his hand, delegate to the Assistant Commissioner all or any of his powers under this Act.

“(3.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner.”

4. Section six of the Principal Act is amended by adding at the end thereof the following proviso :—

Amendment of  
s. 6 of Principal  
Act.

“Provided that where the Commissioner places a district situated in any State under the control of the Deputy Commissioner for another State, the Deputy Commissioner under whose control the district is placed shall exercise and perform in relation thereto all the powers functions and duties of a Deputy Commissioner.”

5. Section ten of the Principal Act is amended by adding at the end thereof the following sub-section :—

Amendment of  
s. 10 of Principal  
Act.

“(3.) It shall not be necessary to define specifically the boundaries of any district, but a general indication of the locality intended to be included in a district shall be sufficient.”

6. Section eleven of the Principal Act is repealed, and the following section substituted in lieu thereof :—

“11.—(1.) The Governor-General may appoint such Registrars of Pensions as he thinks necessary for the purposes of this Act.

Registrars.

“(2.) Each Registrar shall have power to administer oaths and shall have such other powers and such duties and functions as are conferred or imposed upon him by this Act.”

7. Section twelve of the Principal Act is amended by omitting the words “the Registrar for any district” and inserting in lieu thereof the words “each Registrar.”

Duties of  
Registrar.

8. Section thirteen of the Principal Act is amended—

(a) by inserting after the words “The Commissioner” the words “the Assistant Commissioner”; and

(b) by omitting the words “and Registrars.”

Declaration by  
officers.

\* Sub-section (3) of section 1, above, is repealed by Act No. 21, 1909, s. 1.

9. After section thirteen of the Principal Act the following section is inserted :—

Special  
Magistrates.

“13A. The Governor-General may appoint such Special Magistrates of the Commonwealth as he thinks necessary for the purposes of this Act.”

### PART III.—OLD-AGE PENSIONS.

Who may receive  
Pensions.

10. Section fifteen of the Principal Act is amended—

- (a) by omitting from sub-section (3) the word “paid” and inserting in lieu thereof the word “granted”; and
- (b) by omitting from sub-section (3) the words “is certified by a Registrar pursuant to this Act, and.”

Amendment of  
s. 16 of Principal  
Act.

11. Section sixteen of the Principal Act is amended by inserting at the end of sub-section (1) the following proviso :—

“Provided that a person who is or becomes a naturalized subject of the King on or before the thirtieth day of June One thousand nine hundred and ten shall not be disqualified from receiving an old-age pension by reason only of the fact that he has not been naturalized for the period of three years next preceding the date of his pension claim.”

Amendment of  
s. 17 of Principal  
Act.

12.—(1.) Section seventeen of the Principal Act is amended by omitting from paragraph (b) the word “twenty-five” and inserting in lieu thereof the word “twenty.”

(2.) Where an old-age pension is granted upon a claim made, within sixty days after the passing of this Act, by any person who on the first day of July, One thousand nine hundred and nine, has resided in Australia continuously for at least twenty but less than twenty-five years, the claim may be deemed, for the purpose of determining the date of the commencement of the pension, to have been made on the first day of July, One thousand nine hundred and nine.

Amendment of  
s. 18 of Principal  
Act.

13. Section eighteen of the Principal Act is amended by inserting after sub-section (1) thereof the following sub-section :—

“(1A.) Continuous residence in Australia shall not be deemed to have been interrupted by absence in a Territory under the authority of the Commonwealth, or in any British Possession which becomes a Territory under the authority of the Commonwealth.”

### PART IV.—INVALID PENSIONS.

Amendment of  
s. 23 of Principal  
Act.

14. Section twenty-three of the Principal Act is amended—

- (a) by omitting from sub-section (1) the word “annually”; and
- (b) by omitting from sub-section (2) the words “in the prescribed form whether the claimant is permanently incapacitated for any work, giving the prescribed particulars. In his final determination the Commissioner or Deputy Commissioner shall be guided by the certificate of the medical practitioner”; and

- (c) by inserting in sub-section (2), in lieu of the words omitted therefrom, the words "whether in his opinion the claimant is permanently incapacitated for work, and shall state the grounds upon which his opinion is founded."

## PART V.—INVALID AND OLD-AGE PENSIONS.

### DIVISION 2.—PENSION CLAIMS.

15. Section thirty-eight of the Principal Act is repealed, and the following section substituted in lieu thereof:—

"38.—(1.) Whenever required by the Commissioner or the Deputy Commissioner, each pensioner shall send to the Deputy Commissioner a statement in the prescribed form relating to his income and accumulated property. Pensioner to file statement of income when required.

"(2.) If upon investigation the Commissioner or the Deputy Commissioner is satisfied that the pension should be discontinued, or that the rate of the pension is greater or less than it should be, he may discontinue the pension or reduce or increase the rate of pension accordingly."

16. After clause thirty-eight of the Principal Act the following clause is inserted:—

38A.—(1.) Every Magistrate may, for the purposes of any investigation or inquiry under this Act— Powers of Magistrates.

- (a) summon witnesses ;
- (b) receive evidence on oath ; and
- (c) require the production of documents.

(2.) No person who has been summoned to appear as a witness before a Magistrate shall, without lawful excuse, and after tender of reasonable expenses, fail to appear in answer to the summons.

Penalty : Twenty pounds.

(3.) No person who appears before a Magistrate as a witness shall, without lawful excuse, refuse to be sworn, or to make an affirmation, or to produce documents, or to answer questions which he is lawfully required to answer.

Penalty : Fifty pounds.

### DIVISION 3.—PAYMENT OF PENSIONS.

17. Section thirty-nine of the Principal Act is repealed, and the following section substituted in lieu thereof:—

"39.—(1.) Pensions shall be paid in fortnightly instalments. Payment of pension instalments.

"(2.) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.

"(3.) The instalment of a pension covering a period of less than a fortnight shall be in proportion to the number of days of a fortnight.

"(4.) Instalments of pensions shall be payable at an office named in the pension certificate or at any place directed by the Deputy Commissioner.

"(5.) The office or place of payment may be changed in the manner prescribed."