

INVALID AND OLD-AGE PENSIONS.

No. 27 of 1912.

An Act to amend sections four, sixteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, forty, and forty-nine of the *Invalid and Old-age Pensions Act 1908-1909*, and to amend that Act in relation to blind persons and the punishment of offences.

[Assented to 24th December, 1912.]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Invalid and Old-age Pensions Act 1912*.

(2.) The *Invalid and Old-age Pensions Act 1908-1909* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Invalid and Old-age Pensions Act 1908-1912*.

Amendment of s. 4.

2: Section four of the Principal Act is amended—

(a) by inserting at the end of paragraph (c) in the definition of the word "Income" the word "or"; and

(b) by inserting in the definition of the word "Income" after paragraph (c) the following paragraph—

"(d) By way of gift or allowance from his son, daughter, step-son, step-daughter, grand-son, grand-daughter, or legally adopted son or daughter."

Amendment of s. 16.

3. Section sixteen of the Principal Act is amended by omitting paragraph (b) and the proviso from sub-section (1.) thereof.

4. After section twenty of the Principal Act the following section is inserted—

Pension where person permanently blind.

"20A. Subject to this Act, every permanently blind person above the age of sixteen years who is not qualified under section twenty to receive an invalid pension and who is not receiving an old-age pension shall, whilst in Australia, be qualified to receive an invalid pension."

5. Section twenty-two of the Principal Act is amended—

Amendment
of s. 22.

(a) by omitting paragraph (c) therefrom and inserting in its stead the following paragraph :—

“(c) he has, whilst in Australia, become permanently incapacitated or blind ;” and

(b) by adding thereto the following sub-section :—

“(2.) For the purposes of an invalid pension, a person who is afflicted with a congenital defect and who is rendered permanently incapacitated or blind thereby shall be regarded as having become permanently incapacitated or blind whilst in Australia if he was brought into Australia before attaining the age of three years.”

6. Section twenty-three of the Principal Act is amended by adding to sub-section (2.) thereof the following proviso :—

Amendment
of s. 23.

“Provided that the examination may be dispensed with if the claimant resides in a place remote from any duly qualified medical practitioner or where medical testimony conflicts the Commissioner shall have power to decide the application.”

7. Section twenty-four of the Principal Act is amended by omitting sub-section (2.) and inserting the following sub-section in its stead :—

Amendment of
s. 24.

“(2.) Where the pensioner has accumulated property, the amount of a pension shall be subject to a deduction of One pound for every complete Ten pounds by which the net capital value of the accumulated property exceeds Fifty pounds :

Provided that, where both husband and wife are pensioners, except where they are living apart pursuant to any decree, judgment, order, or deed of separation, the deduction in the case of each of them shall be One pound for every complete Ten pounds by which the net capital value of the accumulated property exceeds Twenty-five pounds.”

8. Section twenty-five of the Principal Act is amended—

Amendment of
s. 25.

(a) by inserting in paragraph (b) after the words “there shall be deducted” the words “the capital value of a home in which the pensioner permanently resides and ”; and

(b) by inserting in paragraph (b) after the words “existing on the property” the words “other than the home.”

9. Section twenty-six of the Principal Act is amended—

Amendment
of s. 26.

(a) by omitting the word “and ” at the end of paragraph (a) ;

(b) by inserting at the end of paragraph (b) the following words :—

“Provided that, if for any special reason the Commissioner is of opinion that this paragraph should not apply in any particular case, he may direct that it shall not apply ; and ” and

(c) by adding thereto the following paragraph :—

“(c) every blind male person under the age of sixty-five years, and every blind female person under the age of sixty years, shall be deemed to be earning wages equal to the amount which he or she could earn by reasonable effort.”

Amendment
of s. 27.

10. Section twenty-seven of the Principal Act is amended by omitting from sub-section (4.) the word “indictable” and by omitting from that sub-section the words “Five years’ imprisonment” and inserting in their stead the words “One hundred pounds or imprisonment for one year.”

Amendment
of s. 40.

11. Section forty of the Principal Act is amended by omitting sub-section (4.) therefrom, and inserting in its stead the following sub-section :—

“(4.) It shall not be lawful for the Deputy Commissioner or a Registrar to waive the forfeiture of any fortnightly instalment unless waiver of such forfeiture is applied for within the prescribed time.”

Amendment
of s. 49.

12. Section forty-nine of the Principal Act is amended—

(a) by omitting paragraph (a) therefrom and inserting in its stead the following paragraph :—

“(a) wilfully make any false statement or representation to obtain a pension certificate, or pension, or any instalment of a pension, or to deceive any officer, or to affect the rate of any pension ; or” and

(b) by inserting after the word “Penalty :” the words “One hundred pounds or”.

13. Section fifty of the Principal Act is repealed and the following section inserted in its stead :—

Summary
punishment.

“50. All offences against this Act shall be punishable on summary conviction.”