

INVALID AND OLD-AGE PENSIONS.

No. 97 of 1940.

An Act to amend the *Invalid and Old-age Pensions Act 1908-1937*.

[Assented to 17th December, 1940.]

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 1940*.

(2.) The *Invalid and Old-age Pensions Act 1908-1937** 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 1908-1940*.

Commencement.

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

* Act No. 17, 1908, as amended by Nos. 3 and 21, 1909; No. 27, 1912; No. 32, 1916; No. 22, 1917; No. 22, 1919; No. 53, 1920; No. 15, 1923; No. 27, 1925; No. 44, 1926; No. 31, 1928; Nos. 10 and 46, 1931; Nos. 35 and 64, 1932; Nos. 17 and 56, 1933; No. 1, 1935; No. 29, 1936 and No. 11, 1937.

3. Section twenty-four of the Principal Act is amended—Limit of
pension.

- (a) by omitting the words " Fifty-two pounds " (wherever occurring) and inserting in their stead the words " Fifty-four pounds twelve shillings " ;
- (b) by omitting the words " Eighty-four pounds ten shillings " and inserting in their stead the words " Eighty-seven pounds two shillings " ;
- (c) by omitting the words " Two hundred and twenty-seven pounds ten shillings " and inserting in their stead the words " Two hundred and thirty pounds two shillings " ; and
- (d) by inserting after sub-section (1.) the following sub-sections :—

" (1A.) The maximum rate of pension per annum shall be reviewed in each quarter (commencing with the quarter ending on the thirty-first day of March, One thousand nine hundred and forty-one) by the Commissioner, who shall then determine the maximum rate per annum which shall apply from and including the due date of the first fortnightly instalment in the next succeeding quarter, in accordance with the following provisions :—

- (a) If the price index number exceeds 981 the maximum rate of pension per annum shall be Fifty-four pounds twelve shillings plus One pound six shillings for every twenty-three units or portion thereof by which the price index number exceeds 981 ;
- (b) If at any time the price index number rises so that the maximum rate of pension per annum exceeds Fifty-four pounds twelve shillings per annum and the price index number subsequently falls, the maximum rate of pension per annum shall, where necessary, be reduced to accord with the maximum rate of pension per annum determined in accordance with the last preceding paragraph :

Provided that the maximum rate of pension per annum shall not in any event be reduced to less than Fifty-four pounds twelve shillings.

" (1B.) Whenever the maximum rate of pension per annum is increased or reduced in pursuance of the last preceding sub-section, the total amount per annum which may be received by a pensioner by way of income and pension in accordance with sub-section (1.) of this section shall be increased or reduced by the amount by which the maximum rate of pension per annum is increased or reduced in pursuance of the last preceding sub-section.

" (1C.) For the purposes of this section—

- (a) the expression ' price index number ' means the weighted average retail price index number for all items of household expenditure (' C ' Series) for the six capital cities of the

States as ascertained by the Commonwealth Statistician for the quarter immediately preceding the quarter in which the maximum rate of pension per annum is reviewed based upon the average price index number for the calendar years One thousand nine hundred and twenty-three to One thousand nine hundred and twenty-seven, inclusive, being expressed as One thousand units ; and

- (b) the term 'quarter' means period of three months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September or the thirty-first day of December."

Recommendation by magistrates.

4. Section thirty-one of the Principal Act is amended—

- (a) by inserting in sub-section (2.), after the word "but", the words ", subject to this Act," ; and
- (b) by inserting in sub-section (2.), after the words "Six shillings", the words "and sixpence".

Suspension of pension while pensioner in asylum, &c.

5. Section forty-five of the Principal Act is amended—

- (a) by inserting in the proviso, after the word "shall", the words ", subject to this Act" ; and
- (b) by inserting, after the words "Six shillings", the words "and sixpence".

Benevolent asylum inmates.

6. Section forty-seven of the Principal Act is amended—

- (a) by inserting, after the word "shall" (second occurring), the words ", subject to this Act," ; and
- (b) by inserting, after the words "Six shillings", the words "and sixpence".

7. After section forty-seven of the Principal Act the following section is inserted :—

Adjustment of rates of pensions payable to pensioners in asylum, &c.

"47A. Whenever the maximum rate of pension per annum is increased or reduced in pursuance of section twenty-four of this Act the maximum rate of pension payable to a pensioner, immediately prior to the increase or reduction, in pursuance of sub-section (2.) of section thirty-one, the proviso to section forty-five or section forty-seven of this Act shall be increased or reduced by such amount, if any, as the Minister determines not exceeding a one hundred and fourth part of the amount by which the maximum rate of pension per annum is increased or reduced in pursuance of section twenty-four of this Act."

Application of amendments.

8. The amendments effected by this Act shall apply in relation to the fortnightly instalment of pensions due on the twenty-sixth day of December, One thousand nine hundred and forty and all subsequent fortnightly instalments.