

INVALID AND OLD-AGE PENSIONS.

No. 48 of 1941.

An Act to amend the *Invalid and Old-age Pensions Act 1908-1940*, and for other purposes.

[Assented to 25th November, 1941.]

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

1.—(1.) This Act may be cited as the *Invalid and Old-age Pensions Act 1941*. Short title and citation.

(2.) The *Invalid and Old-age Pensions Act 1908-1940** 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 1908-1941*.

2. This Act shall come into operation on the eleventh day of December, One thousand nine hundred and forty-one. Commencement.

3. Section four of the Principal Act is amended by adding at the end thereof the following sub-section :— Definitions.

“(2.) For the purposes of this Act a person shall be deemed to be permanently incapacitated for work if he is permanently incapable of work or if the degree of his capacity for work does not exceed Fifteen per centum.”

* 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; No. 11, 1937 and No. 97, 1940.

Persons
disqualified for
old-age
pensions.

4. Section sixteen of the Principal Act is amended by omitting from paragraph (c) of sub-section (1.) the words "born in Australia and Indians born in British India" and inserting in their stead the words "who are British subjects".

Persons
disqualified
for invalid
pensions.

5. Section twenty-one of the Principal Act is amended by omitting from paragraph (b) of sub-section (1.) the words "born in Australia and Indians born in British India" and inserting in their stead the words "who are British subjects".

6. After section twenty-three of the Principal Act, the following section is inserted in Part IV. :—

Conditions of
payment of
invalid pension
in certain cases.

"23A. Subject to this Act, the Commissioner, having regard to the age and the mental and physical capacity of any claimant for an invalid pension or of any invalid pensioner and to the facilities available for suitable training for a vocation or physical rehabilitation, may direct that a pension shall not be granted, or that a pension shall not be continued, unless the claimant or pensioner undertakes such training :

Provided that, in any such case, where the claimant or pensioner undertakes suitable training for a vocation or physical rehabilitation, or in any case where an invalid pensioner is already undergoing such training, the claimant or pensioner may be deemed, during the period of such training, to be permanently incapacitated for work for the purposes of section twenty of this Act."

Limit of
pension.

7. Section twenty-four of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section :—

"(1.) Subject to this Act, the amount of a pension shall in each case be at such rate as, having regard to all the circumstances of the case, the Commissioner or Deputy Commissioner who determines the pension claim deems reasonable and sufficient, but shall not exceed the rate of Fifty-eight pounds ten shillings per annum." ;

(b) by omitting from sub-section (1A.) the words "Fifty-four pounds twelve shillings" (wherever occurring) and inserting in their stead the words "Fifty-eight pounds ten shillings" ;

(c) by omitting sub-section (1B.) ;

(d) by omitting the proviso to sub-section (2.) ; and

(e) by adding at the end thereof the following sub-section :—

"(3.) The annual rate at which the amount of a pension is determined shall be reduced by the amount (if any) by which the pensioner's income, apart from pension, exceeds Thirty-two pounds ten shillings per annum :

Provided that, in the case of a permanently blind person who is qualified under this Act to receive a pension, the annual rate at which the amount of the pension is

determined shall be reduced by the amount (if any) by which the income of the pensioner and of the pensioner's wife (or husband), apart from pension, exceeds One hundred and seventy-five pounds ten shillings :

Provided further that the income of the husband or wife of a permanently blind person, where the husband and wife are living apart pursuant to any decree, judgment, order or deed of separation, or where there are special reasons which, in the opinion of the Commissioner, are adequate, shall not be taken into account in assessing the rate of pension payable to the blind person."

8. Section twenty-five of the Principal Act is amended by adding at the end of sub-section (1.) the following proviso and paragraph :—

Assessment of value of accumulated property.

" 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 :

(e) Notwithstanding anything contained in this Act, where any claimant or pensioner, or the husband or wife of a claimant or pensioner, possesses property which is subject to any incumbrance and which, in the opinion of the Commissioner, cannot be realized except at a considerable loss, the Commissioner may, in assessing the net capital value of his accumulated property, disregard the value of the interest of that person in the property."

9. Section thirty-one of the Principal Act is amended by omitting from sub-section (2.) the words " Six shillings and sixpence " and inserting in their stead the words " Seven shillings and threepence ".

Recommendation by magistrate.

10. Section forty-five of the Principal Act is amended by omitting from the proviso the words " Six shillings and sixpence " and inserting in their stead the words " Seven shillings and threepence ".

Suspension of pension while pensioner in asylum, &c.

11. Section forty-seven of the Principal Act is amended by omitting the words " Six shillings and sixpence " and inserting in their stead the words " Seven shillings and threepence ".

Benevolent asylum inmates.

12. Notwithstanding anything contained in the Principal Act, as amended by this Act—

Adjustment of rates of pension payable to pensioners in asylums, &c.

(a) the maximum rate of pension per annum which shall apply from and including the eleventh day of December, One thousand nine hundred and forty-one until the day immediately prior to the due date of the first fortnightly instalment in the quarter ending on the thirtieth day of June, One thousand nine hundred and forty-two, shall be Sixty-one pounds two shillings ; and

(b) the maximum rate of pension per week payable to a pensioner in pursuance of sub-section (2.) of section thirty-one, the proviso to section forty-five or section forty-seven of the Principal Act, as amended by this Act, from and including the eleventh day of December, One thousand nine hundred and forty-one until the day immediately prior to the due date of the first fortnightly instalment in the quarter ending on the thirtieth day of June, One thousand nine hundred and forty-two, shall be Seven shillings and ninepence.

Director-
General of
Social Services.

13.—(1.) Notwithstanding anything contained in the Principal Act, as amended by this Act, or in the *Maternity Allowance Act 1912-1937* or the *Child Endowment Act 1941*, the Director-General of Social Services shall, subject to the control of the Minister, have the general administration of each of those Acts, and any reference in any of those Acts to the Secretary, Department of Social Services, shall be read as a reference to the Director-General of Social Services.

(2.) The Commissioner of Pensions and the Commissioner of Maternity Allowances shall exercise the powers and functions conferred on them respectively by any of the Acts specified in this section, subject to any directions of the Director-General of Social Services.