

INVALID AND OLD-AGE PENSIONS.

No. 3 of 1942.

An Act to amend the *Invalid and Old-age Pensions Act 1908-1941*, and for other purposes.

[Assented to 18th May, 1942.]

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 1942*.

(2.) The *Invalid and Old-age Pensions Act 1908-1941** 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 1908-1942*.

* 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; No. 97, 1940; and No. 42, 1941.

2. Except as otherwise provided in this Act, this Act shall come into operation on the ninth day of July, One thousand nine hundred and forty-two. Commencement.

3. Section four of the Principal Act is amended-- Definitions.

(a) by inserting after the definition of "Deputy Commissioner" the following definition:--

" 'Federal basic wage' means the amount ascertained by multiplying by fifty-two the sum of--

(a) the weekly needs basic wage (as declared by the Commonwealth Court of Conciliation and Arbitration, based on the weighted average of that Court's 'All Items' retail price index numbers of the six State capital cities and as adjusted from time to time in accordance with the variations in those index numbers); and

(b) the amount of Five shillings." ; and

(b) by omitting the definitions of "Hospital" and "Relatives".

4. Section sixteen of the Principal Act is amended by inserting after sub-section (1.) the following sub-section: Persons disqualified old-age pensions.

"(1A.) Nothing in the last preceding sub-section shall apply to

(a) an aboriginal native of Australia--

(i) who is for the time being exempt from the provisions of the law of the State or Territory of the Commonwealth in which he resides relating to the control of aboriginal natives; or

(ii) who resides in a State or Territory of the Commonwealth the law of which does not make provision for such exemption, and with respect to whom the Commissioner is satisfied that, by reason of the character, standard of intelligence and development of the aboriginal native, it is desirable that the last preceding sub-section should not apply to him; or

(b) an aboriginal native of an Island of the Pacific known as a 'kanaka'."

5. Section seventeen of the Principal Act is amended--

(a) by adding at the end of paragraph (f) the word "and"; and Necessary conditions—old-age pensions.

(b) by omitting paragraph (fb).

6. Section twenty-one of the Principal Act is amended by inserting after sub-section (1.) the following sub-section: Persons disqualified Invalid pensions.

"(1A.) Nothing in the last preceding sub-section shall apply to--

(a) an aboriginal native of Australia --

(i) who is for the time being exempt from the provisions of the law of the State or Territory of the Commonwealth in which he resides relating to the control of aboriginal natives; or

(ii) who resides in a State or Territory of the Commonwealth the law of which does not make provision for such exemption, and with respect to whom the Commissioner is satisfied that, by reason of the character, standard of intelligence and development of the aboriginal native, it is desirable that the last preceding sub-section should not apply to him; or

(b) an aboriginal native of an Island of the Pacific known as a 'kanaka'."

Necessary conditions—invalid pensions.

7. Section twenty-two of the Principal Act is amended by omitting paragraph (h) of sub-section (1.) and inserting in its stead the following word and paragraph :—

“ and (h) his parents do not, either severally or collectively, adequately maintain him.”.

Amount of pension.

8. Section twenty-three of the Principal Act is amended by omitting from sub-section (1.) the word “ relatives ” and inserting in its stead the words “ parents, either severally or collectively, ”.

Limit of pension.

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

(a) by omitting the words “ Fifty-eight pounds ten shillings ” (wherever occurring) and inserting in their stead the words “ Sixty-five pounds ” ;

(b) by omitting from paragraph (a) of sub-section (1A.) the figures “ 981 ” (wherever occurring) and inserting in their stead the figures “ 1053 ” ;

(c) by omitting from paragraph (a) of sub-section (1A.) the words “ twenty-three units or portion thereof ” and inserting in their stead the words “ twenty-one units ” ;

(d) by omitting from the first proviso to sub-section (3.) the words “ One hundred and seventy-five pounds ten shillings ” and inserting in their stead the words “ the Federal basic wage ” ; and

(e) by inserting after the first proviso to sub-section (3.) the following proviso :—

“ Provided further that where both a husband and his wife are permanently blind persons who are qualified under this Act to receive pensions, the annual rate at which the amount of the pension of each of them is determined shall be reduced by one-half of the amount (if any) by which the income of the pensioner and of the pensioner's wife (or husband), apart from the pensions, exceeds the Federal basic wage : ”.

Assessment of value of accumulated property.

10. Section twenty-five of the Principal Act is amended by omitting sub-sections (2.), (3.) and (4.).

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

Recommendation by Magistrate.

12. Section forty A of the Principal Act is amended by omitting the words "or hospital" (wherever occurring).

Payment of pension where pensioner in benevolent asylum.

13. After section forty-four of the Principal Act the following section is inserted :—

"44A.—(1.) Where, in the opinion of the Commissioner, it is desirable to do so, he may determine that the rate of pension payable to an aboriginal native of Australia shall be less than the maximum rate of pension.

Pensions of aboriginal natives.

"(2.) Where, in the opinion of the Commissioner, it is desirable to do so, he may direct that payment of the pension of an aboriginal native of Australia shall be made to an authority of a State or Territory of the Commonwealth controlling the affairs of aboriginal natives, or to some other authority or person whom the Commissioner considers to be suitable for the purpose, for the benefit of the pensioner and payment shall, until the direction is revoked, be made accordingly."

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

(a) by omitting the words "becomes an inmate of an asylum for the insane or a hospital" and inserting in their stead the words "has become or becomes an inmate of a hospital for the insane";

Suspension of pension while pensioner in hospital for the insane.

(b) by omitting the words "any such asylum or hospital" and inserting in their stead the words "the hospital for the insane"; and

(c) by omitting the proviso.

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

(a) by inserting after the word "asylum" (first occurring) the words ", or if a pensioner becomes an inmate of a benevolent asylum,"; and

Benevolent asylum inmates.

(b) by omitting the words "Seven shillings and threepence" and inserting in their stead the words "Eight shillings and sixpence".

16. Section forty-seven A of the Principal Act is amended by omitting the words "the proviso to section forty-five".

Adjustment of rates of pension payable to certain pensioners.

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

"54.—(1.) The Director-General of Social Services shall, within three months after the end of each financial year, prepare and furnish to the Minister, for presentation to the Parliament, a report, with statistics, as to the administration and operation of this Act.

Annual report to be prepared.

"(2.) The report may deal with the administration and operation of any other Act administered by the Minister."

Adjustment
of rates of
pension.

18.—(1.) Notwithstanding anything contained in the Principal Act or in the *Invalid and Old-age Pensions Act 1941*—

- (a) the maximum rate of pension per annum which shall apply from the second day of April, One thousand nine hundred and forty-two until the eighth day of July, One thousand nine hundred and forty-two (both dates inclusive), shall be Sixty-five pounds; 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 from the second day of April, One thousand nine hundred and forty-two until the eighth day of July, One thousand nine hundred and forty-two (both dates inclusive), shall be Eight shillings and sixpence.

(2.) This section shall come into operation on the day on which this Act receives the Royal Assent.