

INVALID AND OLD-AGE PENSIONS.

No. 14 of 1943.

An Act to amend the *Invalid and Old-age Pensions Act 1908-1942*.

[Assented to 29th March, 1943.]

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 1943*. Short title
and citation.

(2.) The *Invalid and Old-age Pensions Act 1908-1942** 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 1908-1943*.

* 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. 13, 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; No. 48, 1941; and No. 3, 1942.

- Commencement.** 2. This Act shall come into operation on the first day of April, One thousand nine hundred and forty-three, but allowances under Part IVA. of the Principal Act, as amended by this Act, shall not be payable for any period prior to the eighth day of July, One thousand nine hundred and forty-three.
- Parts.** 3. Section three of the Principal Act is amended—
- (a) by inserting after the words “ Part IV.—Invalid Pensions.” the words “ Part IVA.—Allowances to Wives of Invalid Pensioners.”; and
- (b) by inserting before the words “ Part VI.—Offences.” the words “ Part VA.—Funeral Benefit.”.
- Definitions** 4. Section four of the Principal Act is amended—
- (a) by adding at the end of the definition of “ Pension ” in sub-section (1.) the words “, and includes an allowance under Part IVA. of this Act.”; and
- (b) by inserting after that definition the following definition :—
“ ‘ Pension certificate ’ includes a certificate in respect of an allowance under Part IVA. of this Act.”; and
- (c) by adding at the end of the definition of “ Pensioner ” in sub-section (1.) the words “, and includes a person in receipt of an allowance under Part IVA. of this Act.”.
5. Section fifteen of the Principal Act is repealed and the following section inserted in its stead :—
- Who may receive old-age pensions.** “ 15. Subject to this Act, every person who is not receiving an invalid pension and, being a man, has attained the age of sixty-five years, or, being a woman, has attained the age of sixty years, shall, whilst in Australia, be qualified to receive an old-age pension.”.
6. After Part IV. of the Principal Act the following Part is inserted :—
- ALLOWANCES TO WIVES OF INVALID PENSIONERS.**
- Allowances to wives of invalid pensioners.** “ 23A.—(1.) Subject to this Act, the wife (not being an invalid or old-age pensioner) of an invalid pensioner shall, whilst in Australia, and so long as her husband continues to be an invalid pensioner, be qualified to receive an allowance under this section.
- “ (2.) An allowance shall not be payable under this section to a wife who is living apart from her husband.
- Amount of allowances.** “ 23B.—(1.) Subject to this Act, the rate of allowance under the last preceding section shall be such rate as the Commissioner or a Deputy Commissioner determines, but shall not exceed the rate of Thirty-nine pounds per annum.
- “ (2.) The annual rate at which an allowance under the last preceding section is determined shall be reduced—
- (a) by the amount (if any) by which the income of the wife of the invalid pensioner, apart from the allowance, exceeds Thirty-two pounds ten shillings per annum; and

(b) by One pound for every complete Ten pounds by which the net capital value of the accumulated property of the wife of the invalid pensioner exceeds Fifty pounds.

“(3.) The provisions of sections twenty-five and twenty-six of this Act shall be applicable in assessing the net capital value of the accumulated property of the wife of the invalid pensioner and in computing her income for the purposes of this section.

“23c.—(1.) Subject to this Act, where a woman—

(a) is in receipt of an allowance under section twenty-three A of this Act;

Allowance
for child.

(b) would, but for the operation of sub-section (2.) of the last preceding section, be entitled to receive an allowance under section twenty-three A of this Act; or

(c) is the wife of an invalid pensioner and is also an invalid pensioner,

and has the custody, care and control of one or more children under the age of sixteen years, that woman shall, so long as her husband continues to be an invalid pensioner, be qualified to receive an allowance under this section.

“(2.) An allowance shall not be payable under this section to a wife who is living apart from her husband.

“(3.) Subject to this Act, where a man is a married or widowed invalid pensioner and has the custody, care and control of one or more children under the age of sixteen years, he shall, so long as he continues to be an invalid pensioner, be qualified to receive an allowance under this section.

“(4.) Where, but for this sub-section, both a husband and his wife would be qualified to receive an allowance under this section, an allowance shall not be payable to the husband.

“(5.) Where any person in receipt of an allowance under this section no longer has the custody, care and control of any child under the age of sixteen years, that person shall cease to be qualified to receive an allowance under this section.

“(6.) The rate of allowance under this section shall be Thirteen pounds per annum.

“23D. An allowance under this Part shall not be payable—

(a) to a person who is in receipt of a service pension under the *Australian Soldiers' Repatriation Act 1920-1943*; or

(b) to a person who is, or whose husband is, an inmate of a benevolent asylum or hospital for the insane.

Allowances
not to be
paid in
certain
circumstances.

“23E. Where an allowance becomes payable under this Part, the Commissioner or a Deputy Commissioner shall issue to the person to whom the allowance is payable a certificate in accordance with a form approved by the Commissioner.

Pension
certificates.

“23F. The Commissioner or a Deputy Commissioner may, at any time, cancel or suspend any allowance under this Part if he considers it expedient so to do, but any decision of a Deputy Commissioner under this section shall be subject to an appeal to the Commissioner, whose decision shall be final and conclusive.

Cancellation
or suspension
of allowance.

- Interpretation.** “ 23G. For the purposes of this Part, ‘ invalid pensioner ’ includes an old-age pensioner who is permanently incapacitated for work.”
- Limit of pension.** 7. Section twenty-four of the Principal Act is amended—
- (a) by omitting from sub-section (1.) the words “ a pension ” and inserting in their stead the words “ an invalid or old-age pension ” ;
 - (b) by inserting in sub-section (1A.), before the word “ pension ” (first occurring), the words “ invalid or old-age ” ;
 - (c) by omitting from sub-section (1A.) the words “ first fortnightly instalment in the next succeeding quarter ” and inserting in their stead the words “ last fortnightly instalment in the second month of that quarter ” ;
 - (d) by omitting from sub-section (2.) the words “ a pension ” and inserting in their stead the words “ an invalid or old-age pension ” ;
 - (e) by omitting from sub-section (3.) the words “ a pension ” (first occurring) and inserting in their stead the words “ an invalid or old-age pension ” ;
- Pension claims.** (f) by omitting from the first proviso to sub-section (3.) the words “ a pension ” and inserting in their stead the words “ an invalid or old-age pension ” ;
- (g) by inserting in the second proviso to sub-section (3.), before the word “ pensions ” (first occurring), the words “ invalid or old-age ” ; and
- (h) by inserting in the third proviso to sub-section (3.), before the word “ pension ” , the words “ invalid or old-age ” .
8. Section twenty-seven of the Principal Act is amended—
- (a) by omitting from sub-section (1.) the words “ a pension ” (first occurring) and inserting in their stead the words “ an invalid or old-age pension ” ; and
 - (b) by omitting from sub-section (3.) the words “ the prescribed form ” and inserting in their stead the words “ a form approved by the Commissioner ” .
- Recommendation by Magistrate.** 9. Section thirty-one of the Principal Act is amended—
- (a) by omitting from sub-section (1.) the words “ a pension ” and inserting in their stead the words “ an invalid or old-age pension ” ; and
 - (b) by omitting from sub-section (2.) the words “ a pension, a pension ” and inserting in their stead the words “ an invalid or old-age pension, an invalid or old-age pension ” .
- Determination of claim.** 10. Section thirty-three of the Principal Act is amended by omitting from sub-section (3.) the words “ the prescribed form ” and inserting in their stead the words “ accordance with a form approved by the Commissioner ” .
- Cancellation, &c., of pension.** 11. Section thirty-seven of the Principal Act is amended by inserting in sub-section (1.), before the word “ pension ” , the words “ invalid or old-age ” .

12. Section thirty-eight of the Principal Act is amended by omitting from sub-section (1.) the words "the prescribed form" and inserting in their stead the words "accordance with a form approved by the Commissioner".

Pensioner to file statement of income when required.

13. Section forty A of the Principal Act is amended by omitting the words "a pensioner" and inserting in their stead the words "an invalid or old-age pensioner".

Payment of pension where pensioner in benevolent asylum.

14. Section forty-five of the Principal Act is amended by omitting the words "a pensioner" and inserting in their stead the words "an invalid or old-age pensioner".

Suspension of pension while pensioner in hospital for insane.

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

Benevolent asylum inmates.

(a) by omitting the words "a pension" (wherever occurring) and inserting in their stead the words "an invalid or old-age pension"; and

(b) by omitting the words "a pensioner" and inserting in their stead the words "an invalid or old-age pensioner".

16. Section forty-seven A of the Principal Act is amended by inserting before the word "pension" (wherever occurring) the words "invalid or old-age".

Adjustment of rates of pensions payable to certain pensioners.

17. Section forty-eight of the Principal Act is amended by omitting from paragraph (b) the words "the prescribed form" and inserting in their stead the words "accordance with a form approved by the Commissioner".

Procedure as to payment of instalments of pensions.

18. After Part V. of the Principal Act the following Part is inserted:—

"PART VA.—FUNERAL BENEFIT.

"48A.—(1.) Subject to this section, there shall be payable in respect of an invalid or old-age pensioner who dies on or after the first day of July, One thousand nine hundred and forty-three, the actual cost of the funeral of the pensioner or the sum of Ten pounds, whichever is the less.

Funeral benefit.

"(2.) A payment under the last preceding sub-section shall be made to the person who has paid, or who is liable to pay, the cost of the funeral or, in the discretion of the Commissioner or a Deputy Commissioner, to the person who has actually borne the cost of the funeral.

"(3.) No payment shall be made under this Part unless a claim therefor, in accordance with a form approved by the Commissioner, is made within six months after the death of the pensioner.

"(4.) No payment shall be made under this section to a person (not being a friendly society registered as such under the law of any State or Territory of the Commonwealth or any other person in relation to whom the Minister or the Director-General of Social Services directs that this sub-section shall not apply) administering a contributory funeral benefit fund.

Payments to
be paid from
National
Welfare Fund.

“ 48B. Payments under this Part shall be made out of the Trust Account established under the *National Welfare Fund Act 1943* and known as the National Welfare Fund.

Offences.

“ 48C.—(1.) A person shall not—

- (a) make, either orally or in writing, a false or misleading statement in connexion with, or in support of, any claim for a payment under this Part ;
- (b) obtain any payment under this Part which is not payable ;
- (c) obtain any payment under this Part by means of any false or misleading statement ; or
- (d) make or present to an officer doing duty in relation to this Part any statement or document which is false in any particular.

Penalty : Fifty pounds or imprisonment for six months.

“ (2.) Any person convicted of an offence against this section may, in addition to the penalty imposed for the offence, be ordered to repay to the Commonwealth any amount paid under this Part in consequence of the act in respect of which he was convicted.”

Regulations.

19. Section fifty-five of the Principal Act is amended by omitting paragraphs (b), (d) and (g).
