

INVALID AND OLD-AGE PENSIONS.

No. 26 of 1946.

An Act to amend the *Invalid and Old-age Pensions Act 1908-1945.*

[Assented to 13th August, 1946.]

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 1946.*

(2.) The *Invalid and Old-age Pensions Act 1908-1945** 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 1908-1946.*

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; No. 11, 1937; No. 97, 1940; No. 48, 1941; No. 3, 1942; No. 14, 1943; No. 16, 1944; and Nos. 7 and 41, 1945.

3. Section seventeen of the Principal Act is amended by omitting from paragraph (e) the words "Four hundred" and inserting in their stead the words "Six hundred and fifty".

Necessary conditions—old-age pensions.

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

(a) by adding at the end of paragraph (f) of sub-section (1.) the word "and";

Necessary conditions—invalid pensions.

(b) by omitting from paragraph (g) of sub-section (1.) the word "and";

(c) by omitting paragraph (h) of sub-section (1.); and

(d) by inserting after sub-section (1.) the following sub-section:—

"(1A.) A person under the age of twenty-one years shall not be qualified to receive an invalid pension if his parents, either severally or collectively, adequately maintain him."

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

Amount of pension.

(a) by omitting from sub-section (1.) the words ", and the fact that his parents, either severally or collectively, contribute to his maintenance,"; and

(b) by inserting after sub-section (1.) the following sub-section:—

"(1A.) In the case of an applicant under the age of twenty-one years, the Commissioner or Deputy Commissioner shall also have regard to the fact that the applicant's parents, either severally or collectively, contribute to his maintenance."

6. Section twenty-three B of the Principal Act is amended—

Amount of allowance.

(a) by omitting from paragraph (a) of sub-section (2.) the words "Thirty-two pounds ten shillings" and inserting in their stead the words "Fifty-two pounds"; and

(b) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

"(b) by an amount ascertained as follows:—

(i) if the net capital value of the accumulated property of the wife of the invalid pensioner exceeds Fifty pounds but does not exceed Four hundred pounds—by One pound for every complete Ten pounds by which the net capital value of that property exceeds Fifty pounds; or

(ii) if the net capital value of the accumulated property of the wife of the invalid pensioner exceeds Four hundred pounds—by the sum of Thirty-five pounds together with Two pounds for every complete Ten pounds by which the net capital value of that property exceeds Four hundred pounds."

Limit of
pension.

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

(a) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) The annual rate at which the amount of an invalid or old-age pension is determined shall be reduced by an amount ascertained as follows :—

(a) if the net capital value of the accumulated property of the pensioner exceeds Fifty pounds but does not exceed Four hundred pounds—by One pound for every complete Ten pounds by which the net capital value of that property exceeds Fifty pounds ; or

(b) if the net capital value of the accumulated property of the pensioner exceeds Four hundred pounds—by the sum of Thirty-five pounds together with Two pounds for every complete Ten pounds by which the net capital value of that property exceeds Four hundred pounds.” ;

(b) by omitting from sub-section (3.) the words “ Thirty-two pounds ten shillings ” and inserting in their stead the words “ Fifty-two pounds ” ; and

(c) by omitting from the first and second provisos to sub-section (3.) the words “ Two hundred and sixty pounds ” and inserting in their stead the words “ Two hundred and seventy-nine pounds ten shillings ”.

Assessment of
value of
accumulated
property.

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

(a) by omitting from paragraph (a) the word “ All ” and inserting in its stead the words “ Subject to this section, all ” ; and

(b) by omitting paragraph (b) and inserting in its stead the following paragraphs :—

“(b) There shall be disregarded—

(i) the value of any property which is owned by the claimant or pensioner or by his spouse and is the permanent home of the claimant or pensioner ;

(ii) the value of any furniture and personal effects ;

(iii) the surrender value of any life insurance policy or policies, but the total amount disregarded under this sub-paragraph shall not exceed Two hundred pounds ;

(iv) the capital value of any life interest or annuity ;

(v) the value of any contingent interest ;

(vi) the present value of any reversionary interest or interests, but the total amount disregarded under this sub-paragraph shall not exceed Five hundred pounds ; and

(vii) the value of any property (not being a contingent or reversionary interest) to which the claimant or pensioner or his spouse is entitled from the estate of a deceased person but which has not been received by the claimant or pensioner or by his spouse :

“(ba) There shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph :”.
