

SOCIAL SERVICES CONSOLIDATION.

No. 26 of 1947.

An Act to amend and consolidate the law relating to the payment of Age Pensions, Invalid Pensions, Widows' Pensions, Maternity Allowances, Child Endowment, Unemployment Benefits and Sickness Benefits, and for other purposes.

[Assented to 11th June, 1947.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Social Services Consolidation Act* **Short title.**
1947.

2.—(1.) This Act shall come into operation on the first day of **Commencement.**
July, One thousand nine hundred and forty-seven.

(2.) The first payment of pensions and allowances under Part III. of this Act shall be made on the third day of July, One thousand nine hundred and forty-seven.

(3.) The first payment of pensions under Part IV. of this Act shall be made on the eighth day of July, One thousand nine hundred and forty-seven.

3. The Acts specified in the first column of the Schedule to this Act are repealed to the extent respectively set out opposite thereto **Repeal.**
in the second column of that Schedule.

4.—(1.) Notwithstanding the repeal effected by the last pre- **Savings.**
ceding section—

(a) all persons holding office, immediately prior to the commencement of this Act, as Special Magistrates of the Commonwealth under the *Invalid and Old-age Pensions Act* 1908–1946, the *Child Endowment Act* 1941–1945 or the *Widows' Pensions Act* 1942–1946 shall continue to hold office as if they had been appointed as Special Magistrates of the Commonwealth under this Act ;

- (b) all persons holding office, immediately prior to the commencement of this Act, as Registrars of Pensions under the *Invalid and Old-age Pensions Act 1908-1946* shall continue to hold office as if they had been appointed as Registrars of Social Services under this Act ;
- (c) every pension or allowance in force, immediately prior to the commencement of this Act, under the *Invalid and Old-age Pensions Act 1908-1946* shall continue in force as if it were the corresponding pension or allowance under Part III. of this Act, but no such pension or allowance shall be reduced or cancelled by reason only of the receipt, during illness, infirmity or old-age, of a payment from a provident society or other society or association ;
- (d) every benevolent asylum in respect of which there was, immediately prior to the commencement of this Act, a Proclamation in force under the *Invalid and Old-age Pensions Act 1908-1946* shall be deemed to have been approved by the Director-General under Part III. of this Act ;
- (e) the Minister may authorize the sale or lease, upon such terms as he thinks fit, of any property transferred to the Commonwealth under section fifty-two GA of the *Invalid and Old-age Pensions Act 1908-1946*, and all instruments, receipts and other documents in relation to any such sale or lease may be executed for and on behalf of the Commonwealth in the same manner as that in which instruments, receipts and documents are executed for and on behalf of the Commonwealth in pursuance of section fifty-seven of the *Lands Acquisition Act 1906-1936* and the provisions of that section shall apply to instruments, receipts and documents so executed in the same manner as if they were executed in pursuance of that section ;
- (f) every pension or allowance in force, immediately prior to the commencement of this Act, under the *Widows' Pensions Act 1942-1946* shall continue in force as if it were the corresponding pension under Part IV. of this Act ;
- (g) the rights of a claimant for a maternity allowance in respect of a birth which occurred prior to the commencement of this Act shall be the same as if the *Maternity Allowance Act 1912-1944* had not been repealed ;
- (h) every endowment in force, immediately prior to the commencement of this Act, under the *Child Endowment Act 1941-1945* shall continue in force as if it were an endowment under Part VI. of this Act ;

- (i) every charitable institution or organization which, immediately prior to the commencement of this Act, was a charitable institution or organization approved by the Minister under the *Child Endowment Act 1942-1945* shall be deemed to have been approved by the Director-General under Part VI. of this Act ;
- (j) all persons holding office immediately prior to the commencement of this Act as Registrars of Social Services under the *Unemployment and Sickness Benefits Act 1944* shall continue to hold office as if they had been appointed as Registrars of Unemployment and Sickness Benefits under this Act ;
- (k) every benefit in force, immediately prior to the commencement of this Act, under the *Unemployment and Sickness Benefits Act 1944* shall continue in force as if it were the corresponding benefit under Part VII. of this Act ;
- (l) every friendly society which, immediately prior to the commencement of this Act, was a friendly society approved by the Director-General under the *Unemployment and Sickness Benefits Act 1944* shall be deemed to have been approved by the Director-General under Part VII. of this Act ; and
- (m) every claim for an old-age pension, an invalid pension or a funeral benefit under the *Invalid and Old-age Pensions Act 1908-1946*, every claim for a widow's pension or a widow's allowance under the *Widows' Pensions Act 1942-1946*, every claim for a maternity allowance under the *Maternity Allowance Act 1912-1944*, every claim for child endowment under the *Child Endowment Act 1941-1945*, and every claim for an unemployment benefit, a sickness benefit or a special benefit under the *Unemployment and Sickness Benefits Act 1944*, shall be deemed to have been made under the corresponding provisions of this Act, but the rights of the claimant in respect of any period prior to the commencement of this Act shall be the same as if the Act under which the claim was made had not been repealed.

(2.) A pension continued in force by virtue of paragraph (f) of the last preceding sub-section shall not cease to be payable by reason only of the operation of paragraph (b) of section eighty-one of this Act but the rate of any such pension which, but for this sub-section, would have ceased to be payable shall not, at any time, exceed the rate of Nineteen pounds ten shillings per annum.

(3.) The *Invalid and Old-age Pensions (Reciprocity with New Zealand) Act 1943* shall have effect as if—

- (a) any reference therein to the *Invalid and Old-age Pensions Act 1908-1943* were a reference to Part III. of this Act; and
- (b) any reference therein to an old-age pension or an invalid pension were a reference to an age pension or an invalid pension under Part III. of this Act.

Parts.

5. This Act is divided into Parts, as follows :—

Part I.—Preliminary (Sections 1-6).

Part II.—Administration (Sections 7-17).

Part III.—Age and Invalid Pensions.

Division 1.—Preliminary (Sections 18-20).

Division 2.—Qualifications for Age Pensions (Sections 21-22).

Division 3.—Qualifications for Invalid Pensions (Sections 23-27).

Division 4.—Rate of Pensions (Sections 28-30).

Division 5.—Wives' and Children's Allowances (Sections 31-35).

Division 6.—Blind Persons (Section 36).

Division 7.—Claims for Pensions (Sections 37-38).

Division 8.—Payment of Pensions (Sections 39-43).

Division 9.—Review of Pensions (Sections 44-46).

Division 10.—General (Sections 47-53).

Division 11.—Funeral Benefits (Sections 54-58).

Part IV.—Widows' Pensions.

Division 1.—Preliminary (Section 59).

Division 2.—Qualifications for Widows' Pensions (Sections 60-62).

Division 3.—Rate of Pensions (Sections 63-65).

Division 4.—Claims for Pensions (Sections 66-67).

Division 5.—Payment of Pensions (Sections 68-72).

Division 6.—Review of Pensions (Sections 73-75).

Division 7.—General (Sections 76-83).

Part V.—Maternity Allowances (Sections 84-93).

Part VI.—Child Endowment (Sections 94-105).

Part VII.—Unemployment and Sickness Benefits.

Division 1.—Preliminary (Section 106).

Division 2.—Qualifications for Benefits (Sections 107-111).

Division 3.—Rate of Benefits (Sections 112-115).

Division 4.—Claims for Benefits (Sections 116-118).

Division 5.—Payment of Benefits (Sections 119-123).

Division 6.—Special Benefits (Sections 124–128).

Division 7.—Review of Benefits (Sections 129–131).

Division 8.—General (Sections 132–133).

Part VIII.—Training and Physical Rehabilitation of Pensioners and Beneficiaries (Sections 134–135).

Part IX.—Miscellaneous (Sections 136–149).

6. In this Act, unless the contrary intention appears—

Definitions.

“ Assistant Director-General ” means an Assistant Director-General of Social Services ;

“ claim ” means a claim for a pension, allowance, endowment or benefit made, or deemed to have been made, under this Act ;

“ Director ” means a Director of Social Services ;

“ friendly society ” means a society registered or incorporated under the law in force in any State or Territory relating to friendly societies ;

“ Magistrate ” means a Police, Stipendiary or Special Magistrate of the Commonwealth or of a State or Territory ;

“ officer ” means an officer or person performing duties, or exercising powers or functions, under, or in relation to, this Act ;

“ Registrar ” means a Registrar of Social Services or a Registrar of Unemployment and Sickness Benefits ;

“ Territory ” means a Territory of the Commonwealth ;

“ the Deputy Director-General ” means the Deputy Director-General of Social Services ;

“ the Director-General ” means the Director-General of Social Services.

PART II.—ADMINISTRATION.

7. There shall be a Director-General of Social Services, who shall, subject to any direction of the Minister, have the general administration of this Act.

Director-General of Social Services.

8. There may be a Deputy Director-General of Social Services and one or more Assistant Directors-General of Social Services.

Deputy Director-General and Assistant Directors-General.

9. There shall be in each State a Director of Social Services.

Directors of Social Services. Registrars.

10.—(1.) The Director-General may, for the purposes of this Act, appoint Registrars of Social Services and Registrars of Unemployment and Sickness Benefits.

(2.) The Director-General may, for the purposes of this Act, establish Regional Offices and place a Registrar or other officer in charge of any such office.

Special
Magistrates.

11. The Governor-General may appoint such Special Magistrates of the Commonwealth as he considers necessary for the purposes of this Act.

Delegation.

12.—(1.) The Director-General may, by writing under his hand, delegate to the Deputy Director-General, to an Assistant Director-General, to a Director, to a Registrar or to any other officer, all or any of his powers and functions under this Act, except this power of delegation, so that the delegate may exercise the powers and functions specified in the instrument of delegation.

(2.) Where under this Act the exercise of any power or function by the Director-General, or the operation of any provision of this Act, is dependent upon the opinion, belief or state of mind of the Director-General in relation to any matter, that power or function may be exercised by the delegate of the Director-General, or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(3.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Director-General.

Determination
of claims.

13. The Director-General shall, subject to this Act, determine claims.

Review of
determinations.

14. Whenever it appears to the Director-General that sufficient reason exists for reviewing a determination, direction, decision or approval of an officer under this Act (including a determination, direction, decision or approval of the Director-General), the Director-General may review the determination, direction, decision or approval and may affirm, vary or annul it.

Appeal to
Director-
General.

15. A person affected by a determination, direction, decision or approval of an officer under this Act (except a determination, direction, decision or approval of the Director-General) may, within such time (if any) as is prescribed, appeal to the Director-General and the Director-General may affirm, vary or annul the determination, direction, decision or approval.

Powers as to
taking of
evidence and
production of
documents.

16.—(1.) The Director-General, the Deputy Director-General, an Assistant Director-General, a Director, a Magistrate or a Registrar may, for the purposes of this Act—

- (a) summon witnesses ;
- (b) receive evidence on oath or affirmation ; and
- (c) require the production of documents.

(2.) A person who has been summoned to appear before the Director-General, the Deputy Director-General, an Assistant Director-General, a Director, a Magistrate or a Registrar shall not, without lawful excuse, after tender of reasonable expenses, fail to appear in obedience to the summons.

Penalty : Twenty pounds.

(3.) A person, whether summoned or not, who appears before the Director-General, the Deputy Director-General, an Assistant Director-General, a Director, a Magistrate or a Registrar shall not—

- (a) refuse to be sworn as a witness or to make an affirmation ;
- (b) fail to answer any question which he is lawfully required to answer ; or
- (c) fail to produce any document which he is lawfully required to produce.

Penalty : Twenty pounds.

17.—(1.) An officer shall, if the Minister or the Director-General so directs, before entering upon his duties, or exercising any powers or functions, under this Act, make before a Justice of the Peace or a Commissioner for Declarations a declaration in accordance with the prescribed form.

Officers to observe secrecy.

(2.) A person shall not, directly or indirectly, except in the performance of his duties, or in the exercise of his powers or functions, under this Act, and while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any information with respect to the affairs of another person acquired by him in the performance of his duties, or in the exercise of his powers or functions, under this Act or under any Act repealed by this Act.

Penalty : Two hundred and fifty pounds.

(3.) A person shall not, and while he is, or after he ceases to be, an officer, be required to produce in court any claim or determination of a claim under this Act or under any Act repealed by this Act, or to divulge or communicate to any court any matter or thing which has come under his notice in the performance of his duties, or in the exercise of his powers or functions, under this Act or under any Act repealed by this Act, except where it is necessary to do so for the purpose of carrying into effect the provisions of this Act.

(4.) Notwithstanding anything contained in the preceding provisions of this section, an officer may—

- (a) if the Minister or the Director-General certifies that it is necessary in the public interest that any information acquired by the officer in the performance of his duties, or in the exercise of his powers or functions, under this Act or under any Act repealed by this Act, should be divulged, divulge that information to such person as the Minister or the Director-General directs ;
- (b) divulge any such information to any prescribed authority or person ; or
- (c) divulge any such information to a person who, in the opinion of the Director-General, is expressly or impliedly authorized by the person to whom the information relates to obtain it.

(5.) An authority or person to whom information is divulged under the last preceding sub-section, and any person or employee under the control of that authority or person, shall, in respect of that information, be subject to the same rights, privileges, obligations and liabilities under sub-sections (2.) and (3.) of this section as if he were a person performing duties under this Act and had acquired the information in the performance of those duties.

(6.) In this section, "officer" includes a person who has performed duties, or exercised powers or functions, under, or in relation to, any Act repealed by this Act.

PART III.—AGE AND INVALID PENSIONS.

Division 1.—Preliminary.

Definitions.

18. In this Part, unless the contrary intention appears—

"benevolent asylum" means a benevolent asylum which is wholly or partly maintained by contributions from the Consolidated Revenue Fund of the Commonwealth or the consolidated revenue of a State and is approved by the Director-General;

"claimant" means a person claiming a pension;

"income", in relation to a person, means any personal earnings, moneys, valuable consideration or profits earned, derived or received by that person for his own use or benefit by any means from any source whatsoever, within or outside Australia, and includes any periodical payment or benefit by way of gift or allowance from a person other than the father, mother, son or daughter of the first-mentioned person, but does not include—

- (a) a payment by way of benefit from a friendly society;
- (b) a payment in respect of illness, infirmity or old-age from any trade union;
- (c) the value of food relief or like assistance granted under any law of a State or Territory;
- (d) a payment made to a person for or in respect of a child of whom that person has the custody, care and control;
- (e) a payment under Part V. or VI. of this Act;
- (f) a benefit under the *Hospital Benefits Act 1945-1947* or under the regulations made under that Act;
- (g) a benefit under the *Pharmaceutical Benefits Act 1947*;
- (h) a payment out of moneys—
 - (i) paid under section six of the *Tuberculosis Act 1945-1946*; or
 - (ii) provided by a State for the objects for which payments may be made by a State under that section;

- (i) in the case of a member of the Forces (within the meaning of Part III. of the *Australian Soldiers' Repatriation Act 1920-1947*) who is suffering from pulmonary tuberculosis and is undergoing treatment for that disease as an inmate of a hospital, sanatorium or similar institution—the value of board and lodging received by him therein ;
- (j) a service pension under the *Australian Soldiers' Repatriation Act 1920-1947* received by the spouse of a claimant or pensioner, where that claimant or pensioner is not in receipt of a service pension under that Act and the spouse is not in receipt of a pension under this Part ; or
- (k) an amount of interest credited or paid in pursuance of the *War Gratuity Acts 1920* or the *War Gratuity Act 1945* ;

“ pension ” means a pension or allowance under this Part and includes a pension or allowance continued in force by virtue of paragraph (c) of section four of this Act ;

“ pensioner ” means a person in receipt of a pension ;

“ Registrar ” means a Registrar of Social Services.

19.—(1.) An age pension or an invalid pension shall not be granted to an alien, not being a woman who, prior to her marriage, was a British subject. Aliens and
aboriginal
natives.

(2.) An age pension or an invalid pension may be granted to an aboriginal native of Australia if—

- (a) he is for the time being exempt from the provisions of the law of the State or Territory in which he resides relating to the control of aboriginal natives ; or
- (b) he resides in a State or Territory the law of which does not make provision for such exemption, and the Director-General is satisfied that, by reason of the character and of the standard of intelligence and social development of the native, it is desirable that a pension should be granted to him,

but shall not otherwise be granted to such a native.

20.—(1.) For the purposes of this Part, a claimant shall be deemed to have been resident in Australia during a period of absence from Australia— Absence from
Australia.

- (a) if the Director-General is satisfied that, during that period, the claimant's home remained in Australia ; and
- (b) if the Director-General is satisfied—
 - (i) in the case of a married man—that, during his absence from Australia, he maintained his wife and such of his children as were under the age of sixteen years ; or

(ii) in the case of a woman who, at the time of her absence from Australia, was a widow or a woman whose marriage had been dissolved—that, during her absence from Australia, she maintained such of her children as were under the age of sixteen years and were dependent on her immediately prior to her leaving Australia.

(2.) For the purposes of this Part, a claimant shall be deemed to have been resident in Australia—

- (a) during a period of absence from Australia which was attributable to circumstances connected with a war in which His Majesty was engaged ;
- (b) during a period of absence from Australia during which the claimant was a resident of Australia within the meaning of any Act relating to the imposition, assessment and collection of a tax upon incomes ; or
- (c) during occasional absences from Australia not exceeding, in the aggregate, one-tenth of the total period of residence and of those occasional absences.

(3.) For the purposes of this Part, continuity of residence of a claimant in Australia shall be deemed not to have been interrupted by absence of the claimant in a Territory.

Division 2.—Qualifications for Age Pensions.

Qualifications
for age pension.

21. Subject to this Part, a person who is not receiving an invalid pension and—

- (a) being a man, has attained the age of sixty-five years, or, being a woman, has attained the age of sixty years ; and
- (b) is residing in Australia on the date on which he lodges his claim for a pension and has been continuously so resident for a period of not less than twenty years,

shall be qualified to receive an age pension.

Conditions of
grant of
age pension.

22. An age pension shall not be granted to a person—

- (a) unless he is of good character ;
- (b) if he is not deserving of a pension ;
- (c) if, being a husband, he has deserted his wife without just cause and the desertion has continued during the period of six months immediately preceding the date of lodgment of his claim for a pension ;
- (d) if, being a husband, he has, during that period—
 - (i) failed without just cause to provide his wife with adequate means of maintenance ; or
 - (ii) neglected to maintain any of his children under the age of sixteen years ;

(e) if, being a wife—

- (i) she has deserted her husband without just cause and the desertion has continued during the period of six months immediately preceding the date of lodgment of her claim for a pension ; or
- (ii) she has deserted any of her children under the age of sixteen years and the desertion has continued during that period ;

(f) if he has directly or indirectly deprived himself of property or income in order to qualify for a pension ; or

(g) if the value (determined in accordance with section thirty of this Act) of the property of that person exceeds Six hundred and fifty pounds.

Division 3.—Qualifications for Invalid Pensions.

23. For the purposes of this Division and of Division 5 of this Part, a person shall be deemed to be permanently incapacitated for work if the degree of his permanent incapacity for work is not less than eighty-five per centum. Interpretation.

24. Subject to this Part, a person above the age of sixteen years who is not receiving an age pension and— Qualifications for invalid pension.

(a) is permanently incapacitated for work or is permanently blind ; and

(b) is residing in Australia on the date on which he lodges his claim for a pension and has been continuously so resident for a period of not less than five years,

shall be qualified to receive an invalid pension.

25.—(1.) An invalid pension shall not be granted to a person— Conditions of grant of invalid pension.

(a) if he is not deserving of a pension ;

(b) unless he became permanently incapacitated for work or permanently blind while in Australia or during a temporary absence from Australia ;

(c) if his permanent incapacity was brought about with a view to obtaining a pension ;

(d) if he has an enforceable claim against any person, under any law or contract, for adequate compensation in respect of his permanent incapacity or permanent blindness ;

(e) if he has directly or indirectly deprived himself of property or income in order to qualify for a pension ;

(f) if the value (determined in accordance with section thirty of this Act) of the property of that person exceeds Six hundred and fifty pounds ; or

(g) if, in the case of a person under the age of twenty-one years, his parents, either severally or collectively, adequately maintain him.

(2.) For the purposes of this section, a person who, at the date of his arrival in Australia, was permanently incapacitated for work or permanently blind shall be deemed to have become permanently incapacitated for work or permanently blind while in Australia—

- (a) if he was brought into Australia before attaining the age of three years ; or
- (b) if he has resided in Australia continuously for not less than twenty years.

Maintenance
by parents
to be taken
into account.

26. In determining the rate of an invalid pension, the Director-General shall, in the case of a claimant under the age of twenty-one years, have regard to the extent (if any) to which his parents, either severally or collectively, maintain him, or are able to maintain him.

Examination
by medical
practitioner.

27.—(1.) The Director-General shall, unless—

- (a) it is manifest that a claimant for an invalid pension is permanently incapacitated for work or is permanently blind ; or
- (b) a claimant resides in a place remote from any legally qualified medical practitioner,

direct that the claimant be examined by a legally qualified medical practitioner.

(2.) The medical practitioner shall certify, in accordance with a form approved by the Director-General, whether, in his opinion, the claimant is permanently incapacitated for work or is permanently blind.

Division 4.—Rate of Pensions.

Rate of pension.

28.—(1.) Subject to this Part, the rate of an age or invalid pension shall in each case be a rate determined by the Director-General as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Ninety-seven pounds ten shillings per annum.

(2.) The annual rate at which an age or invalid pension is determined shall be reduced—

- (a) except in the case of a permanently blind claimant or pensioner, by the amount (if any) by which the income of the claimant or pensioner, apart from the pension, exceeds Fifty-two pounds per annum ; and
- (b) by One pound for every complete Ten pounds of that portion of the value of the property of the claimant or pensioner which exceeds Fifty pounds but does not exceed Four hundred pounds, and by Two pounds for every complete Ten pounds of the remainder (if any) of the value of that property.

29.—(1.) In the computation of income for the purposes of this Part— Computation
of income.

- (a) the value of board or lodging, or of board and lodging, received by a person shall not exceed Thirty-two pounds ten shillings per annum; and
- (b) where a child under the age of sixteen years is dependent on a person, the income of that person shall be reduced by the amount of Twenty-six pounds per annum, less the annual amount of any payment received by that person for or in respect of that child.

(2.) For the purposes of this Part, the income of a husband or wife shall—

- (a) except where they are living apart in pursuance of a separation agreement in writing or of a decree, judgment or order of a court; or
- (b) unless, for any special reason, in any particular case, the Director-General otherwise determines,

be deemed to be half the total income of both.

30.—(1.) In the computation of the value of property for the purposes of this Part— Computation
of value of
property.

- (a) there shall be disregarded—
 - (i) the value of any property which is owned by a 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 (not exceeding Two hundred pounds in the aggregate) of any life insurance policy or policies;
 - (iv) the capital value of any life interest or annuity;
 - (v) the value of any contingent interest;
 - (vi) the present value (not exceeding Five hundred pounds in the aggregate) of any reversionary interest or interests;
 - (vii) the value of any property (not being a contingent or reversionary interest) to which a person is entitled from the estate of a deceased person but which has not been received by that person; and
 - (viii) the amount of any war gratuity under the *War Gratuity Acts 1920* or the *War Gratuity Act 1945*;
- (b) 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;

- (c) the Director-General may disregard the value of an interest in property, other than property the value of which is disregarded under paragraph (a) of this sub-section, where—
- (i) a charge or encumbrance is lawfully existing on the property; and
 - (ii) in the opinion of the Director-General, the property cannot be realized except at a considerable loss; and
- (d) where a person has sold his home on terms and has purchased another home, also on terms, there shall be set off against the amount of the balance due to him from time to time in respect of the sale of the former home the amount of the balance due by him from time to time in respect of the purchase of the latter home.
- (2.) For the purposes of this Part, the value of the property of a husband or wife shall—
- (a) except where they are living apart in pursuance of a separation agreement in writing or of a decree, judgment or order of a court; or
 - (b) unless, for any special reason, in any particular case, the Director-General otherwise determines,
- be deemed to be half the sum of the value of the property of the husband and the value of the property of the wife, as computed, in any case in which the last preceding sub-section is applicable, in accordance with that sub-section.

Division 5.—Wives' and Children's Allowances.

Definitions.

31.—(1.) In this Division—

“dependent female” means a woman who, for not less than three years prior to the date of the determination of her eligibility for an allowance under this Division, has lived with an invalid pensioner (in this Division referred to as her husband) as his wife on a permanent and *bona fide* domestic basis, although not legally married to him;

“invalid pensioner” includes an age pensioner who is permanently incapacitated for work or is permanently blind;

“wife” includes a dependent female.

(2.) Where a husband has the custody, care and control of a child, that child shall, except where the husband and his wife are living apart, be deemed, for the purposes of this Division, to be in the custody, care and control of the wife.

Wife's allowance.

32.—(1.) Subject to this Part, a wife (not being an age or invalid pensioner) whose husband is an invalid pensioner shall, so long as her husband continues to be an invalid pensioner, be qualified to receive a wife's allowance.

(2.) A wife's allowance shall not be payable to a wife who is living apart from her husband.

33.—(1.) Subject to this Part, the rate of a wife's allowance shall be such rate as the Director-General determines, but shall not exceed the rate of Fifty-two pounds per annum. Amount of wife's allowance.

(2.) The annual rate at which a wife's allowance is determined shall be reduced—

- (a) by the amount (if any) by which the income of the wife, apart from the allowance, exceeds Fifty-two pounds per annum; and
- (b) by One pound for every complete Ten pounds of that portion of the value of the property of the wife which exceeds Fifty pounds but does not exceed Four hundred pounds, and by Two pounds for every complete Ten pounds of the remainder (if any) of the value of that property.

(3.) The provisions of sections twenty-nine and thirty of this Act shall be applicable in relation to the income of the wife and the value of her property for the purposes of this section.

34.—(1.) Where a woman—

- (a) is in receipt of a wife's allowance; or
- (b) would, but for the operation of sub-section (2.) of the last preceding section, be entitled to receive a wife's allowance,

and has, or is deemed by the Director-General to have, 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 a child's allowance. Child's allowance.

(2.) A child's allowance shall not be payable under the last preceding sub-section to a wife who is living apart from her husband.

(3.) Where an invalid pensioner 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 a child's allowance.

(4.) Where both a husband and his wife would be qualified to receive a child's allowance, a child's allowance shall not be payable to the husband.

(5.) Where a person in receipt of a child's allowance 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 a child's allowance.

(6.) The rate of a child's allowance shall be Thirteen pounds per annum.

35. A wife's allowance or child's allowance shall not be payable— Allowances not to be paid in certain circumstances.

- (a) to a person who is in receipt of a service pension under the *Australian Soldiers' Repatriation Act 1920-1947*;
- (b) to a person who is an inmate of a benevolent asylum or hospital for the insane;

- (c) to a woman whose husband is an inmate of a hospital for the insane ; or
- (d) to a woman whose husband is an inmate of a benevolent asylum, unless she has the custody, care and control of a child under the age of sixteen years or is not less than fifty years of age.

Division 6.—Blind Persons.

Income of
blind persons.

36.—(1.) In the case of a permanently blind person who is qualified under this Part to receive an age or invalid pension, the annual rate at which the pension is determined shall be reduced by the amount (if any) by which the sum of the income of the pensioner and of the pensioner's spouse, apart from the pension, exceeds Two hundred and seventy-nine pounds ten shillings per annum.

(2.) Where both a husband and his wife are permanently blind persons who are qualified under this Part to receive age or invalid pensions, the annual rate at which the pension of each of them is determined shall be reduced by one-half of the amount (if any) by which the sum of the income of the pensioner and of the pensioner's spouse, apart from the pensions, exceeds Two hundred and seventy-nine pounds ten shillings per annum.

(3.) The income of the husband or wife of a permanently blind person shall not be taken into account in determining the rate of the age or invalid pension payable to that person—

- (a) where the husband and wife are living apart in pursuance of a separation agreement in writing or of a decree, judgment or order of a court ; or
- (b) where, for any special reason, in any particular case, the Director-General so determines.

Division 7.—Claims for Pensions.

Claims.

37. A claim for an age or invalid pension—

- (a) shall be made in writing in accordance with a form approved by the Director-General ;
- (b) shall be supported by such declaration as is approved by the Director-General ; and
- (c) shall be lodged with the Registrar whose office is nearest to the place of residence of the claimant.

Reference to
Magistrate.

38.—(1.) Upon receipt of a claim, the Registrar shall, after making such investigations as appear to him to be desirable, refer the claim to a Magistrate.

(2.) The Magistrate shall investigate the claim for the purposes of ascertaining whether the claimant is entitled to a pension and, if so, at what rate, and shall endorse on the claim form a recommendation as to the grant of a pension and the rate thereof, or as to the rejection of the claim.

(3.) In investigating the claim the Magistrate shall not be bound by any rules of evidence but shall investigate the claim and make his recommendation according to equity, good conscience and the substantial merits of the case, without regard to legal forms or technicalities.

Division 8.—Payment of Pensions.

39. Where an age or invalid pension is granted, it shall be paid from a date determined by the Director-General, but the date so determined shall not be prior to the date on which the claim for the pension was lodged or later than the first pension pay day occurring after the date on which the claim was lodged, except where the determination of the claim has been delayed by neglect or default on the part of the claimant, in which case the Director-General shall fix such later date of commencement as he considers reasonable in the circumstances.

Date from which pension payable.

40.—(1.) A pension shall be paid—

(a) to the pensioner; or

(b) on behalf of the pensioner, to such other person as the pensioner appoints in accordance with a form approved by the Director-General.

Payment of pension.

(2.) A pension shall be paid in such manner as the Director-General determines.

41.—(1.) Pensions shall be paid in fortnightly instalments.

(2.) In order to ascertain the amount of a fortnightly instalment of a pension, the annual rate of the pension shall be divided by twenty-six.

Payment of pension in instalments.

42.—(1.) An instalment of a pension payable in cash shall be forfeited if it is not collected within six weeks after the due date for payment of the instalment.

Instalments to be forfeited if not collected within limited time.

(2.) Where an instalment of a pension is so forfeited, the Director-General may waive the forfeiture if he is satisfied that there were reasonable grounds for the failure to collect the instalment within the time provided by the last preceding sub-section.

43. Where the Director-General is satisfied that, having regard to the age, infirmity, ill-health or improvidence of a pensioner, or to any other special circumstances, it is expedient that payment of the pension should be made to some other person on behalf of the pensioner, the Director-General may authorize payment accordingly, and that other person shall be entitled to receive payment of the pension.

Payment of pension to other person.

Division 9.—Review of Pensions.

Statement of
income and
property to be
furnished when
required.

44. A pensioner shall, whenever so required by the Director-General, furnish to such officer, and within such time, as the Director-General specifies, a statement, in accordance with a form approved by the Director-General, relating to the income and property of the pensioner and of his spouse (if any).

Penalty : Twenty pounds.

Receipt of
property, &c.,
to be notified.

45.—(1.) Except as prescribed, whenever a pensioner becomes the owner of property he shall, within twenty-eight days after becoming the owner of that property, notify a Director accordingly.

(2.) Whenever a pensioner, throughout any period of eight consecutive weeks, receives income (exceeding the rate of One pound per week or, in the case of a married pensioner not living apart from his spouse, Two pounds per week) at an average weekly rate higher than the weekly rate of income last specified by him in a claim, statement or notification under this Part, he shall, within fourteen days after the expiration of that period, notify a Director accordingly.

(3.) Where a pensioner marries or remarries, a pensioner's marriage is dissolved, or the spouse of a pensioner dies, the pensioner shall, within fourteen days after the marriage, remarriage, dissolution of the marriage or death, notify a Director accordingly.

Penalty : Twenty pounds.

Cancellation,
&c., of pension.

46. If—

- (a) having regard to the income, or the value of the property, of a pensioner ;
- (b) by reason of the failure of a pensioner to comply with either of the last two preceding sections ; or
- (c) for any other reason,

the Director-General considers that the pension which is being paid to a pensioner should be cancelled or suspended, or that the rate of the pension which is being paid to a pensioner is greater or less than it should be, the Director-General may cancel or suspend the pension, or reduce or increase the rate of the pension, accordingly.

Division 10.—General.

Provisions
with respect
to aboriginal
natives.

47. Where, in the opinion of the Director-General, it is desirable to do so, he may direct that payment of the pension of an aboriginal native of Australia shall be made, on behalf of the pensioner, to an authority of a State or Territory controlling the affairs of aboriginal natives, or to some other authority or person whom the Director-General considers to be suitable for the purpose, and payment shall, until the direction is revoked, be made accordingly.

48. Where an age or invalid pensioner becomes an inmate of a hospital for the insane, his pension shall, without further or other authority than this section, be deemed to be suspended, but, when the pensioner is discharged from the hospital for the insane, payment of his pension shall, subject to this Part, be resumed and he shall be entitled to payment of pension in respect of the period during which his pension was so suspended, but not in any case in respect of a longer period than four weeks.

Suspension of pension while recipient in hospital for the insane.

49.—(1.) A pension shall cease to be payable in respect of any period during which the pensioner is absent from Australia, unless the Director-General is satisfied that the absence is of a temporary nature, in which case payment may be continued in respect of the period of that absence, but not in any case in respect of a longer period than twelve weeks.

Pension to cease if pensioner leaves Australia.

(2.) Payment of an instalment of a pension shall not in any event be made to a person outside Australia.

50. If an inmate of a benevolent asylum becomes an age or invalid pensioner, or if an age or invalid pensioner becomes an inmate of a benevolent asylum, he shall, so long as he remains an inmate of the benevolent asylum, be paid so much of his pension as does not exceed the rate of Thirty-three pounds sixteen shillings per annum, and the balance of his pension shall be paid to the person controlling the benevolent asylum for the maintenance of the pensioner in the benevolent asylum.

Benevolent asylum inmates.

51. Where the Director-General is satisfied that a claimant for an age or invalid pension, although otherwise qualified to receive a pension, is unfit to be entrusted with a pension and should, in his own interests, enter a benevolent asylum, the Director-General may direct that a pension shall not be granted until the claimant has become an inmate of a benevolent asylum.

Claimant unfit to be entrusted with pension.

52.—(1.) If a pensioner is imprisoned, following upon his conviction for an offence, the Director-General may suspend his pension during the term of imprisonment or may forfeit any instalment of the pension falling due during the term of imprisonment.

Imprisonment of pensioner.

(2.) Where, in any such case, the pensioner has a wife or child dependent on him, the Director-General may authorize the payment of the whole or any portion of—

- (a) any instalment of the pension which would have been payable to the pensioner if his pension had not been suspended; or
- (b) any instalment of the pension so forfeited,

as the case may be, to his wife or child or to some other person approved by the Director-General for the benefit of the wife or child.

53.—(1.) Where a house which is owned by a pensioner or his spouse and is the permanent home of the pensioner is destroyed or damaged, the Director-General may consent to any insurance moneys

Application of insurance moneys.

received by the pensioner or his spouse in respect of the destruction or damage being used for the purpose of building a house in which the pensioner will reside or of repairing the first-mentioned house, and if, within a period determined by the Director-General, the moneys are so used, the rate of the pension payable to the pensioner or his spouse shall not be reduced by reason of the ownership of those moneys.

(2.) During the period determined under the last preceding subsection, the value of the land on which the house was built shall not be taken into account in computing the value of the property of the pensioner or his spouse.

Division 11.—Funeral Benefits.

Definitions.

54. In this Division—

“cost”, in relation to a funeral, does not include such portion of the cost of that funeral as was met by payment from a contributory funeral benefit fund, other than a contributory funeral benefit fund of a friendly society;

“deceased age or invalid pensioner” includes a claimant for an age or invalid pension who, but for his death, would have been qualified to receive an age or invalid pension.

Funeral benefit.

55. Subject to this Division, there shall be payable in respect of a deceased age or invalid pensioner the cost of the funeral of the pensioner or the sum of Ten pounds, whichever is the less.

To whom benefit payable.

56. A payment under this Division shall be made to the person who is or was liable to pay the cost of the funeral or, in the discretion of the Director-General, to the person who has actually borne the cost of the funeral.

Applications for benefit.

57. A payment shall not be made under this Division unless an application therefor is made within six months after the death of the pensioner or within such longer period as the Director-General, in special circumstances, allows.

Payment not to be made to certain persons.

58. A payment shall not be made under this Division to a person administering a contributory funeral benefit fund.

PART IV.—WIDOWS' PENSIONS.

Division 1.—Preliminary.

Definitions.

59. In this Part, unless the contrary intention appears—

“benevolent asylum” has the same meaning as in Part III. of this Act;

“child” means a child under the age of sixteen years, but does not include, in relation to a woman, a child whose custody, care and control were assumed by that woman after the

occurrence of the event by reason of which she became a widow within the meaning of this Part, or, in the case of a woman who is a deserted wife, after the date of the desertion, unless that child is—

- (a) a child born of that woman and her husband ;
- (b) a child born of that woman (being a dependent female) and of the man in respect of whom she was a dependent female ; or
- (c) a child maintained by that woman on the fifth day of June, One thousand nine hundred and forty-two, as a *bona fide* member of her family ;

“ claimant ” means a person claiming a pension ;

“ class A widow ” means a widow specified in paragraph (a) of sub-section (1.) of section sixty of this Act ;

“ class B widow ” means a widow specified in paragraph (b) of that sub-section ;

“ class C widow ” means a widow specified in paragraph (c) of that sub-section ;

“ class D widow ” means a widow specified in paragraph (d) of that sub-section ;

“ dependent female ” means a woman who, for not less than three years immediately prior to the death of a man (in this Part referred to as the man in respect of whom she was a dependent female), was wholly or mainly maintained by him and, although not legally married to him, lived with him as his wife on a permanent and *bona fide* domestic basis ;

“ deserted wife ” means a wife who has been deserted by her husband without just cause for a period of not less than six months ;

“ income ” has the same meaning as in Part III. of this Act ;

“ pension ” means a pension under this Part and includes a pension or allowance continued in force by virtue of paragraph (f) of section four of this Act ;

“ pensioner ” means a woman in receipt of a pension ;

“ widow ” includes—

- (a) a dependent female ;
- (b) a deserted wife ;
- (c) a woman whose marriage has been dissolved and who has not remarried ;
- (d) a woman whose husband is an inmate of a hospital for the insane ; and
- (e) a woman whose husband is imprisoned, following upon his conviction for an offence, and has been so imprisoned for not less than six months.

Division 2.—Qualifications for Widows' Pensions.

Qualifications
for widow's
pension.

60.—(1.) Subject to this Part—

- (a) a widow (not being a widow specified in paragraph (d) of this sub-section) who has the custody, care and control of one or more children ;
- (b) a widow (not being a widow specified in paragraph (d) of this sub-section) who—
 - (i) is not less than fifty years of age ; and
 - (ii) has not the custody, care and control of any child ;
- (c) a widow who, at the time of the death of her husband, or within twenty-six weeks thereafter, or, in the case of a dependent female, at the time of the death of the man in respect of whom she was a dependent female, or within twenty-six weeks thereafter—
 - (i) is less than fifty years of age ;
 - (ii) has not the custody, care and control of any child ;
and
 - (iii) in the opinion of the Director-General. is in necessitous circumstances ; or
- (d) a widow—
 - (i) whose husband is imprisoned, following upon his conviction for an offence, and has been so imprisoned for not less than six months ; and
 - (ii) who has the custody, care and control of one or more children or is not less than fifty years of age,

shall be qualified to receive a pension.

(2.) A child of whom a widow has not the custody, care and control but who is being maintained by that widow shall, for the purposes of the last preceding sub-section, be deemed to be a child of whom that widow has the custody, care and control.

(3.) A widow shall not be qualified to receive a pension unless she is residing in Australia on the date on which she lodges her claim for the pension and has been continuously so resident for a period of not less than five years immediately prior to that date.

Absence from
Australia.

61.—(1.) For the purposes of sub-section (3.) of the last preceding section, a claimant shall be deemed to have been resident in Australia during a period of absence from Australia if the Director-General is satisfied—

- (a) that, during that period, the claimant's home remained in Australia ; and
- (b) in the case of a claimant who, at the time of her absence from Australia, was a widow—that, during her absence, she maintained such of her children as were under the age of sixteen years and were dependent on her immediately prior to her leaving Australia.

(2.) For the purposes of sub-section (3.) of the last preceding section, a claimant shall be deemed to have been resident in Australia—

- (a) during a period of absence from Australia which was attributable to circumstances connected with a war in which His Majesty was engaged ;
- (b) during a period of absence from Australia during which the claimant was a resident of Australia within the meaning of any Act relating to the imposition, assessment and collection of a tax upon incomes ; or
- (c) during occasional absences from Australia not exceeding, in the aggregate, one-tenth of the total period of residence and of those occasional absences.

(3.) For the purposes of sub-section (3.) of the last preceding section, continuity of residence of a claimant in Australia shall be deemed not to have been interrupted by absence of the claimant in a Territory.

62.—(1.) A pension shall not be granted to a widow—

- (a) unless she is of good character ;
- (b) if she is not deserving of a pension ;
- (c) if she directly or indirectly deprived herself of property or income in order to qualify for a pension ;
- (d) if the value (determined in accordance with section sixty-five of this Act) of the property of the widow exceeds—
 - (i) in the case of a class A widow—One thousand pounds ; or
 - (ii) in the case of a class B widow or a class D widow—Six hundred and fifty pounds ; or
- (e) who is an alien, not being a woman who, prior to her marriage, was a British subject.

Conditions of
grant of
widow's pension.

(2.) A pension may be granted to an aboriginal native of Australia if—

- (a) she is for the time being exempt from the provisions of the law of the State or Territory in which she resides relating to the control of aboriginal natives ; or
- (b) she resides in a State or Territory the law of which does not make provision for such exemption, and the Director-General is satisfied that, by reason of the character and of the standard of intelligence and social development of the native, it is desirable that a pension should be granted to her,

but shall not otherwise be granted to such a native.

(3.) A pension shall not be granted to a widow, being a deserted wife or a woman whose marriage has been dissolved and who has not remarried, unless she has taken such action as the Director-General considers reasonable to obtain maintenance from her husband or former husband.

*Division 3.—Rate of Pensions.***Rate of pension.**

63.—(1.) Subject to this Part, the rate of the pension payable to a class A widow, a class B widow or a class D widow shall in each case be a rate determined by the Director-General as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed—

- (a) in the case of a class A widow—One hundred and ten pounds ten shillings per annum ; or
- (b) in the case of a class B widow or a class D widow—Eighty-three pounds four shillings per annum.

(2.) The annual rate at which a pension is so determined shall be reduced—

- (a) by the amount (if any) by which the widow's income, apart from the pension, exceeds Fifty-two pounds per annum ;
- (b) in the case of a class B widow or a class D widow—by One pound for every complete Ten pounds of that portion of the value of the property of the widow which exceeds Fifty pounds but does not exceed Four hundred pounds, and by One pound for every complete Seven pounds of the remainder (if any) of the value of the property.

(3.) The rate of the pension payable to a class C widow shall be One pound seventeen shillings and six pence per week, and the pension shall be payable for a period not longer than twenty-six weeks immediately after the death of the widow's husband or, in the case of a dependent female, of the man in respect of whom she was a dependent female.

Computation of income.

64. In the computation of income for the purposes of this Part—

- (a) the value of board or lodging, or of board and lodging, received by a widow shall not exceed Thirty-two pounds ten shillings per annum ;
- (b) where a child under the age of sixteen years is dependent on a widow, the income of that widow shall be reduced by the amount of Thirteen pounds per annum, less the annual amount of any payment received by that widow for or in respect of that child ;
- (c) where two or more such children are so dependent, the income of that widow shall be reduced by the amount of Thirteen pounds per annum, together with an additional Twenty-six pounds per annum in respect of each such child in excess of one, less the annual amount of any payment received by the widow for or in respect of those children ; and
- (d) in the case of a deserted wife or a woman whose marriage has been dissolved but who has not remarried, so much of any amount received by her from her husband or former husband for the maintenance of a child as exceeds the rate of Thirty-nine pounds per annum shall be included.

65. In the computation of the value of property for the purposes of this Part—

Computation
of value of
property.

- (a) there shall be disregarded—
- (i) the value of any property which is owned by the widow and is her permanent home ;
 - (ii) the value of any furniture and personal effects ;
 - (iii) the surrender value (not exceeding Two hundred pounds in the aggregate) of any life insurance policy or policies ;
 - (iv) the capital value of any life interest or annuity ;
 - (v) the value of any contingent interest ;
 - (vi) the present value (not exceeding Five hundred pounds in the aggregate) of any reversionary interest or interests ;
 - (vii) the value of any property (not being a contingent or reversionary interest) to which the widow is entitled from the estate of a deceased person but which has not been received by her ; and
 - (viii) the amount of any war gratuity under the *War Gratuity Acts 1920* or the *War Gratuity Act 1945* ;
- (b) 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 ;
- (c) if, for any special reason, in any particular case, the Director-General so directs, the value of the whole or any part of the property of the widow shall be disregarded ; and
- (d) where the widow has sold her home on terms and has purchased another home, also on terms, there shall be set off against the amount of the balance due to her from time to time in respect of the sale of the former home the amount of the balance due by her from time to time in respect of the purchase of the latter home.

Division 4.—Claims for Pensions.

66. A claim for a pension—

Claims.

- (a) shall be made in writing in accordance with a form approved by the Director-General ;
- (b) shall be supported by such declaration as is approved by the Director-General ; and
- (c) shall be lodged with the Director in the State in which the claimant resides or as prescribed.

67. A claim for a pension shall be investigated in the prescribed manner.

Investigation
of claims.

Division 5.—Payment of Pensions.

68.—(1.) Where a pension is granted, it shall be paid from a date determined by the Director-General, but the date so determined shall not, subject to this section, be prior to the date on which the

Date from
which pension
payable.

claim for the pension was lodged or later than the first pension pay day occurring after the date on which the claim was lodged, except where the determination of the claim has been delayed by neglect or default on the part of the claimant, in which case the Director-General shall fix such later date of commencement as he considers reasonable in the circumstances.

(2.) Where a claim for a pension is lodged within three months after the date of the death of the claimant's husband or, where the claimant is a dependent female, within three months after the date of the death of the man in respect of whom she was a dependent female, the pension may be paid from that date.

(3.) Where, in the case of a widow who becomes a class A widow upon the birth of a child, a claim for a pension is lodged within three months after the date of that birth, the pension may be paid from that date.

(4.) Where a claim for a pension is lodged by a class C widow after the expiration of three months from the date of the death of her husband, or, where she is a dependent female, after the expiration of three months from the date of the death of the man in respect of whom she was a dependent female, the pension may be paid from the date on which she became qualified to receive the pension, provided the claim is lodged within three months after that date.

Payment of pension.

69.—(1.) A pension shall be paid—

(a) to the pensioner; or

(b) on behalf of the pensioner, to such other person as the pensioner appoints in accordance with a form approved by the Director-General.

(2.) A pension shall be paid in such manner as the Director-General determines.

Payment of pensions in instalments.

70.—(1.) Pensions shall be paid in fortnightly instalments.

(2.) In order to ascertain the amount of a fortnightly instalment of a pension, the annual rate of the pension shall be divided by twenty-six.

Instalment to be forfeited if not collected within limited time.

71.—(1.) An instalment of a pension payable in cash shall be forfeited if it is not collected within six weeks after the due date for payment of the instalment.

(2.) Where an instalment of a pension is so forfeited, the Director-General may waive the forfeiture if he is satisfied that there were reasonable grounds for the failure to collect the instalment within the time provided by the last preceding sub-section.

Payment of pension to other person.

72. Where the Director-General is satisfied that, having regard to the age, infirmity, ill-health or improvidence of a pensioner, or to any other special circumstances, it is expedient that payment of

the pension should be made to some other person on behalf of the pensioner, the Director-General may authorize payment accordingly, and that other person shall be entitled to receive payment of the pension.

Division 6.—Review of Pensions.

73. A pensioner shall, whenever so required by the Director-General, furnish to such officer, and within such time, as the Director-General specifies, a statement, in accordance with a form approved by the Director-General, relating to the income and property of the pensioner.

Statement of income and property to be furnished when required.

Penalty : Twenty pounds.

74.—(1.) Except as prescribed, whenever a pensioner becomes the owner of property she shall, within twenty-eight days after becoming the owner of that property, notify a Director accordingly.

Receipt of property, &c. to be notified.

(2.) Whenever a pensioner, throughout any period of eight consecutive weeks, receives income (exceeding the rate of One pound per week) at an average weekly rate higher than the weekly rate of income last specified by her in a claim, statement or notification under this Part, she shall, within fourteen days after the expiration of that period, notify a Director accordingly.

(3.) Where a pensioner marries or remarries she shall, within fourteen days after the marriage or remarriage, notify a Director accordingly.

Penalty : Twenty pounds.

75. If—

- (a) having regard to the income, or the value of the property, of a pensioner ;
- (b) by reason of the failure of a pensioner to comply with either of the last two preceding sections ; or
- (c) for any other reason,

Cancellation, &c., of pension.

the Director-General considers that the pension which is being paid to a pensioner should be cancelled or suspended, or that the rate of the pension which is being paid to a pensioner is greater or less than it should be, the Director-General may cancel or suspend the pension, or reduce or increase the rate of the pension, accordingly.

Division 7.—General.

76. Where, in the opinion of the Director-General, it is desirable to do so, he may direct that payment of the pension of an aboriginal native of Australia shall be made, on behalf of the pensioner, to an

Provisions with respect to aboriginal natives.

authority of a State or Territory controlling the affairs of aboriginal natives, or to some other authority or person whom the Director-General considers to be suitable for the purpose, and payment shall, until the direction is revoked, be made accordingly.

Suspension of pension while recipient in hospital for the insane.

77. Where a pensioner becomes an inmate of a hospital for the insane, her pension shall, without further or other authority than this section, be deemed to be suspended, but, when the pensioner is discharged from the hospital for the insane, payment of her pension shall, subject to this Part, be resumed and she shall be entitled to payment of pension in respect of the period during which her benefit was so suspended, but not in any case in respect of a longer period than four weeks.

Pension to cease if pensioner leaves Australia.

78.—(1.) A pension shall cease to be payable in respect of any period during which the pensioner is absent from Australia, unless the Director-General is satisfied that the absence is of a temporary nature, in which case payment may be continued in respect of the period of that absence, but not in any case in respect of a longer period than twelve weeks.

(2.) Payment of an instalment of a pension shall not in any event be made to a person outside Australia.

Pension may be continued in certain cases.

79. The Director-General may direct that a pension shall not cease to be payable to a class A widow so long as she has the custody, care and control of a child who—

- (a) is over sixteen years of age but is under eighteen years of age ;
- (b) is dependent on the widow and is not in employment ; and
- (c) is receiving full-time education at a school (including a technical school) or a university (including a university college).

Benevolent asylum inmates.

80. If an inmate of a benevolent asylum (being a class B widow or a class D widow who is not less than fifty years of age) becomes a pensioner, or if a pensioner (being a class B widow or a class D widow who is not less than fifty years of age) becomes an inmate of a benevolent asylum, she shall, so long as she remains an inmate of the benevolent asylum, be paid so much of her pension as does not exceed the rate of Twenty-eight pounds twelve shillings per annum and the balance of her pension shall be paid to the person controlling the benevolent asylum for the maintenance of the pensioner in the benevolent asylum.

Restrictions as to dual pensions.

81. A woman shall not be entitled to receive at the same time a pension under this Part and—

- (a) under Part III. of this Act ; or
- (b) under the *Australian Soldiers' Repatriation Act 1920-1947* in respect of the death of her husband, including a pension

allowed under section forty-two or forty-four of that Act in respect of the death of a member of the Forces referred to in whichever of those sections is applicable.

82.—(1.) If a pensioner is imprisoned, following upon her conviction for an offence, the Director-General may suspend her pension during the term of imprisonment or may forfeit any instalment of the pension falling due during the term of imprisonment. Imprisonment
of pensioner.

(2.) Where, in any such case, the pensioner has a child dependent on her, the Director-General may authorize the payment of the whole or any portion of—

(a) any instalment of the pension which would have been payable to the pensioner if her pension had not been suspended ;
or

(b) any instalment of the pension so forfeited,

as the case may be, to some person approved by the Director-General for the benefit of the child.

83.—(1.) Where a house which is owned by a pensioner and is the permanent home of the pensioner is destroyed or damaged, the Director-General may consent to any insurance moneys received by the pensioner in respect of the destruction or damage being used for the purpose of building a house in which the pensioner will reside or of repairing the first-mentioned house, and if, within a period determined by the Director-General, the moneys are so used, the rate of the pension payable to the pensioner shall not be reduced by reason of the ownership of those moneys. Application
of insurance
moneys.

(2.) During the period determined under the last preceding subsection, the value of the land on which the house was built shall not be taken into account in computing the value of the property of the pensioner.

PART V.—MATERNITY ALLOWANCES.

84.—(1.) In this Part, unless the contrary intention appears— Definitions.

“ birth ” includes a birth at which more than one child is born ;

“ claimant ” means a person claiming a maternity allowance ;

“ maternity allowance ” means a maternity allowance under this Part ;

“ other children ”, in relation to a birth in respect of which a claim for a maternity allowance is made, means children born prior to that birth who, on the date of that birth, are under the age of sixteen years and of whom the claimant has the custody, care and control, and, where more than one child is born at a birth, those children shall, for the purposes of this definition, be deemed to have been born at the same birth.

(2.) Where a husband has the custody, care and control of a child, that child shall, except where the husband and his wife are permanently living apart, be deemed, for the purposes of this Part, to be in the custody, care and control of the wife.

Maternity allowances.

85.—(1.) Subject to this Part, a maternity allowance shall be granted to a woman who—

- (a) gives birth to a child, either in Australia or on board a ship proceeding to Australia or from a port in Australia or a Territory to another port in Australia or a Territory ; and
- (b) on the date on which she lodges her claim, is residing in Australia or is in Australia and satisfies the Director-General that she intends to remain in Australia.

(2.) A maternity allowance shall not be granted in respect of the birth of a child which occurred outside Australian territorial waters on board a ship proceeding to Australia if the mother has received or is entitled to receive an allowance, similar to a maternity allowance, under the law of any other country in respect of that birth.

(3.) A maternity allowance shall be granted in respect of each occasion on which a birth occurs and—

- (a) a child is born alive and lives for not less than twelve hours ; or
- (b) a child is not born alive, or is born alive but lives for less than twelve hours, and the Director-General is satisfied that the period of the intra-uterine life of the child was not less than five and a half calendar months.

(4.) Where more than one child is born at a birth, only one maternity allowance shall be granted.

Persons disqualified for maternity allowance.

86.—(1.) A maternity allowance shall not be granted to a woman who is an alien unless—

- (a) that woman was, prior to her marriage, a British subject ; or
- (b) that woman or her husband resided in Australia for at least twelve months immediately prior to the birth of the child.

(2.) Notwithstanding the provisions of the last preceding subsection, a maternity allowance may be granted to a woman who is an alien in respect of a birth which occurs within twelve months after her arrival in Australia but payment of the maternity allowance shall not be made until the expiration of twelve months from the date of her arrival.

(3.) A maternity allowance may be granted to an aboriginal native of Australia if—

- (a) she is for the time being exempt from the provisions of the law of the State or Territory in which she resides relating to the control of aboriginal natives ; or
- (b) she resides in a State or Territory the law of which does not make provision for such exemption, and the Director-General is satisfied that, by reason of the character and of the standard of intelligence and social development of the native, it is desirable that a maternity allowance should be granted to her,

but shall not otherwise be granted to such a native.

87.—(1.) The amount of a maternity allowance shall be—

Amount of allowance.

- (a) where there are no other children—Fifteen pounds ;
- (b) where there are one or two other children—Sixteen pounds ; or
- (c) where there are three or more other children—Seventeen pounds ten shillings.

(2.) Where more than one child is born at a birth, the amount of the maternity allowance which would otherwise have been payable shall be increased by Five pounds in respect of each additional child born at that birth.

88. A maternity allowance shall not be granted unless a claim therefor, in accordance with a form approved by the Director-General, is lodged with the Director in the State in which the claimant resides or as prescribed, within three months after the birth or within such longer period as the Director-General, in special circumstances, allows.

Claims for maternity allowance.

89. A woman may, upon application to the Director in the State in which she resides, or as prescribed, be paid the sum of Five pounds on account of a maternity allowance, if the Director is satisfied, upon the production of medical evidence, that the woman is likely to give birth to a child within a period of four weeks.

Payment on account prior to birth.

90.—(1.) A maternity allowance shall be paid, in such manner as the Director-General determines, to the person to whom the allowance is granted or to a person appointed by her in writing to receive it and in either case it shall not be necessary for the claimant or other person to give a receipt for the payment.

Payment of maternity allowance.

(2.) Where a mother dies, the Director-General may (upon application made within six months after the date of the birth, or within such longer period as the Director-General, in special circumstances, allows) pay to the person who, in his opinion, is best entitled to receive it, any sum payable to the mother by way of maternity allowance, or which would have been payable to her if she had lived and had lodged a claim in accordance with this Part.

91. Where, in the opinion of the Director-General, it is desirable to do so, he may direct that payment of any sum payable by way of maternity allowance to an aboriginal native of Australia or to any other person (whether of aboriginal blood or otherwise) who resides on an aboriginal station, reserve or settlement shall be made, on behalf of the aboriginal native or other person, to an authority of a State or Territory controlling the affairs of aboriginal natives, or to some other authority or person whom the Director-General considers to be suitable for the purpose, and payment shall be made accordingly.

Payment of allowances to aboriginal natives.

92.—(1.) Where a woman gives birth to a child outside Australia and not on board a ship proceeding to Australia or from a port in Australia or a Territory to another port in Australia or a Territory, and—

Payment of maternity allowance in respect of birth during temporary absence from Australia.

- (a) that woman is the wife of a man who is employed by the Commonwealth or a State, or by an authority of the Commonwealth or a State, and is temporarily stationed outside Australia ;

(b) that woman is the wife of a man who is a member of the Defence Force ; or
 (c) the usual place of residence of that woman is in Australia but she is temporarily absent from Australia,
 this Part shall have effect as if the birth had occurred in Australia and that woman were residing in Australia.

(2.) A maternity allowance shall not be granted to a woman by virtue of the last preceding sub-section—

(a) unless that woman, or her husband, is a resident of Australia as defined by the *Income Tax Assessment Act 1936-1947* ; or

(b) if that woman has been granted an allowance, similar to a maternity allowance, in respect of the birth under the law of any other country.

(3.) A maternity allowance shall not be granted to a woman specified in paragraph (a) or (b) of sub-section (1.) of this section whose usual place of residence is not in Australia, unless the Director-General is satisfied that she intends to become a resident of Australia as soon as it is reasonably possible for her to do so.

(4.) Payment of a maternity allowance shall not be made to a woman specified in paragraph (c) of sub-section (1.) of this section while she is temporarily absent from Australia, unless the Director-General is satisfied that the period of her temporary absence is likely to exceed twelve months.

Liability of
Commonwealth

93. Where payment of a maternity allowance has been made in accordance with this Part, the Commonwealth shall not be liable to any action, claim or demand for any further payment in respect of that allowance.

PART VI.—CHILD ENDOWMENT.

Definitions,

94.—(1.) In this Part, unless the contrary intention appears—
 “ child ” means a child under the age of sixteen years ;
 “ claimant ” means a person or institution claiming an endowment ;
 “ endowee ” means a person or institution to whom an endowment has been granted ;
 “ endowment ” means an endowment under this Part and includes an endowment continued in force by virtue of paragraph (h) of section four of this Act ;
 “ institution ” means a charitable or religious institution or organization (including a charitable institution or organization maintained by the Commonwealth or a State) approved by the Director-General, but does not include a hospital for the insane maintained by the Commonwealth or a State or mainly dependent upon financial assistance from the Commonwealth or a State.

(2.) Where a husband has the custody, care and control of a child, that child shall, except where the husband and his wife are permanently living apart, be deemed, for the purposes of this Part, to be in the custody, care and control of the wife.

(3.) Where a child is an inmate of a hospital for the insane maintained by the Commonwealth or a State or mainly dependent upon financial assistance from the Commonwealth or a State and a person is making a reasonable contribution towards the expenses of maintaining that child—

- (a) the Director-General may, in his discretion, determine that, for the purposes of this Part, that person shall be deemed to have the custody, care and control of that child; or
- (b) if that person is a married man not living permanently apart from his wife, the Director-General may, in his discretion, determine that, for the purposes of this Part, that person's wife shall be deemed to have the custody, care and control of that child.

95.—(1.) Subject to this Part, an endowment at the rate of Seven shillings and sixpence per week may be granted— **Child endowment.**

- (a) to a person having the custody, care and control of more than one child—in respect of each of those children in excess of one; and
- (b) to an institution—in respect of each child who is an inmate of the institution.

(2.) An endowment shall not be granted in respect of a child whose father is (or, being dead, was at the date of his death) an alien unless—

- (a) the child was born in Australia;
- (b) the mother of the child is a British subject or has made a declaration under section eighteen A of the *Nationality Act 1920-1946*; or
- (c) the Director-General is satisfied that the child is likely to remain permanently in Australia.

(3.) Where, by reason of divorce, separation, unemployment, death of a parent or other special circumstances, any children who would otherwise be living together as part of one family are not so living together, endowment may, in the discretion of the Director-General, be granted at the rate specified in sub-section (1.) of this section in respect of such of those children in excess of one as the Director-General thinks fit, and the endowment may be paid to such persons and in such proportions as, in the circumstances, the Director-General considers to be just.

(4.) Where an institution supervises and assists children (one or both of whose parents are aboriginal natives of Australia) but the children are not inmates of the institution, endowment may be granted to the institution at the rate specified in sub-section (1.) of this section based upon the average number per week of such children supervised and assisted during each endowment period.

**Qualification
for endowment.**

96.—(1.) Subject to section one hundred and four of this Act, an endowment shall not be granted unless—

(a) the claimant (not being an institution)—

(i) is in Australia ; and

(ii) if not born in Australia, has, during the period of twelve months immediately preceding the date on which the claim was lodged, had his usual place of residence in Australia ; and

(b) the child in respect of whom the endowment is claimed—

(i) is in Australia ; and

(ii) if not born in Australia, has, during the period of twelve months immediately preceding the date on which the claim was lodged, been resident in Australia.

(2.) Sub-paragraph (ii) of paragraph (a) and sub-paragraph (ii) of paragraph (b) of the last preceding sub-section shall not apply in any case in which the Director-General is satisfied that the claimant and the child are likely to remain permanently in Australia.

(3.) A person who is serving outside Australia as a member of the Defence Force—

(a) shall be deemed, for the purposes of sub-paragraph (i) of paragraph (a) of sub-section (1.) of this section, to be in Australia ; and

(b) shall, if immediately prior to his leaving Australia, his usual place of residence was in Australia, be deemed, for the purposes of sub-paragraph (ii) of that paragraph, to have continued to have his usual place of residence in Australia.

(4.) A child born out of Australia shall be deemed, for the purposes of sub-paragraph (ii) of paragraph (b) of sub-section (1.) of this section, to have been born in Australia if, at the date of his birth, the usual place of residence of his mother was in Australia and her absence from Australia was temporary only.

**Children of
aboriginal
natives of
Australia.**

97. An endowment may be granted to an aboriginal native of Australia unless—

(a) he is nomadic ; or

(b) the child in respect of whom the endowment is claimed is wholly or mainly dependent upon the Commonwealth or a State for his support.

Claims.

98. A claim for an endowment—

(a) shall be made in writing in accordance with a form approved by the Director-General ;

(b) shall be supported by such declaration as is approved by the Director-General ; and

(c) shall be lodged with the Director in the State in which the claimant resides or as prescribed.

99.—(1.) An endowment shall be paid—

Payment of
endowment.

(a) to the endowee ; or

(b) on behalf of the endowee, to such other person as the endowee appoints in accordance with a form approved by the Director-General.

(2.) An endowment shall be paid in such manner as the Director-General determines.

(3.) An endowment may, with the consent of the Director-General, be paid to the credit of a bank account specified by the person to whom, or the institution to which, the endowment is payable.

100. Where the Director-General is satisfied that, having regard to the age, infirmity, ill-health or improvidence of an endowee, or to any other special circumstances, it is expedient that payment of the endowment should be made to some other person on behalf of the endowee, the Director-General may authorize payment accordingly, and that other person shall be entitled to receive payment of the endowment.

Payment of
endowment
to other
person.

101. Subject to this Part, endowments shall be payable in respect of endowment periods, as prescribed.

Endowment
periods.

102.—(1.) Subject to the next succeeding sub-section, an endowment granted to a person (other than an institution) shall be payable—

Date from
which
endowment
payable.

(a) if a claim is lodged within three months after the date on which the claimant became eligible to claim the endowment—from the commencement of the next endowment period after that date ; or

(b) in any other case—from the commencement of the next endowment period after the date on which the claim for endowment is lodged.

(2.) Where an endowment is granted to a person (other than an institution) by reason of that person having assumed the custody, care and control of a child who, immediately before that person assumed his custody, care and control, was a child in respect of whom an endowment was paid or a child who was taken into account in the grant of endowment to another person, the endowment shall be payable from the date on which the claim for endowment is lodged, but, where the claim is lodged within three months after the date on which the first-mentioned person assumed the custody, care and control of the child, the endowment shall be payable from that date.

(3.) An endowment granted to an institution shall be payable from the date on which the claim for endowment is lodged, but, where the claim is lodged within one month after the date on which the child in respect of whom the claim is made became an inmate of the institution, the endowment shall be payable from that date.

Endowment to
cease in certain
circumstances.

103.—(1.) Subject to the next succeeding section, an endowment in respect of a child shall not be payable in respect of any period after—

- (a) the endowee ceases to have the custody, care and control of the child ;
- (b) the endowee ceases to have his usual place of residence in Australia, unless his absence from Australia is temporary only ;
- (c) the child ceases to be in Australia, unless his absence from Australia is temporary only ;
- (d) the child reaches the age of sixteen years ;
- (e) the child dies ; or
- (f) in the case of a female child, she marries before reaching the age of sixteen years.

(2.) Where an endowment ceases to be payable to a person (other than an institution) by reason of an event specified in paragraph (b), (c), (d), (e) or (f) of the last preceding sub-section, the endowment shall cease to be payable as from the end of the endowment period during which that event occurred.

Payment of
endowment
during
temporary
absence from
Australia.

104.—(1.) Where—

- (a) a woman is not in Australia and is the wife of a man who is employed by the Commonwealth or a State, or by an authority of the Commonwealth or a State, and is temporarily stationed outside Australia ;
- (b) a woman is not in Australia and is the wife of a man who is a member of the Defence Force ; or
- (c) a woman whose usual place of residence is in Australia is temporarily absent from Australia,

and that woman has the custody, care and control of more than one child, this Part shall have effect as if that woman and each of those children were in Australia.

(2.) An endowment shall not be granted or paid to a woman by virtue of the last preceding sub-section unless that woman, or her husband, is a resident of Australia as defined by the *Income Tax Assessment Act 1936-1947*.

(3.) An endowment shall not be granted or paid to a woman by virtue of sub-section (1.) of this section in respect of a child for any period for which that woman has received, or is receiving, a payment, similar to an endowment, in respect of that child under the law of any other country.

(4.) An endowment shall not be granted or paid to a woman specified in paragraph (a) or (b) of sub-section (1.) of this section whose usual place of residence is not in Australia, unless the Director-General is satisfied that she intends to become a resident of Australia as soon as it is reasonably possible for her to do so.

(5.) Payment of an endowment shall not be made to a woman specified in paragraph (c) of sub-section (1.) of this section while she

is temporarily absent from Australia, unless the Director-General is satisfied that the period of her temporary absence is likely to exceed twelve months.

105. An endowment shall be applied, by the person or institution to whom it is payable, to the maintenance, training and advancement of the child in respect of whom it is granted or, in such cases as are prescribed, in such manner as is prescribed. Application of endowment.

PART VII.—UNEMPLOYMENT AND SICKNESS BENEFITS.

Division 1.—Preliminary.

106. In this Part, unless the contrary intention appears—

Definitions.

- “beneficiary” means a person in receipt of a benefit;
- “benefit” means an unemployment benefit, sickness benefit or special benefit under this Part and includes a benefit continued in force by virtue of paragraph (k) of section four of this Act;
- “claimant” means a person claiming a benefit;
- “friendly society” means a friendly society approved by the Director-General, and includes any person who, or body which, in the opinion of the Director-General, is similar in character to, and provides benefits similar in nature to the benefits provided by, a friendly society and is approved by the Director-General;
- “income”, in relation to a person, means any personal earnings, moneys, valuable consideration or profits earned, derived or received by that person for his own use or benefit by any means from any source whatsoever, within or outside Australia, and includes any periodical payment or benefit by way of gift or allowance, but does not include—
 - (a) a payment made to a person for or in respect of a child of whom that person has the custody, care and control;
 - (b) a payment under Part V. or VI. of this Act;
 - (c) a benefit under the *Hospital Benefits Act 1945–1947* or under the regulations made under that Act;
 - (d) a benefit under the *Pharmaceutical Benefits Act 1947*; or
 - (e) a payment out of moneys—
 - (i) paid under section six of the *Tuberculosis Act 1945–1946*; or
 - (ii) provided by a State for the objects for which payments may be made by a State under that section;
- “Registrar” means a Registrar of Unemployment and Sickness Benefits;
- “unmarried person” includes a widower or widow and a person whose marriage has been dissolved but who has not remarried.

*Division 2.—Qualifications for Benefits.*Unemployment
benefit.

107. Subject to this Part, a person (not being a person in receipt of a pension or allowance under Part III. or IV. of this Act or a service pension under the *Australian Soldiers' Repatriation Act 1920-1947*) who—

- (a) has attained the age of sixteen years but, being a male, has not attained the age of sixty-five years or, being a female, has not attained the age of sixty years;
 - (d) is residing in Australia on the date on which he lodges his claim for a benefit and—
 - (i) has been continuously so resident for a period of not less than twelve months immediately preceding that date; or
 - (ii) satisfies the Director-General that he is likely to remain permanently in Australia; and
 - (c) satisfies the Director-General that he—
 - (i) is unemployed and that his unemployment is not due to his being a direct participant in a strike;
 - (ii) is capable of undertaking, and is willing to undertake, work which, in the opinion of the Director-General, is suitable to be undertaken by that person; and
 - (iii) has taken reasonable steps to obtain such work,
- shall be qualified to receive an unemployment benefit.

Sickness
benefit.

108.—(1.) Subject to this Part, a person (not being a person in receipt of a pension or allowance under Part III. or IV. of this Act or a service pension under the *Australian Soldiers' Repatriation Act 1920-1947*) who—

- (a) has attained the age of sixteen years but, being a male, has not attained the age of sixty-five years or, being a female, has not attained the age of sixty years;
- (b) is residing in Australia on the date on which he lodges his claim for a benefit and—
 - (i) has been continuously so resident for a period of not less than twelve months immediately preceding that date; or
 - (ii) satisfies the Director-General that he is likely to remain permanently in Australia; and
- (c) satisfies the Director-General that he is temporarily incapacitated for work by reason of sickness or accident and has thereby suffered a loss of salary, wages or other income.

shall, unless the Director-General is satisfied that the incapacity was brought about with a view to obtaining a sickness benefit, be qualified to receive a sickness benefit.

(2.) Where a payment is made by a person to another person who acts as his substitute during any period of incapacity, the Director-General may, for the purposes of the last preceding sub-section, if he is satisfied that the payment was made justifiably and *bona fide*, regard the first-mentioned person as having suffered a loss of income equal to the amount of that payment.

109. For the purposes of the last two preceding sections, a claimant shall be deemed to have been resident in Australia during any period of absence from Australia which was attributable to circumstances connected with a war in which His Majesty was engaged.

Absence from
Australia
during war.

110.—(1.) Subject to the next succeeding sub-section, a married woman shall not be qualified to receive a sickness benefit if the Director-General is satisfied that it is reasonably possible for her husband to maintain her.

Married women.

(2.) Where the Director-General is satisfied that the husband of a married woman is able to maintain her partially, she may, if she is otherwise qualified to be granted a sickness benefit, be granted a sickness benefit at such rate (not exceeding the maximum rate which would otherwise be payable to her) as the Director-General considers reasonable in the circumstances.

(3.) This section shall not apply in relation to a married woman living apart from her husband—

- (a) in pursuance of a separation agreement in writing or of a decree, judgment or order of a court; or
- (b) in such circumstances that the Director-General is satisfied that the separation is likely to be permanent.

111. An aboriginal native of Australia shall not be qualified to receive an unemployment benefit or a sickness benefit unless the Director-General is satisfied that, by reason of the character and of the standard of intelligence and social development of that native, it is desirable that this section should not apply.

Aboriginal
natives.

Division 3.—Rate of Benefits.

112.—(1.) Subject to this Part, the rate of an unemployment benefit or of a sickness benefit shall be—

Rate of
unemployment
and sickness
benefit.

- (a) in the case of an unmarried person who has not attained the age of eighteen years—Fifteen shillings per week;
- (b) in the case of an unmarried person who has attained the age of eighteen years but has not attained the age of twenty-one years—One pound per week; and
- (c) in any other case—One pound five shillings per week.

(2.) Subject to the next two succeeding sections, where a person qualified to receive an unemployment benefit or a sickness benefit has a spouse resident in Australia who, in the opinion of the Director-General is dependent, or partially dependent, on that person, the

rate of the benefit payable to that person shall (unless the spouse is in receipt of a pension or allowance under Part III. or IV. of this Act or a service pension under the *Australian Soldiers' Repatriation Act 1920-1947* at a rate not less than One pound per week) be increased—

- (a) where the spouse is dependent on that person—by One pound per week less the rate per week of any such pension or allowance which the spouse is receiving; or
- (b) where the spouse is partially dependent on that person—by such amount (if any) as the Director-General considers reasonable in the circumstances, but not exceeding One pound per week less the rate per week of any such pension or allowance which the spouse is receiving.

(3.) Where a person is living apart from his spouse and is making a payment to the spouse, for or towards the maintenance of the spouse, at a rate less than One pound per week, the Director-General may determine that the amount by which the rate of the benefit payable to that person shall be increased under the last preceding sub-section shall not exceed the rate per week of that payment.

(4.) Where a woman—

- (a) is keeping house for a man qualified to receive an unemployment benefit or a sickness benefit and for one or more children under the age of sixteen years of whom that man has the custody, care and control;
- (b) is not an employee of that man;
- (c) is substantially dependent on that man; and
- (d) is not in receipt of a pension or allowance under Part III. or IV. of this Act or a service pension under the *Australian Soldiers' Repatriation Act 1920-1947* at a rate not less than One pound per week,

the Director-General may, in his discretion, unless the rate of benefit has been increased under sub-section (2.) of this section, determine that the rate of benefit payable to that man be increased by One pound per week less the rate per week of any such pension or allowance which that woman is receiving.

(5.) Where a person qualified to receive an unemployment benefit or a sickness benefit—

- (a) has the custody, care and control of one or more children under the age of sixteen years; or
- (b) is making regular contributions at a rate not less than Five shillings per week towards the maintenance of one or more children under that age,

the rate of the benefit payable to that person under the preceding provisions of this section shall be increased by Five shillings per week.

Limitation on
amount payable
as sickness
benefit.

113. Notwithstanding anything contained in this Part, the rate of sickness benefit per week payable to a person shall not exceed the rate of salary, wages or other income per week which, in the opinion of the Director-General, that person has lost by reason of his incapacity.

114.—(1.) The rate per week of the unemployment benefit or of the sickness benefit payable to a person shall be reduced by the amount (if any) by which the rate of income per week of that person exceeds—

Means test.

- (a) in the case of an unmarried person who has attained the age of sixteen years but has not attained the age of seventeen years—Five shillings;
- (b) in the case of an unmarried person who has attained the age of seventeen years but has not attained the age of eighteen years—Ten shillings;
- (c) in the case of an unmarried person who has attained the age of eighteen years but has not attained the age of twenty-one years—Fifteen shillings; and
- (d) in any other case—One pound.

(2.) For the purposes of the last preceding sub-section, an amount received by a person in respect of board or lodging, or both, provided by him (but not exceeding such amount as the Director-General determines in relation to board or lodging, or both, as the case requires) shall not be regarded as income.

(3.) For the purposes of sub-section (1.) of this section, the income of a person shall, in the case of an unemployment benefit, include the income of that person's spouse, unless that person and his spouse are living apart—

- (a) in pursuance of a separation agreement in writing or of a decree, judgment or order of a Court; or
- (b) in such circumstances that the Director-General is satisfied that the separation is likely to be permanent.

(4.) For the purposes of the last preceding sub-section, the income of the spouse of a person shall not include so much of a pension payable to the spouse under Part III. or IV. of this Act, or of a service pension payable to the spouse under the *Australian Soldiers' Repatriation Act 1920-1947*, as does not exceed One pound per week.

(5.) For the purposes of sub-section (1.) of this section, the income of a person shall not, in the case of a sickness benefit, include any amount (not exceeding One pound per week in the aggregate) received by that person from a friendly society in respect of the incapacity by reason of which he is qualified to receive that sickness benefit.

115.—(1.) Where a person has received, is receiving or is qualified or entitled to receive, in respect of any period during which he is qualified to receive a sickness benefit, a payment in respect of the incapacity by reason of which he is qualified to receive that sickness benefit—

Provisions where beneficiary entitled to compensation &c.

- (a) by way of compensation (including any such payment which, in the opinion of the Director-General, is in the nature of compensation) or damages; or
- (b) otherwise under any law, but not including any such payment for which that person has made contributions,

the rate of the sickness benefit to which that person would otherwise be entitled shall be reduced by the amount per week of that payment.

(2.) Where any such payment is made by way of a lump sum, the person receiving that payment shall be deemed to receive such amount per week, and in respect of such period, as the Director-General considers to be reasonable in the circumstances.

(3.) Where, in pursuance of sub-section (1.) of this section, a sickness benefit is reduced by the amount of a payment, that payment shall not, for the purposes of the last preceding section, be regarded as income.

(4.) Where a person qualified to receive a sickness benefit has a claim against another person (including a State or an authority of a State) to recover a payment of the kind referred to in sub-section (1.) of this section, the Director-General may direct that the payment of the sickness benefit to the first-mentioned person shall be subject to the condition that the whole or any part of the benefit shall be repaid to the Commonwealth out of any such payments recovered by the first-mentioned person, and in any such case the amount of the benefit or part thereof, as the case may be, shall be a charge on those payments.

Division 4.—Claims for Benefits.

Claims for unemployment and sickness benefit.

116. A claim for an unemployment benefit or a sickness benefit—

- (a) shall be made in writing in accordance with a form approved by the Director-General; and
- (b) shall be lodged with a Registrar or as prescribed.

Medical certificate to be furnished.

117.—(1.) A claim for a sickness benefit shall, unless the Director-General, in special circumstances, otherwise directs, be supported by the certificate of a legally qualified medical practitioner certifying as to such matters, and containing such information, as the Director-General requires.

(2.) The Director-General may direct that payment of a sickness benefit be deferred until the claimant has been examined by a legally qualified medical practitioner nominated by the Director-General for that purpose.

Investigation of claims.

118. A claim shall be investigated in such manner as the Director-General determines.

Division 5.—Payment of Benefits.

Date from which benefit shall commence.

119.—(1.) An unemployment benefit payable to a person shall be payable from and including the seventh day after the day on which that person—

- (a) became unemployed; or
 - (b) makes a claim for the unemployment benefit,
- whichever is the later.

(2.) Subject to the next succeeding sub-section, a sickness benefit payable to a person shall be payable from and including the seventh day after the day on which that person became incapacitated, provided a claim for the benefit is lodged within six weeks after that day.

(3.) If a claim for a sickness benefit is not lodged within the time specified in the last preceding sub-section, the benefit shall be payable from and including the day on which a claim for the benefit is lodged, unless the Director-General is satisfied that the failure to lodge the claim within that time was due to the incapacity or to some other sufficient cause, in which case the benefit shall be payable from and including the seventh day after the day on which the claimant became incapacitated, or from such later date as the Director-General considers to be reasonable in the circumstances.

120. The Director-General may postpone for such period as he thinks fit the date from which an unemployment benefit shall be payable to a person, or may cancel the payment of an unemployment benefit to a person, as the case requires—

Postponement
or cancellation
of
unemployment
benefit in
certain cases.

- (a) if that person's unemployment is due, either directly or indirectly, to his voluntary act which, in the opinion of the Director-General, was without good and sufficient reason ;
- (b) if that person's unemployment is due to his misconduct as a worker ;
- (c) if that person has refused or failed, without good and sufficient reason, to accept an offer of employment which the Director-General considers to be suitable ; or
- (d) if, in the opinion of the Director-General—
 - (i) that person is a seasonal or intermittent worker ; and
 - (ii) the income of that person is sufficient for the maintenance of himself and the persons who are ordinarily maintained by him notwithstanding a period of temporary unemployment.

121. The Director-General may cancel the sickness benefit which is being paid to a person where that person—

Cancellation of
sickness benefit
in certain cases.

- (a) refuses or fails, when so required, to furnish to the Director-General the certificate of a legally qualified medical practitioner certifying as to such matters, and containing such information, as the Director-General requires ;
- (b) refuses or fails, when so required, to submit himself for examination by a legally qualified medical practitioner nominated by the Director-General for the purpose ; or
- (c) refuses or fails to take any action which the Director-General considers it reasonable for him to take in order to terminate, or reduce the extent of, his incapacity.

122.—(1.) Where a person in receipt of an unemployment benefit becomes qualified to receive a sickness benefit, that person may be paid a sickness benefit in lieu of the unemployment benefit and, in any such case, the cessation of the unemployment benefit paid to that person shall, for the purposes of this Act, be regarded as a loss of income by that person, and the sickness benefit shall be payable from and including the day after the day up to which the unemployment benefit is paid to that person or, if the last-mentioned day is a Saturday, from and including the following Monday.

Sickness benefit
in lieu of
unemployment
benefit and
vice versa.

(2.) Where a person in receipt of a sickness benefit becomes qualified to receive an unemployment benefit, that person may be paid an unemployment benefit in lieu of the sickness benefit, and the unemployment benefit shall be payable from and including the day after the day up to which the sickness benefit is paid to that person or, if the last-mentioned day is a Saturday, from and including the following Monday.

Manner of
payment of
unemployment
benefit and
sickness benefit.

123.—(1.) An unemployment benefit or a sickness benefit shall be paid, in such manner as the Director-General determines, to the beneficiary or to such other person, on behalf of the beneficiary, as is approved by the Director-General.

(2.) Where the rate of an unemployment benefit or of a sickness benefit is increased under sub-section (2.) of section one hundred and twelve of this Act, and the beneficiary is living apart from his spouse, the Director-General may authorize payment to the spouse of the whole or part of the amount by which the rate of benefit is so increased and payment shall be made accordingly.

Division 6.—Special Benefits.

Special benefit.

124. The Director-General may, in his discretion, grant a special benefit under this Division to a person—

- (a) who is not in receipt of a pension or allowance under Part III. or IV. of this Act or a service pension under the *Australian Soldiers' Repatriation Act 1920-1947* ;
- (b) who is not qualified to receive an unemployment benefit or a sickness benefit ; and
- (c) with respect to whom the Director-General is satisfied that, by reason of age, physical or mental disability or domestic circumstances, or for any other reason, that person is unable to earn a sufficient livelihood for himself and his dependants (if any).

Rate of
special benefit.

125. The rate of a special benefit payable to any person shall be such rate as the Director-General, in his discretion, from time to time determines, but not exceeding the rate of the unemployment benefit or the sickness benefit which could be paid to that person if he were qualified to receive it.

Claim for
special benefit.

126. A claim for a special benefit—

- (a) shall be made in writing in accordance with a form approved by the Director-General ; and
- (b) shall be lodged with a Registrar or as prescribed.

Period for
which special
benefit payable.

127. A special benefit shall be payable from such date, and shall continue for such period, as the Director-General determines.

Manner of
payment of
special benefit.

128. A special benefit shall be paid, in such manner as the Director-General determines, to the beneficiary or to such other person, on behalf of the beneficiary, as is approved by the Director-General.

Division 7.—Review of Benefits.

129. A beneficiary shall, whenever so required by the Director-General, furnish to such officer, and within such time, as the Director-General specifies, a statement, in accordance with a form approved by the Director-General, relating to any matter which might affect the payment to him of his benefit.

Statement to be furnished when required.

130.—(1.) Whenever a beneficiary receives income at a weekly rate higher than the weekly rate of income last specified by him in a claim, statement or notification under this Part, he shall, within seven days after the receipt of income at that higher rate, notify a Registrar accordingly.

Receipt of income to be notified.

(2.) Where a beneficiary marries or remarries, a beneficiary's marriage is dissolved, or the spouse of a beneficiary dies, the beneficiary shall, within seven days after the marriage, remarriage, dissolution of the marriage or death, notify a Registrar accordingly.

Penalty: Twenty pounds.

131. If—

- (a) having regard to the income of a beneficiary ;
- (b) by reason of the failure of a beneficiary to comply with either of the last two preceding sections ; or
- (c) for any other reason,

Cancellation, &c., of benefit.

the Director-General considers that the benefit which is being paid to a beneficiary should be cancelled or suspended, or that the rate of the benefit which is being paid to a beneficiary is greater or less than it should be, the Director-General may cancel or suspend the benefit, or reduce or increase the rate of the benefit, accordingly.

Division 8.—General.

132.—(1.) Subject to the next succeeding sub-section, benefits shall be payable in weekly instalments on such days as the Director-General determines.

Benefit to be payable weekly.

(2.) Where a benefit is payable in respect of any period less than a week, the benefit shall be payable in respect of each day, other than Sunday, in that period, and the amount of the benefit payable in respect of each day, other than Sunday, shall be one-sixth of the weekly rate of the benefit.

(3.) Where payment of an instalment of a benefit has not been made within twenty-eight days after the day on which the instalment became payable, the instalment shall not (unless the Director-General, in special circumstances, otherwise determines) be paid.

133. If a beneficiary becomes imprisoned, following upon his conviction for an offence, or becomes an inmate of a hospital for the insane, payment of the benefit shall forthwith cease.

Cancellation of benefit in certain circumstances.

PART VIII.—TRAINING AND PHYSICAL REHABILITATION OF
PENSIONERS AND BENEFICIARIES.

Vocational
training, &c.,
of invalid
pensioners.

134.—(1.) The Director-General may, having regard to the age and to the mental and physical capacity of a claimant for an invalid pension or of an invalid pensioner, and to the facilities available for suitable training for a vocation or suitable treatment for physical rehabilitation, direct that an invalid pension shall not be granted, or that an invalid pension shall not be continued, unless the claimant or pensioner undertakes such training or treatment.

(2.) Where the claimant or pensioner undertakes such training or treatment, or where the pensioner is already undergoing such training or treatment, the claimant or pensioner may be deemed, during the period of training or treatment, to be permanently incapacitated for work for the purposes of Part III. of this Act.

Vocational
training, &c.,
of unemploy-
ment and
sickness
beneficiaries.

135. If, in the opinion of the Director-General, a person claiming an unemployment benefit or a sickness benefit or a person to whom an unemployment benefit or a sickness benefit is payable should—

- (a) undergo a course of vocational training;
- (b) submit himself for examination at a medical, psychological or other like institution;
- (c) receive any medical or other treatment;
- (d) undergo a course of training for the improvement of his physical or mental capacities; or
- (e) do any work required of him,

the Director-General may direct that payment of an unemployment benefit or a sickness benefit to that person shall be subject to the condition that that person shall comply with the requirements of the Director-General in respect of any such matter.

PART IX.—MISCELLANEOUS.

Payments to
be made from
National
Welfare Fund.

136. Payment of pensions, allowances, endowments and benefits under this Act shall be made out of the Trust Account established under the *National Welfare Fund Act 1943-1945* and known as the National Welfare Fund.

Reciprocal
agreements.

137. For the purpose of giving effect to any agreement between the Government of the Commonwealth and the Government of any other part of His Majesty's dominions, or with the Government of any foreign country, providing for reciprocity in matters relating to pensions, allowances, endowments or benefits under this Act, the regulations may provide for modifying or adapting this Act in its application to cases affected by the agreement.

138.—(1.) A person shall not—

Offences.

(a) make, whether orally or in writing, a false or misleading statement—

- (i) in connexion with, or in support of, a claim, whether for himself or for any other person ;
- (ii) to deceive an officer doing duty in relation to this Act ; or
- (iii) to affect the rate of a pension, allowance, endowment or benefit payable under this Act ;

(b) obtain payment of a pension, allowance, endowment or benefit under this Act, or of an instalment of such a pension, allowance, endowment or benefit, which is not payable ;

(c) obtain payment of a pension, allowance, endowment or benefit under this Act, or of an instalment of such a pension, allowance, endowment or benefit, by means of a false or misleading statement or by means of impersonation or a fraudulent device ; or

(d) make or present to an officer a statement or document which is false in any particular.

Penalty : Fifty pounds or imprisonment for six months.

(2.) A 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 by way of pension, allowance, endowment or benefit in consequence of the act, failure or omission in respect of which he was convicted.

139.—(1.) Proceedings for an offence against this Act may be commenced at any time within three years after the commission of the offence.

Prosecutions
for offences.

(2.) An offence against this Act shall not be prosecuted without the written consent of the Minister or the Director-General.

140. Where, in consequence of a false statement or representation, or in consequence of a failure or omission to comply with any provision of this Act, an amount has been paid by way of pension, allowance, endowment or benefit which would not have been paid but for the false statement or representation, failure or omission, the amount so paid shall be recoverable in a court of competent jurisdiction from the person to whom, or on whose account, the amount was paid, or from the estate of that person, as a debt due to the Commonwealth.

Recovery of
overpayments.

141. The Director-General, the Deputy Director-General, an Assistant Director-General, a Director, a Magistrate or a Registrar may, by writing served by post on a person whom he believes to be in a position to do so, require that person to furnish to him a confidential report relating to any matter which might affect the grant or payment of a pension, allowance, endowment or benefit under this Act to any other person and the person so required shall not fail to furnish a

Information
as to
pensioners, &c.

report accordingly within fourteen days after the writing is served upon him and shall not furnish a report which is false or misleading in any particular.

Penalty : Twenty pounds.

Indemnity to certain persons.

142. Nothing contained in any law of a State or Territory shall operate so as to prevent any person from furnishing any information, or making any books, documents or papers available to the Director-General or to an officer for the purposes of this Act.

Evidence.

143.—(1.) All courts shall take judicial notice of the signature of any person who holds or has held the office of Director-General, Deputy Director-General, Assistant Director-General, Director or Registrar, and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to any official document and any such document purporting to be so signed shall be received in all courts as *prima facie* evidence of the facts and statements contained therein.

(2.) A statement in writing signed by a person who holds or has held any office specified in the last preceding sub-section that a person is, or was on a certain date, in receipt of a pension, allowance, endowment or benefit under this Act at a certain rate shall be received in all courts as *prima facie* evidence that the last-mentioned person is, or was on that date, in receipt of such a pension, allowance, endowment or benefit and of the rate thereof.

Benefits to be absolutely inalienable.

144. Subject to this Act, a pension, allowance, endowment or benefit under this Act shall be absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

Acceptance of claims made for inappropriate pension, &c.

145. Where a person makes a claim to an officer, authority or Department of the Commonwealth for a pension, allowance, benefit or other payment under an Act other than this Act, or under a particular provision of this Act, and the circumstances are such that the claim might properly have been made under this Act, or under some other provision of this Act, as the case may be, the Director-General may, if he considers it reasonable to do so, and subject to the lodgment of a claim in accordance with the appropriate form, treat the first-mentioned claim, for the purpose of determining the date from which a pension, allowance or benefit is payable to that person under this Act, as a claim for whichever pension, allowance or benefit under this Act is appropriate in the circumstances and as having been lodged with the appropriate officer.

Payment of pension, &c., on death of pensioner, &c.

146. Any amount of pension, allowance, endowment or benefit under this Act which has accrued and is unpaid at the date of the death of the person to whom that pension, allowance, endowment or benefit is payable, or which would have been payable to a claimant if the claimant had not died, may, on application made within six months after that date or within such further period as the Director-General, in special circumstances, allows, be paid to the person who, in the opinion of the Director-General, is best entitled to receive it and the

Commonwealth shall not be liable to any action, claim or demand for any further payment in respect of that pension, allowance, endowment or benefit.

147. For the purposes of this Act, the Australian Capital Territory Territories. shall be deemed to be part of the State of New South Wales and the Northern Territory shall be deemed to be part of the State of South Australia.

148. The Director-General shall prepare and furnish annually to the Minister, for presentation to the Parliament, a report, with Annual report. statistics, as to the administration and operation of this Act.

149. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding six months, for any breach of the regulations. Regulations.

THE SCHEDULE.

Section 3.

COLUMN 1. Acts Repealed.	COLUMN 2. Extent of Repeal.
<i>Invalid and Old-age Pensions Act 1908</i>	The whole
<i>Invalid and Old-age Pensions Act 1909</i>	The whole
<i>Invalid and Old-age Pensions Act 1909 (No. 2)</i>	The whole
<i>Invalid and Old-age Pensions Act 1912</i>	The whole
<i>Invalid and Old-age Pensions Act 1916</i>	The whole
<i>Invalid and Old-age Pensions Act 1917</i>	The whole
<i>Invalid and Old-age Pensions Act 1919</i>	The whole
<i>Invalid and Old-age Pensions Act 1920</i>	The whole
<i>Invalid and Old-age Pensions Act 1923</i>	The whole
<i>Invalid and Old-age Pensions Act 1925</i>	The whole
<i>Invalid and Old-age Pensions Act 1926</i>	The whole
<i>Invalid and Old-age Pensions Act 1928</i>	The whole
<i>Financial Emergency Act 1931</i>	Parts IV. and V.
<i>Invalid and Old-age Pensions Act 1931</i>	The whole
<i>Financial Emergency Act 1932</i>	Sections 11 to 18 (inclusive)
<i>Financial Relief Act 1932</i>	Part V.
<i>Financial Relief Act 1933</i>	Part VI.
<i>Invalid and Old-age Pensions Act 1933</i>	The whole
<i>Invalid and Old-age Pensions Act 1935</i>	The whole
<i>Financial Relief Act (No. 2) 1936</i>	Parts II. and III.
<i>Invalid and Old-age Pensions Act 1937</i>	The whole
<i>Invalid and Old-age Pensions Act 1940</i>	The whole
<i>Invalid and Old-age Pensions Act 1941</i>	The whole
<i>Invalid and Old-age Pensions Act 1942</i>	The whole
<i>Invalid and Old-age Pensions Act 1943</i>	The whole
<i>Invalid and Old-age Pensions Act 1944</i>	The whole
<i>Invalid and Old-age Pensions Act 1945</i>	The whole
<i>Invalid and Old-age Pensions Act 1946</i>	The whole
<i>Widows' Pensions Act 1942</i>	The whole
<i>Widows' Pensions Act 1943</i>	The whole
<i>Widows' Pensions Act 1944</i>	The whole
<i>Widows' Pensions Act 1945</i>	The whole
<i>Widows' Pensions Act 1946</i>	The whole

THE SCHEDULE—continued.

COLUMN 1. Acts Repealed.	COLUMN 2. Extent of Repeal.
<i>Maternity Allowance Act 1912</i>	The whole
<i>Maternity Allowance Act 1926</i>	The whole
<i>Maternity Allowance Act 1927</i>	The whole
<i>Financial Emergency Act (No. 2) 1931</i>	Section 4
<i>Financial Relief Act 1934</i>	Part III.
<i>Maternity Allowance Act 1937</i>	The whole
<i>Maternity Allowance Act 1942</i>	The whole
<i>Maternity Allowance Act 1943</i>	The whole
<i>Maternity Allowance Act 1944</i>	The whole
<i>Child Endowment Act 1941</i>	The whole
<i>Child Endowment Act 1942</i>	The whole
<i>Child Endowment Act 1945</i>	The whole
<i>Unemployment and Sickness Benefits Act 1944</i>	The whole
<i>National Health and Pensions Insurance Act 1938</i>	The whole
<i>National Health and Pensions Insurance Act 1939</i>	The whole
<i>National Health and Pensions (Employers' Contributions) Act 1938</i>	The whole
<i>National Health and Pensions (Employees' Contributions) Act 1938</i>	The whole