

# INVALID AND OLD-AGE PENSIONS.

## No. 16 of 1944.

### An Act to amend the *Invalid and Old-age Pensions Act 1908-1943*.

[Assented to 6th April, 1944.]

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

Short title  
and citation.

1.—(1.) This Act may be cited as the *Invalid and Old-age Pensions Act 1944*.

(2.) The *Invalid and Old-age Pensions Act 1908-1943\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Invalid and Old-age Pensions Act 1908-1944*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definitions.

3. Section four of the Principal Act is amended by omitting from sub-section (1.) the definition of "Federal basic wage".

Conditions of  
payment of  
invalid pension  
in certain  
cases.

4. Section twenty-three A (first occurring) of the Principal Act is re-numbered twenty-three AA.

Cancellation  
of suspension  
of allowance.

5. Section twenty-three F of the Principal Act is amended by adding at the end thereof the following sub-sections:—

"(2.) Where any allowance is cancelled or suspended under this section, the Deputy Commissioner shall endorse the certificate accordingly.

"(3.) Where any allowance is cancelled under this section, the allowance shall be deemed to be forfeited and the certificate shall be delivered up to the Deputy Commissioner."

Limit of  
pension.

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

(a) by omitting from sub-section (1.) the words "Sixty-five pounds" and inserting in their stead the words "Seventy pounds four shillings";

(b) by omitting sub-sections (1A.) and (1C.); and

(c) by omitting from sub-section (3.) the words "Federal basic wage" (wherever occurring) and inserting in their stead the words "sum of Two hundred and sixty pounds per annum".

\* Act No. 17, 1908, as amended by Nos. 3 and 21, 1909; No. 27, 1912; No. 32, 1916; No. 22, 1917; No. 22, 1919; No. 53, 1920; No. 15, 1923; No. 27, 1925; No. 44, 1926; No. 31, 1928; Nos. 10 and 46, 1931; Nos. 35 and 64, 1932; Nos. 17 and 56, 1933; No. 1, 1935; No. 29, 1936; No. 11, 1937; No. 97, 1940; No. 48, 1941; No. 3, 1942; and No. 14, 1943.

7. Section thirty-one of the Principal Act is amended by omitting from sub-section (2.) the words “, subject to this Act, not in any case exceeding Eight shillings and sixpence” and inserting in their stead the words “not in any case exceeding Nine shillings and sixpence”.

Recommendation by Magistrate.

8. Section thirty-seven of the Principal Act is amended by adding at the end thereof the following sub-section :—

Cancellation, &c., of pension.

“(3.) Where any pension is cancelled under this section, the pension shall be deemed to be forfeited and the certificate shall be delivered up to the Deputy Commissioner.”.

9. Section forty-six of the Principal Act is amended by omitting sub-section (3.).

Departure of pensioner from Australia or detention in prison.  
Benevolent asylum inmates.

10. Section forty-seven of the Principal Act is amended by omitting the words “, subject to this Act, be entitled to receive an invalid or old-age pension at a rate calculated in accordance with this Act but not in any case exceeding Eight shillings and six pence” and inserting in their stead the words “be entitled to receive an invalid or old-age pension at a rate calculated in accordance with this Act but not in any case exceeding Nine shillings and six pence.”.

11. Section forty-seven A of the Principal Act is repealed.

Repeal of section forty-seven A.

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

“51.—(1.) If any pensioner is imprisoned, the Commissioner or a Deputy Commissioner may suspend his pension during the term of imprisonment or may forfeit any instalment of pension falling due during the term of imprisonment.

Imprisonment of pensioners.

“(2.) Where, in any such case, the person imprisoned has a wife or child dependent on him, the Commissioner or a Deputy Commissioner may authorize the payment of the whole or any portion of—

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

(b) any instalment of pension so forfeited,

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

13.—(1.) The amendments effected by paragraphs (a) and (b) of section six, and by sections seven and ten, of this Act shall apply in relation to the first instalment of pensions falling due after the date of commencement of this Act and to all subsequent instalments.

Application of amendments.

(2.) The amendment effected by paragraph (c) of section six of this Act shall apply in relation to the instalment of pensions due on the seventeenth day of February, One thousand nine hundred and forty-four, and to all subsequent instalments.