

"28b. The fact that an appeal or reference is pending shall not in the meantime interfere with or affect the assessment the subject of the appeal or reference, and estate duty may be recovered on the assessment as if no appeal or reference were pending.

Pending appeal or reference not to affect assessment.

"28c. If the assessment is altered on the appeal or reference a due adjustment shall be made, for which purpose amounts paid in excess shall be refunded, and amounts short paid shall be recoverable as arrears."

Adjustment of duty after appeal.

10. Section thirty-five of the Principal Act is amended by omitting the words "devised or bequeathed or passes by gift *inter vivos* or settlement for religious scientific charitable or public educational purposes" and inserting in their stead the words "exempt from estate duty by sub-section (5.) of section eight of this Act".

Apportionment of duty among beneficiaries.

11.—(1.) The amendments effected by sections four, six and seven of this Act shall apply to the estates of all persons dying on or after the date of the commencement of this Act.

Application of amendments.

(2.) The amendment effected by section five of this Act shall apply to the estates of all such members so dying on or after the third day of September, One thousand nine hundred and thirty-nine, and any assessment made prior to the commencement of this Act may, in order to give effect to that amendment, be amended notwithstanding anything contained in section twenty of the Principal Act as amended by this Act.

(3.) The amendments effected by sections eight and nine of this Act shall apply to all assessments issued on or after the date of the commencement of this Act.

WIDOWS' PENSIONS.

No. 19 of 1942.

An Act to provide for the Payment of Widows' Pensions, and for other purposes.

[Assented to 5th June, 1942.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Widows' Pensions Act 1942*.
2. This Act shall come into operation on the day on which it receives the Royal Assent but pensions and allowances thereunder shall not be payable for any period prior to the thirtieth day of June, One thousand nine hundred and forty-two.

Short title.

Commencement.

Parts.

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

Part I.—Preliminary.

Part II.—Administration.

Part III.—Widows' Pensions.

Division 1.—Qualification for Pension.

Division 2.—Rate of Pension.

Division 3.—Pension Claims.

Division 4.—Payment of Pensions.

Division 5.—Review of Pensions.

Part IV.—Widows' Allowances.

Part V.—Miscellaneous.

Definitions.

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

“ allowance ” means an allowance under this Act ;

“ child ” means a child under the age of sixteen years, but does not include any child (not being—

(a) a child of a woman and her husband or *de facto* husband ; or(b) a child maintained by a woman at the commencement of this Act as a *bona fide* member of her family), whom a woman commenced to maintain after the occurrence of the event by reason of which the woman became a widow within the meaning of this Act ;

“ claim ” means a claim for pension or an allowance under this Act ;

“ claimant ” means a person claiming pension or an allowance under this Act ;

“ *de facto* widow ” means a woman who, for not less than the three years immediately prior to the death of a man, 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 ;“ Deputy Commissioner ” means a Deputy Commissioner of Pensions holding office under the *Invalid and Old-age Pensions Act 1908-1941* ;

“ deserted wife ” means a wife who has been deserted by her husband for a period of not less than six months ;

“ income ” means any personal earnings, moneys, valuable consideration or profits earned, derived or received by any widow for her own use or benefit by any means from any source whatsoever, whether in or out of Australia, but does not include any payment by way of gift or allowance from any son or daughter of the widow ;

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

“ pension ” means pension under this Act ;

“ pensioner ” means a person who has been granted a pension ;

“Registrar” means a Registrar of Pensions holding office under the *Invalid and Old-age Pensions Act 1908-1941* ;

“the Commissioner” means the Commissioner of Pensions holding office under the *Invalid and Old-age Pensions Act 1908-1941* ;

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

“this Act” includes the regulations ;

“widow” includes—

(a) a *de facto* widow ;

(b) a deserted wife ;

(c) a woman whose marriage has been dissolved and who has not remarried ; and

(d) a woman whose husband is an inmate of a hospital for the insane.

PART II.—ADMINISTRATION.

5. The Director-General shall, subject to any direction of the Minister, have the general administration of this Act. Administration.

6.—(1.) The Commissioner or a Deputy Commissioner may, by writing under his hand, delegate to any 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. Delegation.

(2.) Where in this Act the exercise of any power or function by the Commissioner or a Deputy Commissioner or the operation of any provision of this Act is dependent upon the opinion, belief or state of mind of the Commissioner or Deputy Commissioner in relation to any matter, that power or function may be exercised by the delegate of the Commissioner or Deputy Commissioner 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 by the Commissioner or Deputy Commissioner.

7. The Commissioner or a Deputy Commissioner may, subject to this Act and, in the case of a Deputy Commissioner, subject to any direction of the Commissioner, determine claims for pensions and allowances. Determination of claims.

8. Whenever it appears to the Commissioner or a Deputy Commissioner that sufficient reason exists for reviewing any determination made under this Act he may review, and may affirm, vary or annul, the determination. Review by Commissioner or Deputy Commissioner.

9. Any person affected by a determination made by a Deputy Commissioner under this Act may, within such time (if any) as is prescribed, appeal to the Commissioner and the Commissioner may affirm, vary or annul the determination. Appeal to Commissioner.

Special
Magistrates.

10.—(1.) The Governor-General may appoint such Special Magistrates of the Commonwealth as he thinks necessary for the purposes of this Act.

(2.) The persons for the time being holding office as Special Magistrates under the *Invalid and Old-age Pensions Act 1908-1941* shall be deemed to have been appointed Special Magistrates for the purposes of this Act.

Powers of
Commissioner
and Deputy
Commissioners.

11.—(1.) The Commissioner, a Deputy Commissioner, a Magistrate or a Registrar may, for the purposes of this Act—

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

(2.) A person who has been summoned to appear before the Commissioner, a Deputy Commissioner, a Magistrate or a Registrar shall not, without lawful excuse, and 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 Commissioner, a Deputy Commissioner, 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 documents which he is lawfully required to produce.

Penalty : Fifty pounds.

Officers to
observe secrecy,

12.—(1.) The Commissioner, a Deputy Commissioner, a Registrar, and any officer performing duties under this Act—

- (a) shall not directly or indirectly, except in the performance of his duties, or the exercise of his powers or functions, under this Act, and either while he has, or after he ceases to have, any duties, powers or functions under this Act, make a record of, or divulge or communicate to any person, any information acquired by him in the performance of those duties, or the exercise of those powers or functions, with respect to the affairs of any other person ;
- (b) 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 ; and
- (c) shall not be required to produce in court any claim or determination of a claim or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties, or the exercise of his powers or functions, except where it is necessary to do so for the purpose of carrying into effect the provisions of this Act.

(2.) Notwithstanding anything contained in the last preceding sub-section, the Commissioner, a Deputy Commissioner, a Registrar, or an officer performing duties under this Act, may, if the Minister or the Director-General certifies that it is necessary in the public interest that any information acquired by him in the performance of his duties, or the exercise of his powers or functions, under this Act should be divulged, divulge that information to such person as the Minister or the Director-General directs.

(3.) Any person to whom information is divulged under the last preceding sub-section, and any person or employee under his control shall, in respect of that information, be subject to the same rights, privileges, obligations and liabilities under paragraphs (a) and (c) of sub-section (1.) of this section as if he were an officer performing duties under this Act, and had acquired the information in the performance of those duties.

Penalty : Two hundred and fifty pounds.

PART. III.—WIDOWS' PENSIONS.

Division 1.—Qualification for Pension.

13. Subject to this Act—

- (a) a widow resident in Australia who is maintaining one or more children ; or
- (b) a widow so resident who is not maintaining a child and is not less than fifty years of age,

shall, while so resident, be qualified to receive a pension.

Qualification
for pension.

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

- (a) unless she is residing in Australia and had been continuously so resident for a period of not less than five years immediately prior to the date of the claim ;
- (b) unless she is of good character and deserving of pension ;
- (c) if she has directly or indirectly deprived herself of property or income in order to qualify for, or to increase the rate of, pension ;
- (d) if the value of the real and personal property owned by the widow (after deducting the amount of any charges and encumbrances lawfully existing thereon and excluding the value of any house owned by the widow in which she resides and of her furniture and personal effects) exceeds—
 - (i) in the case of a widow specified in paragraph (a) of the last preceding section—One thousand pounds ; and
 - (ii) in the case of a widow specified in paragraph (b) of that section—Four hundred pounds ;
- (e) if she is an alien ;
- (f) if she is an aboriginal native of Africa, the Islands of the Pacific or New Zealand ; or
- (g) if she is an aboriginal native of Australia.

Disqualifications
for pension.

(2.) For the purposes of paragraph (a) of sub-section (1.) of this section, continuous residence in Australia shall not be deemed to have been interrupted—

- (a) by occasional absences not exceeding one-tenth of the total period of the claimant's residence in Australia ;
- (b) by absence in a Territory of the Commonwealth ; or
- (c) by any period of absence where, during that period, the claimant's home, any of her children or her furniture remained in Australia.

(3.) If, in any particular case, for any special reason, the Commissioner so directs, the whole or any part of the real and personal property owned by a widow shall be excluded from the application of paragraph (d) of sub-section (1.) of this section.

(4.) Paragraph (e) of sub-section (1.) of this section shall not apply to a woman who, prior to her marriage to an alien, was a British subject.

(5.) Paragraph (g) of sub-section (1.) of this section shall not apply to an aboriginal native of Australia—

- (a) who is for the time being exempt from the provisions of the law of the State or Territory of the Commonwealth in which she resides relating to the control of aboriginal natives ; or
- (b) who resides in a State or Territory of the Commonwealth the law of which does not make provision for such exemption, and with respect to whom the Commissioner is satisfied that, by reason of the character, standard of intelligence and development of the aboriginal native, it is desirable that that paragraph should not apply to her.

(6.) A pension shall not be granted to a widow, being a deserted wife, unless the widow has taken such action as the Commissioner or Deputy Commissioner considers reasonable to obtain maintenance from her husband.

Division 2.—Rate of Pension.

Rate of
pension.

15.—(1.) Subject to this Act, the rate of pension in each case shall be such rate as, having regard to all the circumstances of the case, the Commissioner or Deputy Commissioner who determines the claim deems reasonable and sufficient, but shall not exceed—

- (a) in the case of a widow specified in paragraph (a) of section thirteen of this Act—Seventy-eight pounds per annum ; or
- (b) in the case of a widow specified in paragraph (b) of that section—Sixty-five pounds per annum.

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

- (a) by the amount (if any) by which the widow's income, apart from pension, exceeds Thirty-two pounds ten shillings per annum ; and

(b) in the case of a widow specified in paragraph (b) of section thirteen of this Act, by One pound for every complete Ten pounds by which the value of the real and personal property of the widow (after deducting the amount of any charges and encumbrances lawfully existing thereon and excluding the value of any house owned by the widow in which she resides and of her furniture and personal effects) exceeds Fifty pounds.

(3.) In the computation, for the purposes of this Act, of the income of a widow who receives board or lodging or board and lodging, the actual or estimated value or cost thereof, not exceeding Twelve shillings and sixpence per week, shall be included.

(4.) In the computation, for the purposes of this Act, of the income of a widow specified in paragraph (a) of section thirteen of this Act, there shall be included five per centum of the value of the real and personal property of the widow (after deducting the amount of any charges and encumbrances lawfully existing thereon and excluding the value of any house owned by the widow in which she resides and of her furniture and personal effects), or the net income derived by the widow from that property, whichever is the greater.

(5.) If, in any particular case, for any special reason, the Commissioner so directs, the whole or any part of the real and personal property owned by the widow shall be excluded from the application of paragraph (b) of sub-section (2.), or of sub-section (4.), of this section.

Division 3.—Pension Claims.

16.—(1.) A claim for pension shall be made in accordance with a form approved by the Commissioner and in such manner as is prescribed. Claims.

(2.) Every claim shall be supported by a statutory declaration made in accordance with the laws of the State or Territory of the Commonwealth in which the claim is made or by such declaration as is approved by the Commissioner.

17. Every claim for pension shall be investigated in such manner as is prescribed. Investigation of claims.

Division 4.—Payment of Pensions.

18.—(1.) Where a pension is granted, it shall be paid from a date determined by the Commissioner or Deputy Commissioner but the date so determined shall not, subject to this section, be prior to the date, or later than the due date of the first instalment of pension after the date, on which the claim for pension was made. Provisions as to payment of pension.

(2.) Where a claim for a pension is made within three months after the thirtieth day of June, One thousand nine hundred and forty-two, pension may be paid from that date.

(3.) Where a claim for pension is made—

(a) within three months after the date of death of the claimant's husband or *de facto* husband ; or

(b) within three months after the date of the birth of a child, pension may be paid from that date.

Payment of pensions.

19.—(1.) Upon the grant of a pension it shall be paid—

(a) to the pensioner; or

(b) to such other person as the Commissioner determines.

(2.) A pension shall be paid in such manner as is prescribed.

Payment of pension in instalments.

20.—(1.) Pensions shall be paid in four-weekly instalments.

(2.) In order to ascertain the amount of a four-weekly instalment of pension, the annual rate of pension shall be divided by thirteen.

(3.) The amount of an instalment of pension for a period of less than four weeks shall bear the same proportion to the amount of a four-weekly instalment as the number of days in that period bears to twenty-eight.

Pension to cease in certain circumstances.

21.—(1.) Pension shall not be payable for any period after the pensioner—

(a) ceases to be resident in Australia or, without having ceased to be resident in Australia, has been absent from Australia for a period of not less than three months;

(b) marries or remarries; or

(c) being a deserted wife, ceases to be a deserted wife otherwise than by the death of her husband.

(2.) An instalment of pension shall not in any event be sent to any person outside Australia.

Benevolent asylum inmates.

22. If a successful claimant of a pension is an inmate of a benevolent asylum, or if a pensioner becomes an inmate of a benevolent asylum, she shall not, so long as she remains an inmate of such an asylum, be entitled to receive a pension at the maximum rate but shall, subject to this Act, be entitled to receive a pension at a rate determined in accordance with this Act, but not in any case exceeding Twenty-two pounds two shillings per annum.

Division 5.—Review of Pensions.

Pensioner to furnish statement of income and property when required.

23.—(1.) Whenever so required by the Commissioner or a Deputy Commissioner, a pensioner shall furnish to the Commissioner or Deputy Commissioner a statement in accordance with a form approved by the Commissioner relating to her income and property.

(2.) If, having regard to the amount of income or property of a pensioner, the Commissioner or a Deputy Commissioner is satisfied that a pension should be cancelled, or that the rate of pension paid to any pensioner is greater or less than it should be, he may cancel the pension or reduce or increase the rate of pension paid to that pensioner accordingly.

Disentitlement to pension in certain cases.

24. Where a pensioner acquires any property or income of such value or to such extent that, if she had been in possession or in receipt thereof at the time when her claim for pension was determined, she would have been ineligible to receive pension at the rate paid to her, she shall forthwith be disentitled to receive pension to the extent of that ineligibility.

25. The Commissioner or a Deputy Commissioner may at any time cancel, suspend or reduce any pension if he considers it expedient so to do, but any decision of a Deputy Commissioner under this section shall be subject to an appeal, in the time and in the manner prescribed, to the Commissioner.

Cancellation,
&c., of pension.

PART IV.—WIDOWS' ALLOWANCES.

26. Subject to this Act, a widow resident in Australia who, at the time of the death of her husband or *de facto* husband, is not maintaining a child and is less than fifty years of age, and, in the opinion of the Commissioner or a Deputy Commissioner, is in necessitous circumstances, may, at the discretion of the Commissioner or a Deputy Commissioner, be paid an allowance at the rate of Twenty-five shillings per week for a period not longer than twenty-six weeks immediately after the death of the widow's husband or *de facto* husband.

Allowances to
certain widows.

27.—(1.) An allowance shall not be granted to a widow—

Disqualifica-
tions for
allowance.

- (a) unless she is residing in Australia and had been continuously so resident for a period of not less than five years immediately prior to the date of the claim ;
- (b) unless she is of good character and deserving of an allowance ;
- (c) if she is an alien ;
- (d) if she is an aboriginal native of Africa, the Islands of the Pacific or New Zealand ; or
- (e) if she is an aboriginal native of Australia.

(2.) For the purposes of paragraph (a) of the last preceding subsection, continuous residence in Australia shall not be deemed to have been interrupted—

- (a) by occasional absences not exceeding one-tenth of the total period of the claimant's residence in Australia ;
- (b) by absence in a Territory of the Commonwealth ; or
- (c) by any period of absence where, during that period, the claimant's home, any of her children or her furniture remained in Australia.

(3.) Paragraph (c) of sub-section (1.) of this section shall not apply to a woman who, prior to her marriage to an alien, was a British subject.

(4.) Paragraph (e) of sub-section (1.) of this section shall not apply to an aboriginal native of Australia—

- (a) who is for the time being exempt from the provisions of the law of the State or Territory of the Commonwealth in which she resides relating to the control of aboriginal natives ; or
- (b) who resides in a State or Territory of the Commonwealth the law of which does not make provision for such exemption, and with respect to whom the Commissioner is satisfied that, by reason of the character, standard of intelligence and development of the aboriginal native, it is desirable that that paragraph should not apply to her.

Claims for allowance.

28.—(1.) A claim for an allowance shall be made in accordance with a form approved by the Commissioner and in such manner as is prescribed.

(2.) Every claim shall be supported by a statutory declaration made in accordance with the laws of the State or Territory of the Commonwealth in which the claim is made or by such declaration as is approved by the Commissioner.

Investigation of claims.

29. Every claim for an allowance shall be investigated in such manner as is prescribed.

Provisions as to payments of allowances.

30.—(1.) Where an allowance is granted, it shall be paid from a date determined by the Commissioner or Deputy Commissioner but the date so determined shall not, subject to this section, be prior to the date, or later than the due date of the first instalment of allowance after the date, on which the claim for allowance was made.

(2.) Where a claim for an allowance is made within three months after the thirtieth day of June, One thousand nine hundred and forty-two, an allowance may be paid from that date.

(3.) Where a claim is made within three months after the date of death of the claimant's husband or *de facto* husband, an allowance may be paid from that date.

Payment of allowances.

31.—(1.) Upon the grant of an allowance, it shall be paid—

(a) to the widow ; or

(b) to such other person as the Commissioner determines.

(2.) An allowance shall be paid in such manner as is prescribed.

Payment of allowances in instalments.

32. An allowance shall be paid in four-weekly instalments.

Allowance to cease in certain circumstances.

33.—(1.) An allowance shall not be payable for any period after the widow—

(a) departs from Australia ; or

(b) marries or remarries.

(2.) An instalment of an allowance shall not in any event be sent to any person outside Australia.

PART V.—MISCELLANEOUS.

Restrictions as to dual pensions.

34. A person shall not be entitled to receive at the same time a pension or allowance under this Act and a pension under the *Invalid and Old-age Pensions Act 1908-1941*.

Variation of pensions and allowances in accordance with price index numbers.

35.—(1.) The maximum rate of pension per annum and the rate of allowance per week shall be reviewed in each quarter (commencing with the quarter ending on the thirtieth day of September, One thousand nine hundred and forty-two) by the Commissioner, who shall then determine the maximum rate of pension and the rate of allowance which shall apply from and including the due date of the first instalment of pension or allowance in the next succeeding quarter, in accordance with the following provisions of this section.

(2.) If the price index number exceeds 1053 the maximum rate of pension per annum specified in paragraph (a) or (b) of sub-section (1.) of section fifteen of this Act shall be increased by One pound six shillings, and the rate of allowance per week specified in section twenty-six of this Act shall be increased by Sixpence, for every twenty-one units by which the price index number exceeds 1053.

(3.) If at any time the price index number exceeds 1053 by not less than twenty-one units and subsequently falls, the maximum rate of pension per annum, and the rate of allowance per week, shall, where necessary, be reduced to accord with the maximum rate of pension per annum and the rate of allowance per week determined in accordance with the last preceding sub-section.

(4.) The maximum rate of pension per annum shall not in any event be reduced to less than the rate specified in paragraph (a) or (b) of sub-section (1.) of section fifteen of this Act, and the rate of allowance per week shall not in any event be reduced to less than the rate specified in section twenty-six of this Act.

(5.) For the purposes of this section—

(a) the expression "price index number" means the weighted average retail price index number for all items of household expenditure ("C" Series) for the six capital cities of the States as ascertained by the Commonwealth Statistician for the quarter immediately preceding the quarter in which the maximum rate of pension per annum, or the rate of allowance per week, is reviewed, based upon the average price index number for the calendar years One thousand nine hundred and twenty-three to One thousand nine hundred and twenty-seven, inclusive, being expressed as one thousand units; and

(b) the expression "quarter" means the period of three months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September or the thirty-first day of December.

36. Whenever the maximum rate of pension per annum is increased or reduced in pursuance of the last preceding section, the maximum rate of pension per annum payable to a pensioner, immediately prior to the increase or reduction, in pursuance of section twenty-two of this Act, shall be increased or reduced by such amount, if any, as the Minister determines, not exceeding one half of the amount by which the maximum rate of pension per annum is increased or reduced in pursuance of the last preceding section.

Adjustment
of rates of
pension
payable to
certain
pensioners.

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

Pensions and
allowances
absolutely
inalienable.

38. An instalment of pension or allowance shall not be paid unless application for payment thereof is made within twelve weeks after the due date thereof.

Instalments
to be applied
for within
limited time.

Payment of pensions and allowances to other persons.

39. Where the Commissioner or a Deputy Commissioner is satisfied that, having regard to the age, infirmity, ill-health, insanity or improvidence of a widow, or to any other special circumstances, it is expedient that payment of any instalments of pension or allowance payable to her should be made to some other person for the benefit of the pensioner, the Commissioner or Deputy Commissioner may authorize payment accordingly and that other person shall be entitled to receive payment of those instalments.

Suspension of pension or allowance while recipient in hospital for the insane.

40. If a person to whom a pension or allowance has been granted becomes an inmate of a hospital for the insane, payment of her pension or allowance shall, without further or other authority than this Act, be suspended, but, when that person is discharged from the hospital for the insane, payment of her pension or allowance shall, subject to this Act, be resumed and she shall be entitled to payment, in respect of the period during which her pension was so suspended, of a sum representing not more than four weeks' pension or allowance, if the suspension so long continued.

Suspension of pension or allowance while recipient imprisoned.

41. If a person to whom a pension or allowance has been granted is imprisoned, pension or allowance shall not be paid in respect of the period during which she is imprisoned.

Cancellation of pension on conviction of pensioner.

42. Where a pensioner, or a person to whom an allowance has been granted—

(a) is convicted twice within any period of twelve months of any offence punishable by imprisonment for not less than one month; or

(b) is convicted of any offence punishable by imprisonment for not less than twelve months,

the pension or allowance shall be cancelled.

Pensions and allowances of aboriginal natives.

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

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

Application of insurance moneys.

44. Where a pensioner's home is destroyed by fire, the Commissioner may consent to any insurance moneys received by the pensioner in respect of the destruction being used for the purpose of building a home in which the pensioner may reside, and if, within a period determined by the Commissioner, the moneys are used for that purpose, the rate of pension payable to the pensioner shall not be reduced by reason of the receipt or ownership of those moneys.

45. Where any woman has sold her home on terms and has purchased another home, also on terms, the amount of the balance due by her from time to time on the latter home may, for the purposes of this Act, be deducted from the amount due to her in respect of the sale of the former home.

Provisions where home sold on terms.

46. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such sums as are necessary for the purpose of paying pensions and allowances under this Act.

Appropriation.

47. Whenever any pensioner acquires property or receives any income the acquisition or receipt of which affects the rate of pension payable to her, she shall, within thirty days after the acquisition or receipt thereof, give notice to the Commissioner or a Deputy Commissioner accordingly.

Acquisition of property and receipt of income to be notified.

Penalty : Ten pounds.

48. Where, in consequence of any false statement or representation, or in consequence of any failure to give notice as required by the last preceding section, any amount has been paid by way of pension or allowance which would not have been paid but for the false statement or representation, or failure to give notice, or where any amount of pension which is not payable has been paid, the amount so paid shall be recoverable in any 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.

49.—(1.) A person shall not—

- (a) make, either orally or in writing, a false or misleading statement, in connexion with, or in support of, any claim, either for herself or for any other person ;
- (b) obtain any pension or allowance or any instalment thereof which is not payable ;
- (c) obtain payment of any pension or allowance or any instalment thereof by means of any false or misleading statement ;
- (d) make or present to any officer doing duty in relation to this Act any statement or document which is false in any particular.

Offences.

Penalty : Fifty pounds or imprisonment for six months.

(2.) Any person convicted of an offence against this section may, in addition to the penalty imposed for the offence, be ordered to repay to the Commonwealth any amount paid by way of pension or allowance in consequence of the act in respect of which he was convicted.

(3.) Proceedings under this section may be commenced at any time within three years after the commission of the offence.

50. An offence against this Act shall not be prosecuted without the written consent of the Minister.

Consent to prosecution.

Indemnity to certain persons.

51. Nothing contained in any law of a State or Territory of the Commonwealth shall prohibit any person from furnishing any information, or making any books, documents or papers available, to the Commissioner or any other officer doing duty under this Act, for the purposes of this Act.

Annual report to be prepared.

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

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

Regulations.

53. 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 matters providing for or in relation to—

- (a) the matter and form of any claim, the person by whom and to whom and the time within which claims shall be made, and the information and evidence which may be required and accepted in connexion with any claim ;
- (b) the general conditions governing the grant, payment and administration of pensions and allowances ;
- (c) the manner in which pensions and allowances may be paid or applied ; and
- (d) penalties not exceeding a fine of Twenty-five pounds or imprisonment for a period not exceeding three months, or both, for any breach of the regulations.

STATES GRANTS (INCOME TAX REIMBURSEMENT).

No. 20 of 1942.

An Act to make provision for the grant of financial assistance to States, and for other purposes.

[Assented to 7th June, 1942.]

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

Short title .

1. This Act may be cited as the *States Grants (Income Tax Reimbursement) Act 1942*.

Commencement.

2. This Act shall come into operation on the first day of July, One thousand nine hundred and forty-two.