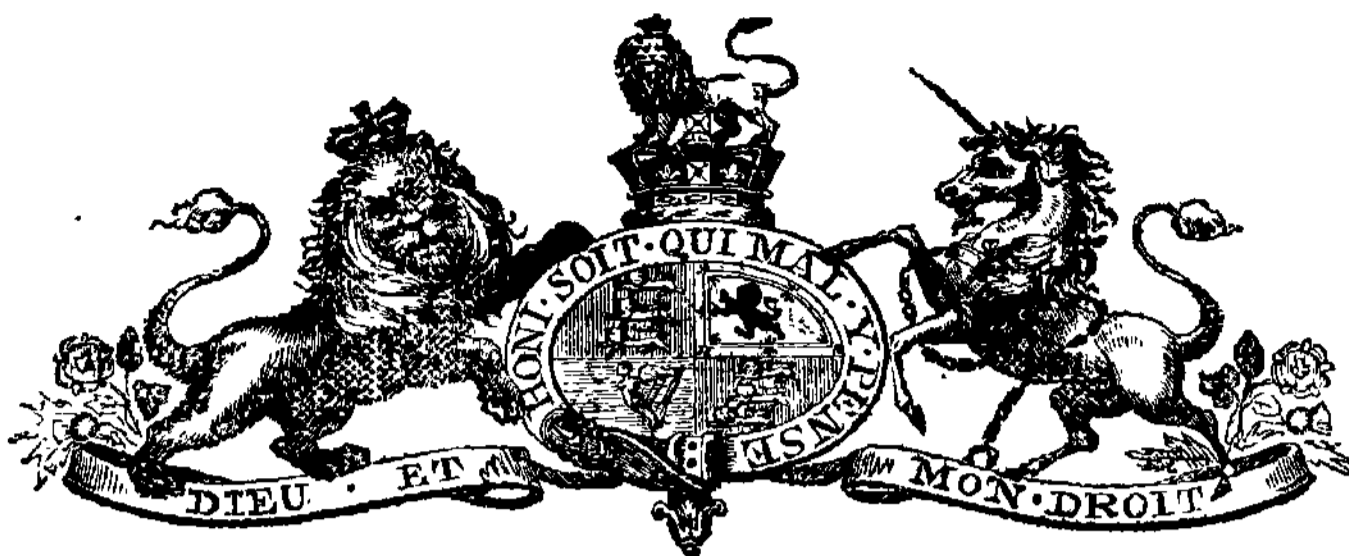


VICTORIA.



ANNO PRIMO

EDWARDI SEPTIMI REGIS.

No. 1751.

An Act to provide for the Payment of Old-age Pensions and for other purposes.

[11th December, 1901.]

WHEREAS it is the duty of the State to make provision for its aged and helpless poor: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Preamble.

1. This Act may be cited as the *Old-age Pensions Act* 1901, and shall be deemed to have come into operation on the seventh day of December One thousand nine hundred and one.

Short title and commencement.

2. In this Act, if not inconsistent with the context—

Interpretation.

“Benevolent Asylum” means any benevolent asylum which is partially maintained by contributions from the Consolidated Revenue, and which is proclaimed by the Governor in Council to be a Benevolent Asylum for the purposes of this Act.

“Benevolent Asylum.”

“Claimant” means any applicant for a pension.

“Claimant.”

“Commissioner” means any person appointed by the Governor in Council to be a Commissioner under this Act.

“Commissioner.”

“Hospital” means any hospital which is partly maintained by contributions from the Consolidated Revenue, and which is proclaimed by the Governor in Council to be a Hospital for the purposes of this Act.

“Hospital.”

“Income”

“Income.”	“Income” means any moneys valuable consideration or profits earned derived or received by any person for his own use or benefit by any means from any source whatever, whether in or out of Victoria, and shall be deemed to include personal earnings but not any pension under this Act nor any payment by way of benefit from any registered friendly society or any trade union provident society or other society or association during illness infirmity or old age.
“Paymaster.”	“Paymaster” means any person appointed by the Governor in Council to be a Paymaster under this Act.
“Pension.”	“Pension” means an old-age pension under this Act.
“Pensioner.”	“Pensioner” means a pensioner under this Act.
“Prescribed.”	“Prescribed” means prescribed by this Act or by regulations made thereunder.

ADMINISTRATION.

Power to appoint Registrar.

3. (1) Subject to the Public Service Acts the Governor in Council may appoint a fit and proper person to be called the Registrar of Old-age Pensions (hereinafter referred to as “the Registrar”) who subject to the control of the Treasurer shall have the general administration of this Act.

Officers.
Removal or suspension.

(2) Subject to the Public Service Acts the Governor in Council may also appoint such Commissioners Paymasters and officers as he deems fit and may remove or suspend the Registrar or any Commissioner Paymaster or officer.

Appointments to be made from Public Service or from superannuated officers.

(3) Every person appointed under this Act shall be a person who is a member of the Public Service or a person who having been in the Public Service is in receipt of a superannuation or retiring allowance unless the Public Service Board certifies in writing that there is no person already in the Public Service or receiving a superannuation or retiring allowance available and competent to fulfil the duties of such office.

Offices may be held in conjunction.

(4) Any office under this Act may be held in conjunction with any other office in the Public Service.

Meaning of “Public Service.”

(5) In this section the expression “Public Service” includes railway service, service in the police force, service in any office of Parliament, service in any public office in the Commonwealth, or service in any office or employment whatever in Victoria for which payment is provided out of any special or annual appropriation of the Consolidated Revenue.

Powers and duties of officers.

(6) Subject to the provisions of this Act the Registrar and every officer appointed as aforesaid shall in addition to the powers authorities and duties provided for in this Act have such powers authorities and duties as are prescribed by regulations made pursuant to this Act.

4. No

4. No Commissioner shall execute any of the powers or authorities conferred by this Act until he shall have taken before a Judge of the Supreme Court or County Courts or before a Justice an oath of office in the form of the First Schedule to this Act or to the like effect.

Oath of office by Commissioner.

First Schedule.

OLD-AGE PENSIONS.

5. A pension being for the personal support of the pensioner shall (subject to the provisions of this Act) be absolutely inalienable whether by way or in consequence of sale assignment charge execution insolvency or otherwise howsoever.

Pension absolutely inalienable.

6. (1) Subject to the provisions of this Act the following persons whilst in Victoria shall be qualified to receive a pension, namely :—

Persons who may receive pensions.

- (a) every person of the age of sixty-five years ; and
- (b) every person of any age who is in permanent ill-health caused by having been engaged in mining or any prescribed dangerous or unhealthy occupation.

(2) A pension shall not be paid to any person who is under the age of sixty-five years unless and until such person's pension claim is certified by a Commissioner pursuant to this Act and is recommended in writing by the Registrar and approved in writing by the Treasurer.

(3) No woman having married an alien shall become disqualified to receive a pension under this Act in consequence of such marriage.

7. The following persons shall not be qualified to receive a pension, namely :—

Persons to whom pensions not to be granted.

- (a) aliens ; or
- (b) naturalized subjects of His Majesty unless they have been naturalized for the period of six months next preceding the date of their pension claims ; or
- (c) Chinese or other Asiatics whether British subjects or naturalized or not ; or
- (d) Aboriginal natives of any State of the Commonwealth of Australia or of New Zealand.

8. No person shall receive a pension unless he fulfils the following requirements, namely :—

Necessary requirements.

(a) that he is residing in Victoria on the date when he establishes his claim to the pension ; and also

Residence.

(b) that on such date he has so resided whether continuously or not for at least twenty years ; and also

Twenty years.

(c) that he has not been absent from Victoria whether continuously or not for more than five years during the time from which the said twenty years commenced to run ; and also

Absence.

(d) that he has resided in Victoria continuously for not less than five years immediately preceding such date ; and also

Continuous residence for five years.

(e) that

- Absence of convictions for drunkenness. (e) that during the period of two years immediately preceding such date he has not been convicted three times or upwards in respect of drunkenness ; and also
- Not imprisoned for six months. (f) that during the period of five years immediately preceding such date he has not been imprisoned for any period or periods amounting in the whole to six months or upwards in respect of any offence or offences ; and also
- Nor for three years. (g) that during the period of twenty years immediately preceding such date he has not for any offence or offences been imprisoned for any period or periods amounting in the whole to three years or upwards with or without hard labour ; and also
- Desertion. (h) that, if a husband, he has not for twelve months or upwards during five years immediately preceding such date without just cause deserted his wife or without just cause failed to provide her with adequate means of maintenance or neglected to maintain such of his children as were under the age of fourteen years, or that, if a wife, during five years immediately preceding such date she has not for twelve months without just cause deserted her husband or deserted such of her children as were under the said age ; and also
- Income. (i) that his average weekly income during six months immediately preceding such date did not amount to Eight shillings or upwards ; and also
- Property. (j) that the net capital value of his accumulated property, whether in or out of Victoria, does not amount to One hundred and sixty pounds or upwards ; and also
- Deprivation of income. (k) that he has not directly or indirectly deprived himself of property or income in order to qualify for or obtain a pension ; and also
- Reasonable efforts to self support. (l) that he has made reasonable efforts to provide for himself, or has brought up a family in decency and comfort ; and also
- Relatives unable to support. (m) that the husband wife father mother or children of the claimant or any or all of them are unable to provide for or maintain the claimant ; and also
- Unable to maintain himself. (n) that he is unable to maintain himself ; and also
- Pension certificate not refused. (o) that he has not at any time within twelve months been refused by a Commissioner a pension certificate except for the reason that he was disqualified on account of his age or for reasons which are not in existence at the time of the further application.

9. (1) Continuous

9. (1) Continuous residence in Victoria shall not be deemed to have been interrupted by occasional absence from Victoria unless the period of such absence exceeds three months in all in any year, nor in case of longer absence in any one year if the claimant proves that his home was in Victoria or that he was absent for a mere temporary purpose and intended on leaving and during all his absence to return to Victoria so soon as the object of his absence was accomplished, and in such case such year shall not be reckoned as one of the years of the period of continuous residence, or for the purposes of paragraph (d) of section eight, or for any purposes whatever under this Act.

Occasional short absences.

(2) A person whether claimant or pensioner shall not be deemed to be absent from Victoria during any period of absence from Victoria if he proves that during such period his home was in Victoria and if married that his wife and family or his wife (if he has no family) or his family (if his wife is dead) resided there and were or was maintained by him, but no pension shall be payable to him for or during the time he is so absent.

Absence during any period.

(3) In calculating any claimant's length of residence in Victoria any time during which he was in prison for any crime shall be excluded.

Period of imprisonment not to count as residence.

(4) Provided also that residence in any Australian State in which provision is made for granting old-age pensions shall count as residence in this State if—

When residence in any Australian State to count as residence in Victoria.

- (a) The claimant has during the ten years immediately preceding the date when he establishes his claim continuously resided in this State ; and
- (b) The State Treasurer certifies to the Registrar that provision has been made by agreement with the Government of such other State as hereinafter mentioned.

And for the purpose of carrying out this proviso the State Treasurer on behalf of the Government of this State may agree with the Government of any other State for the payment by such other Government of any such pension in whole or in part or for the granting by such other State of concessions to a like amount under the old-age pension law of that State to persons who have been resident in this State.

RATE OF OLD-AGE PENSIONS.

10. (1) The amount of a pension shall in each case be at such rate as having regard to all the circumstances of the case the Commissioner who deals with the pension claim deems reasonable and sufficient, but shall not exceed the rate of Eight shillings per week in any event.

Limit of pension.

(2) Where a claimant who is sixty-five years of age appears to the Commissioner to be physically capable of earning or partly earning his living such Commissioner may either refuse to grant the pension claim or may grant the same for such lesser sum than Eight shillings per week as such Commissioner considers proper in such case.

Provision where claimant physically capable of earning.

(3) Where

Special cases
for consideration
of Treasurer.

(3) Where a Commissioner is of opinion that a claimant although unable to prove that he complies with all the requirements of this Act is owing to physical disability deserving of a pension such Commissioner may forward a special application to the Registrar to submit the case for the consideration of the Treasurer and if the Treasurer approves of the granting of a pension the Registrar on receiving such approval may issue a pension certificate accordingly, and the Clerk of Petty Sessions shall issue a pass certificate.

How rate to be
determined.

11. A pension shall be at such rate as will make the total income of the claimant from all sources not more than Eight shillings per week: Provided however that to the extent of Two shillings per week, whether such sum be the whole or part only of the average weekly income of the claimant receivable or derivable by him as wages or earnings in respect of his personal labour or exertion, such sum shall not be considered or taken into account in the computation of the total income of the claimant from all sources, but such pension shall be diminished by—

Sixpence for every complete Ten pounds of the net capital value of all accumulated property owned by the claimant (not including furniture and personal effects to the value of Twenty-five pounds) which does not return income, after deducting from the capital value of such accumulated property all charges or encumbrances lawfully and properly existing on such property.

Assessment of value
of accumulated
property.

12. The net capital value of accumulated property shall be computed and assessed in the prescribed manner, and unless otherwise prescribed the following provisions shall apply:—

- (a) All real and personal property owned by any person shall be deemed to be his accumulated property; and
- (b) From the capital value of such accumulated property there shall be deducted all charges or encumbrances lawfully and properly existing on such property and also the sum of Fifty pounds, and the residue remaining shall be deemed to be the net capital value of all accumulated property; and
- (c) Where a valuation has been made for any municipality of any such accumulated real property such valuation being the last municipal valuation of such property shall be taken by any Commissioner to be the net capital value of such property unless satisfactory evidence is adduced to the contrary; and
- (d) In the case of husband and wife the net capital value of the accumulated property of each shall be deemed to be not less than half the total net capital value of the accumulated property of both after allowing only one deduction of Fifty pounds. This rule shall not apply where a husband and wife are living apart pursuant to any decree order or deed of separation.

13. In

13. In the computation of income—

General rules for
computing income.

- (a) where any person receives board or lodging or board and lodging the actual or estimated value or cost of such board or lodging or board and lodging not exceeding Five shillings per week shall be included in the computation of the income of such person; and
- (b) in the case of husband and wife the income of each shall be deemed to be not less than half the total income of both. This rule shall not apply where a husband and wife are living apart pursuant to any decree order or deed of separation.

PENSION CLAIMS.

14. (1) Every person claiming a pension shall in the prescribed manner and form deliver a claim therefor (throughout this Act called a "pension claim") to the Registrar, or to the nearest Paymaster or prescribed officer; and such Paymaster or prescribed officer shall forthwith transmit the pension claim to the Registrar. Pension claim.

(2) The pension claim shall expressly affirm all the qualifications and requirements and negative all the disqualifications under this Act, and shall set out the place of abode and length of residence therein of the claimant and the place or places of abode of the claimant during the previous twelve months and such other information as may be prescribed.

(3) Every claimant shall by statutory declaration affirm that the contents of his pension claim are true and correct in every particular, and if any person in any such declaration wilfully makes any false statement he shall be deemed and taken to be guilty of wilful and corrupt perjury and shall be punishable accordingly.

(4) Such declaration may be made before any Police Magistrate, Commissioner, Justice, barrister and solicitor, Clerk of Petty Sessions, Assistant Clerk of Petty Sessions, Paymaster, State School head teacher, or Commissioner for taking Declarations and Affidavits or any prescribed officer or person.

(5) A pension claim may be withdrawn at any time by a notice of withdrawal sent by the claimant to the Registrar.

15. (1) The Registrar shall in the prescribed manner forward each pension claim to a Commissioner who shall in open court in the locality where the claimant resides, or as near thereto as practicable, fully investigate the pension claim for the purpose of ascertaining whether the claimant is entitled to a pension and if so at what rate. Such Commissioner in such Court shall have and may exercise all the powers and authorities of a Court of Petty Sessions. Commissioner to
investigate.

(2) The

Notes of investigation.

(2) The Clerk of the Court shall notify the claimant of a date on which he may attend to support his pension claim, and the Commissioner shall on the day so notified or on the first convenient day thereafter proceed to investigate the same.

Evidence of police &c.

(3) In order to ascertain the circumstances of any claimant and of the relatives of the claimant, evidence may be taken at the hearing from members of the police force and officers and members of the governing bodies of any charitable institutions or societies or from any other persons whomsoever.

Notice to local police and charitable institutions.

(4) The Clerk of the Court shall also give notice of the application to the police and to the prescribed officers and members of the governing bodies of any charitable institutions or societies in the locality and request them to furnish in writing for the consideration of the Commissioner any information in their possession regarding the claimant and to be present or to be represented at the hearing.

Confidential report from Savings Bank &c.

(5) Officers of the Savings Banks of Victoria or of any Company, or of any Building Society, or Friendly Society are hereby required on demand of any Commissioner to furnish such Commissioner with a confidential report as to any transactions in connexion with any such bank company or society as the case may be by any particular claimant or pensioner.

Evidence to be corroborated.

(6) No pension claim shall be granted to any claimant unless the Commissioner is thoroughly satisfied as to the truth of the evidence given in support of the claim and unless the evidence of the claimant is corroborated on all material points, except that in respect of the age of the claimant the Commissioner if otherwise satisfied may dispense with corroborative evidence.

How pension claim to be dealt with.

(7) The Commissioner may grant a pension claim as made or as modified by the result of his investigations or may postpone it for further evidence or reject it as he deems equitable, and his decision shall in every case be notified by the Clerk of the Court to the claimant and also to the Registrar.

Power to dispense with personal attendance of claimant.

(8) Where the Commissioner is satisfied that the documents or evidence in support of a pension claim are or is sufficient to establish it, and also that by reason of physical disability or other sufficient cause the attendance of the claimant should be dispensed with, he may dispense with the personal attendance of the claimant, who shall be notified accordingly.

Strict rules of evidence not to be binding.

(9) In investigating any pension claim the Commissioner shall not be bound by the strict rules of evidence, but shall investigate and determine the matter by such means and in such manner as in equity and good conscience he thinks fit.

Power to send certain claimants to benevolent asylums.

(10) If in investigating any pension claim it appears to the Commissioner that the claimant although otherwise qualified for a pension is unfit to be intrusted with a pension, he may certify that such claimant instead of being granted a pension ought to be sent to a benevolent asylum or charitable institution and the Clerk of the Court shall

shall at once notify the Registrar who may thereupon cause steps to be taken for the admission of such claimant into a benevolent asylum or any prescribed public or private charitable institution.

(11) In disposing of material points against the claimant the Commissioner shall distinguish between what he finds to be disproved and what he finds to be simply unproved or insufficiently proved.

Power to distinguish in material points.

(12) In respect of matters found to be disproved the decision of the Commissioner shall be final and conclusive for all purposes; unless on appeal being made by the claimant to the Treasurer within the prescribed time and in the prescribed manner the said Treasurer causes an investigation to be made as to such matters by a County Court Judge named by him in that behalf, in which case the decision of such Judge shall be final and conclusive for all purposes; and such decision shall be remitted to the Commissioner and dealt with in the same way as a decision of the Commissioner.

Decision of Commissioner to be final in matters found to be disproved

(13) In respect of matters found to be simply unproved or insufficiently proved, the claimant may at any time thereafter adduce before the Commissioner fresh evidence, and in such case all material points previously found by the Commissioner to be proved shall be deemed to be established, and the Commissioner shall dispose of all other points as in the case of a new pension claim.

Right to adduce further evidence in certain cases

16. (1) In order to ascertain whether or not any of the relatives within Victoria (that is to say the husband wife father mother or children over twenty-one years of age) of a claimant or pensioner are able to contribute towards the support of such claimant or pensioner, the Registrar shall send a notice to every such relative requiring him to furnish in a prescribed form a declaration as to his means and ability. If such declaration is not received from such relative within a time limited in such notice, or if it appears to the Registrar that such relative is able and ought to contribute but is not willing to do so, it shall be lawful for any Justice on the complaint of the Registrar, or any person on his behalf, to issue a summons calling upon such relative to show cause to some convenient Court of Petty Sessions consisting of a Commissioner, why such relative should not be ordered to contribute towards the cost of the pension of the claimant or pensioner. Such Commissioner shall have and may exercise all the powers of a Court of Petty Sessions. The onus of proving that a person summoned under this section is not a relative of the claimant or pensioner shall be on the person so summoned.

Notice by Registrar to relatives.

(2) When any such relative has been summoned as aforesaid unless he satisfies the Court that having regard to his means and the cost of supporting others dependent upon him he cannot afford to pay any part of the cost of supporting the claimant or pensioner the Court may make an order against any such relative or relatives to pay into Court

Relatives summoned to show cause.

Court fortnightly or monthly any sum or sums not exceeding in the whole the rate of Eight shillings per week until otherwise ordered by a Commissioner towards the cost of the pension of the claimant or pensioner, and all sums so paid to the Clerk of the Court shall be paid into the Consolidated Revenue.

Order against relatives.

(3) The Court shall be at liberty to make an order against any relative or relatives although it may appear that other relatives may also be liable under this section for the support of the claimant.

Enforcement of order against relative.

(4) Where an order is made under this section against any person it shall be the duty of the Clerk of the Court to recover all sums due and payable pursuant to such order before a Court of Petty Sessions; and if such person does not pay all arrears of the amount due forthwith when ordered by such Court or within any time not exceeding fourteen days that such Court may fix, or prove to the satisfaction of such Court that he has not sufficient means and ability to pay such arrears or any part thereof and that he does not intend to go away with intent to evade payment, such person shall be liable to be imprisoned for any term not exceeding one month.

Cases may be heard in private.

(5) Every case under this section may, if the Court thinks fit, be heard in private.

Temporary pension certificate.

17. If delay will be occasioned in having a pension claim investigated by a Commissioner the Clerk of the Court where such claim is to be heard may pursuant to the regulations if satisfied that there is an urgent necessity so to do issue a temporary pension certificate limited in operation to four weeks. A duplicate of such temporary certificate shall be forwarded by such Clerk to the Registrar.

Rehearing of pension claim.

18. At the request of the Treasurer or the Registrar any Commissioner may rehear a pension claim previously admitted or rejected by a Commissioner, and the Registrar may alter or amend any certificate so as to accord with the decision arrived at on such rehearing.

PENSION CERTIFICATES.

Issue of certificate when claim established.

19. As soon as a pension claim is granted and the rate of the pension is fixed by a Commissioner he shall in the prescribed manner and form issue a certificate (throughout this Act called a "pension certificate") which shall be signed by the pensioner therein named, and the Clerk of the Court shall forward the same together with particulars for identification of the pensioner to the Registrar and the Clerk of the Court shall issue to the pensioner a pass certificate to the like effect in the form prescribed.

20. (1) A pension

20. (1) A pension certificate shall in every case specify the rate of the pension, and the office where payable, and the pass certificate shall specify the instalments whether fortnightly or otherwise by which it is payable.

Particulars in certificate.

(2) A pension shall commence from any date named in that behalf in the pension certificate but shall not be dated prior to the date of the pension claim for such pension.

When to commence.

(3) A pension shall pursuant to the pension certificate and subject to this Act continue to be paid at the rate specified in the certificate whilst there is money legally available therefor or until cancelled or suspended or reduced or increased.

Continuance of payment.

21. No person shall receive a pass certificate or pension certificate until he has executed a deed poll undertaking on demand to transfer to the Treasurer of Victoria all his real property and authorizing the Treasurer to sell such property and deduct from the proceeds the total sum paid to the pensioner pursuant to this Act, and after such total sum is so deducted any balance remaining shall be paid to the pensioner, or where he has died previously to such deduction such balance shall form part of such deceased pensioner's estate. Such deed poll shall be in the form of the Second Schedule to this Act or to the like effect.

Undertaking to transfer property on demand.

Second Schedule.

22. On application in the prescribed form and subject to the prescribed conditions the Registrar may issue a duplicate pass or pension certificate in any case where satisfactory proof is given of the loss or destruction of the original.

Issue of duplicate certificate.

23. The Treasurer may at any time cancel or suspend or reduce or increase any pension if he considers it expedient so to do, and the Registrar shall alter or amend the pass and pension certificates accordingly.

Power of Treasurer to cancel or suspend or reduce or increase pension.

PAYMENT OF PENSIONS AND FORFEITURE OF INSTALMENTS.

24. (1) Each instalment of pension shall be payable at the office named in the pass or pension certificate.

Where pension payable.

(2) On application in the prescribed manner the name of such office may be changed from time to time by the Registrar and every change of office shall be recorded by the Registrar on the certificate.

Change of place of payment.

25. (1) Subject to the provisions of this Act each instalment shall be applied for and payable at any time within twenty-one days after its due date on the personal application of the pensioner except as hereinafter provided and the production of his pass certificate to the Paymaster at the office named therein.

Instalment to be applied for within twenty-one days.

(2) In default of strict compliance by the pensioner with the provisions of sub-section (1) of this section such instalment shall be deemed to be forfeited unless the forfeiture is waived as hereinafter provided.

When instalment deemed forfeited.

(3) The

When and how
forfeiture may be
waived.

(3) The Registrar may waive any such forfeiture in any case where after investigation he is satisfied—

(a) that if the forfeiture was occasioned by default of personal application for payment or of application within the prescribed time such default was due to the pensioner's illness or debility or temporary absence not from Victoria but from the locality in which such pension is payable or other sufficient cause ; or

(b) that if the forfeiture was occasioned by default in producing the pass certificate such default was due to its being lost or mislaid :

Restriction as to
two indorsements
consecutive.

(4) Except in special cases of the pensioner's illness or debility it shall not be lawful for the Registrar to waive the forfeiture of a pension twice to the same pensioner ; and in no case shall forfeiture be waived unless it is applied for within the prescribed time.

Payment to Minister
&c. for the
pensioner.

26. (1) Subject to the regulations, on production to the Paymaster of a warrant in the prescribed form signed by the Registrar or a Commissioner or Clerk of Petty Sessions any instalments of pension may for the benefit of the pensioner be paid to any Minister of Religion Justice or person named in such warrant as approved by such Registrar Commissioner or Clerk.

(2) Such warrant may be issued by the Registrar or a Commissioner or Clerk of Petty Sessions whenever he is satisfied that it is expedient so to do having regard to the age infirmity or improvidence of the pensioner or any other special circumstances, and such Commissioner or Clerk shall forward a copy of every such warrant issued by him to the Registrar, and payment made to the person named in such warrant shall be deemed to be payment to the pensioner.

Period for which
pension not
payable.

27. For any period during which a pensioner is in prison or an inmate of a lunatic asylum or in a hospital or out of Victoria his pension shall without further or other authority than this Act be deemed to be forfeited, but when the pensioner is discharged from any such asylum or hospital after having remained there for more than twenty-eight days, payment of his pension shall be resumed dating back for twenty-eight days previously to such discharge.

Benevolent Asylum
inmates.

28. In the event of a successful claimant of a pension being an inmate of a Benevolent Asylum the pension shall commence and be made payable from a date not more than fourteen days prior to the pensioner having been discharged from or leaving such asylum. No person while an inmate of a Benevolent Asylum shall draw a pension.

29. With

29. With respect to the payment of instalments of pension by a Paymaster the following provisions shall apply:—

Procedure as to payments of instalments by Paymaster.

- (a) The Paymaster may if he thinks fit require the applicant for payment to prove his identity but subject to the regulations he may accept the production of the pass certificate as sufficient evidence that the person producing the same is the person entitled to payment.
- (b) When making the payment the Paymaster shall indorse on the pass certificate the date and fact of the payment, and shall also require the person receiving the payment to give a receipt therefor in the prescribed form.
- (c) Such receipt shall be sufficient evidence that the payment to which the receipt purports to relate has been duly made, and no claim against His Majesty or the Paymaster shall thereafter arise or be made in any Court or proceeding whatsoever by the pensioner or any person whomsoever in respect thereof.

PENALTIES.

30. Every person shall on conviction before a Court of Petty Sessions consisting of a Police Magistrate be liable to imprisonment for not more than six months with or without hard labour—

Imprisonment for certain breaches of Act.

- (a) if by means of any wilfully false statement or representation he obtains or attempts to obtain a pension certificate pass certificate or pension or to affect the rate of any pension for which he is a claimant ; or
- (b) if by any unlawful means he obtains or attempts to obtain payment of any forfeited instalment of pension ; or
- (c) if by means of personation or any fraudulent device whatsoever he obtains or attempts to obtain payment of any instalment of pension ; or
- (d) if by any wilfully false statement or representation he aids or abets any person in obtaining or claiming a pension certificate or pension or instalment of a pension ; or
- (e) if he wilfully lends his pass certificate to any other person.

31. In the case of a conviction under the last preceding section the Court in addition to imposing the punishment thereby prescribed shall also according to the circumstances of the case by order—

Additional powers of Court when convicting.

- (a) cancel any pension or pass certificate which is proved to have been wrongfully obtained ; or
- (b) reduce to its proper amount any pension that has been granted at too high a rate ; or
- (c) impose a penalty not exceeding twice the amount of any instalment the payment whereof has been wrongfully obtained and if the defendant is a pensioner direct the forfeiture of future instalments of his pension equal in amount to such penalty and in satisfaction thereof.

32. (1) When

Forfeiture of instalments for certain offences.

32. (1) When a pensioner is in any Court convicted of drunkenness or of any offence punishable by imprisonment for not less than one month, then in addition to any other penalty or punishment imposed the Court may in its discretion by order forfeit any one or more of the instalments falling due after the date of the conviction.

Order for payment of instalments to Minister &c. for benefit of pensioner.

(2) Where in the opinion of a Commissioner a pensioner misspends any part of his pension or misspends wastes or lessens any part of his estate or of his income or earnings or injures his health or endangers or interrupts the peace and happiness of his family, a Commissioner may on the complaint of the Registrar or any Paymaster or any member of the police force make an order directing that until further order the instalments shall be paid to any benevolent or charitable society Minister of Religion Justice or other person named by such Commissioner for the benefit of the pensioner or cancelling the pension certificate or directing the forfeiture of so many of the instalments as the Commissioner thinks fit.

Cancellation of pension certificate after two convictions &c.

(3) Where a pensioner is twice within twelve months convicted of any offence punishable by imprisonment for not less than one month or of drunkenness, or where any pensioner is convicted of any offence punishable by imprisonment for twelve months or upwards, then in lieu of forfeiting any instalment of the pension the Court last imposing such punishment shall by order cancel the pass certificate and pension certificate.

When pension absolutely forfeited.

(4) In any case where any pass certificate or pension certificate is cancelled the pension shall be deemed to be absolutely forfeited, and the pass certificate shall be delivered up to the Clerk of the Court and forwarded by him to the Registrar.

Notice of forfeiture to Registrar.

(5) In every case where any instalment is forfeited or any pass certificate or pension certificate is cancelled the Clerk of the Court shall forthwith notify the Registrar of such forfeiture or cancellation, and the Registrar shall record the same, and give notice thereof to the Paymaster at the office where such pension is payable.

Power to cancel pension for drunken habits.

33. Notwithstanding that a pensioner has not been convicted of drunkenness a Commissioner may and if so requested by the Registrar shall at any time summon any pensioner to appear and show cause why his pension should not be cancelled reduced or suspended for a time on account of such pensioner's drunken or intemperate habits and at the time and place mentioned in such summons the Commissioner may, if he thinks fit, cancel reduce or suspend such pension accordingly.

MISCELLANEOUS.

Payment of money out of Consolidated Revenue.

34. The Treasurer shall pay out of the Consolidated Revenue (which is hereby to the necessary extent appropriated for the purpose) all such moneys as are necessary in order to enable the pensions payable under this Act to be paid; and payments shall be made in the prescribed manner.

35. The

35. The Treasurer shall within sixty days after the close of each financial year prepare and lay before Parliament if sitting or if not sitting then within fourteen days after the commencement of the next session a statement showing for such year—

Annual statement to be laid before Parliament.

- (a) the total amount paid under this Act in respect of pensions ;
- (b) the total number of pensions ; and
- (c) such other particulars as are prescribed.

36. Every pension shall be deemed to be granted and shall be held subject to all the provisions of this Act and to the provisions of any amending or repealing Act that may at any time be passed, and no pensioner shall have any claim for compensation or otherwise by reason of his pension being affected by the operation of this Act or by any such amending or repealing Act.

Pensions granted subject to any future Act.

37. (1) The Governor in Council may make regulations not inconsistent with this Act with regard to all or any of the following matters, namely :—

Regulations.

- (a) the powers and duties of the Registrar and officers ;
- (b) the form of pension claims, and any applications or declarations relating thereto and the times within which the same are to be made or given ;
- (c) the registering and numbering of all pension claims and particulars in regard thereto ;
- (d) the form of pension certificates and pass certificates ;
- (e) the mode of transmitting pension claims to a Commissioner ;
- (f) the mode of valuing properties ;
- (g) all proceedings of any kind before a Commissioner ;
- (h) the certification of pension claims by a Commissioner and the obtaining of the recommendation of the Registrar and approval thereof by the Treasurer ;
- (i) the form of receipt to be given for any pension ; and
- (j) generally for the purpose of the more effectually carrying out the intent and objects of this Act.

(2) All such regulations shall be published in the *Government Gazette* and when so published shall be of the same effect as if they were contained in this Act and shall be judicially noticed and shall be laid before each House of Parliament within fourteen days after the same shall have been made if Parliament be then sitting and if not then within ten days after the next meeting of Parliament.

Publication.

SCHEDULES.

 SCHEDULES.

Section 4.

FIRST SCHEDULE.

I, _____ of _____ do sincerely promise and swear that as a Commissioner under the *Old-age Pensions Act* 1901 I will at all times and in all things do equal justice to the poor and to the rich, and discharge the duties of my office according to law and to the best of my knowledge and ability without fear favour or affection.

SO HELP ME GOD!

Section 21.

SECOND SCHEDULE.

Old-age Pensions Act 1901.

I, _____ of _____ in consideration of being granted a pension under the *Old-age Pensions Act* 1901 do hereby undertake on demand to convey assign and transfer to the Treasurer of Victoria all my real property of which I am now possessed or to which I am now or may hereafter be or become entitled, and I further undertake on demand to deliver to the said Treasurer all deeds documents and muniments of title in my possession or under my control relating to such real property, and I hereby irrevocably appoint the Registrar of Old-age Pensions for the time being my true and lawful attorney for me and in my name to sign seal and execute all or any conveyances transfers assignments receipts and acquittances for effectually vesting such real property in the said Treasurer, and also for me and in my name to demand receive sue for and recover all such deeds documents and muniments of title as aforesaid and on receipt or delivery thereof for me and in my name good and sufficient receipts and discharges to sign and deliver therefor, and also to sell all or any such real property by public auction and to deduct from the proceeds the total sum paid to me as a pensioner under the said Act, and after such total sum is so deducted any balance remaining shall be paid to me, or after my death to my legal representatives and no purchaser or other person body corporate company or institution shall be bound to see or inquire into the application of any moneys arising from any sale transfer or receipt of any such real property in any way whatsoever.

As witness my hand and seal this _____

day

of

One thousand nine hundred and _____

Witness—

 MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.