

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

2nd October, 1908.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Right Hon. Sir J. G. Ward.

OLD-AGE PENSIONS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Commissioner and Registrars to take place of Registrar and Deputy Registrars.</p> <p>3. Section 8 of principal Act amended.</p> <p>4. Section 10 of principal Act amended.</p> <p>5. Section 11 of principal Act amended.</p> <p>6. Mode of computing annual income. Repeal.</p> <p>7. Section 14 of principal Act amended.</p> <p>8. Section 16 of principal Act amended.</p> <p>9. Section 42 of principal Act amended.</p> <p>10. Pensioners becoming inmates of mental hospitals.</p>	<p>11. Section 46 of principal Act amended.</p> <p>12. Magistrate may suspend pension-certificate on commission of certain offences by pensioner. Cancellation of pension-certificate in certain cases. Repeal.</p> <p>13. Forfeiture of pension on cancellation of certificate. Repeal.</p> <p>14. Instalments of pension forfeited during currency of suspension-order.</p> <p>15. Magistrate to notify Registrar of suspension or cancellation of certificates. Repeal.</p> <p>16. Section 59 of principal Act amended.</p> <p>17. Section 60 of principal Act amended.</p> <p>18. Section 71 of principal Act amended.</p>
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A BILL INTITULED

AN ACT to amend the Old-age Pensions Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Old-age Pensions Amendment Act, 1908, and shall be read together with and deemed part of the Old-age Pensions Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) The principal Act is hereby amended by substituting the term "Commissioner" for the term "Registrar," and the term "Registrar" for the term "Deputy Registrar," wherever those terms occur in that Act.

Commissioner and Registrars to take place of Registrar and Deputy Registrars.

(2.) The person who at the passing of this Act holds office as the Registrar under the principal Act shall by virtue of this Act be deemed to be appointed to the office of Commissioner under the principal Act as amended by this Act, and shall hold that office on the same terms and conditions in all respects as those on which he theretofore held the said office of Registrar.

(3.) Every person who at the passing of this Act holds office as a Deputy Registrar under the principal Act shall by virtue of this Act be deemed to be appointed to the office of Registrar under the principal Act as amended by this Act, and shall hold that office on the same terms and conditions in all respects as those on which he theretofore held the said office of Deputy Registrar.

(4.) All references in any other Act or regulations to the Registrar of Old-age Pensions shall be construed as references to the Commissioner under the principal Act as amended by this Act.

(5.) All references in any other Act or regulations to a Deputy Registrar of Old-age Pensions shall be construed as references to a Registrar under the principal Act as amended by this Act.

Section 8 of principal Act amended.

3. (1.) Paragraph (b) of section eight of the principal Act is hereby amended by omitting from subparagraph (ii) all words after the words "twenty-five years" down to and inclusive of the words "1898, or."

(2.) Section eight of the principal Act is hereby further amended by omitting the words "five years" in paragraph (f) thereof, and substituting therefor the words "one year."

Section 10 of principal Act amended.

4. Section ten of the principal Act is hereby amended by adding thereto the following proviso:—

"Provided also that the interest of any person in any life-assurance policy or in any annuity purchased from a life-assurance company shall not be deemed to be accumulated property within the meaning of this Act."

Section 11 of principal Act amended.

5. Section eleven of the principal Act is hereby amended by omitting the words "three hundred pounds" from subsection one thereof, and substituting the words "six hundred and fifty pounds."

Mode of computing annual income.

6. (1.) For the purpose of ascertaining whether the claimant for a pension is entitled thereto, and also of fixing the rate of the first year's pension, his income for the last preceding income-year shall be deemed to be his yearly income, and the property owned by him at the end of that income-year shall be deemed to be his accumulated property:

Struck out.

Provided that if, on application for a pension or for a renewal thereof, it is shown to the satisfaction of the Magistrate that owing to loss of employment or any other cause any part of the applicant's income for the last preceding income-year which was derived from personal earnings has ceased, the Magistrate may deduct from such income all personal earnings not exceeding at the rate of two pounds per week, and shall compute the income accordingly.

New proviso.

Provided that if the Magistrate is satisfied that during the current income-year the claimant will probably be unable to obtain an income of more than sixty pounds, and that he has not at any time during the period of twelve months immediately prior to the hearing of the application alienated or otherwise deprived himself of any property with intent thereby to qualify himself for any pension, or with intent thereby to induce the Magistrate to exercise the discretionary power conferred upon him by this section, the Magistrate may, if he thinks fit in his discretion, estimate the claimant's yearly income as being for the purposes aforesaid the income which he will probably receive during the current income-year instead of the income actually received by him during the last preceding income-year.

(2.) For the purpose of fixing the rate of the pension for the second and each subsequent year, the pensioner's income for the income-year last preceding each such year shall be deemed to be his

income for that year, and the property owned by him at the end of that income-year shall be deemed to be his accumulated property.

(3.) This section is in substitution for section thirteen of the principal Act, which section is hereby repealed accordingly. **Repeal.**

5 7. Section fourteen of the principal Act is hereby amended by adding to paragraph (a) thereof the following words: "except such part of that income as exceeds ten per centum per annum of the net capital value of such accumulated property." **Section 14 of principal Act amended.**

10 8. Section sixteen of the principal Act is hereby amended by omitting from paragraph (a) thereof all words after the word "behalf," and substituting the following words: "in the Magistrate's certificate issued in respect of the first year's pension, being in every case the first day of the month during which that certificate is issued." **Section 16 of principal Act amended.**

15 9. (1.) When a pensioner becomes an inmate of a mental hospital the amount of his pension shall be paid to the Superintendent of the mental hospital in which the pensioner is an inmate. **Pensioners becoming inmates of mental hospitals.**

(2.) The income and property statements required by the principal Act in order to secure a continuance of pensions shall in the case of any such pensioner be made in the manner and by the persons prescribed by regulations.

(3.) Section forty-three of the principal Act is hereby amended by omitting the words "an inmate of a lunatic asylum."

20 10. Section forty-two of the principal Act is hereby amended by omitting the words "a Magistrate" wherever those words occur, and substituting therefor the words "the Commissioner." **Section 42 of principal Act amended.**

30 11. Section forty-six of the principal Act is hereby amended by omitting all words after "pension-certificate," and by substituting therefor the words "and may either cancel the same or vary the same, whether by increasing or diminishing the amount of the pension or otherwise, in such manner as he thinks fit, having regard to the provisions of this Act." **Section 46 of principal Act amended.**

35 12. (1.) If any pensioner is convicted of the offence of drunkenness, or of any offence punishable by imprisonment for one month or any longer period and dishonouring him in the public estimation, a Magistrate may, in his discretion, on the application of the Registrar made within three months after the date of the conviction, make an order suspending the pension-certificate of the pensioner for any period not exceeding six months. **Magistrate may suspend pension-certificate on commission of certain offences by pensioner.**

40 (2.) If any pensioner is during the currency of any pension-certificate twice convicted of any of the offences described in the *last preceding* subsection (whether the offences of which he is so convicted are of the same or of different natures), a Magistrate shall, on the application of the Registrar made within three months after the date of the last of those convictions, make an order suspending the pension-certificate of the pensioner for a period not less than six months and not exceeding twelve months.

45 (3.) If at the time when any order of suspension is made under either of the preceding subsections the pension-certificate is already suspended under a previous order of suspension, the subsequent order shall take effect as from the expiry of the previous order, but the total period of continuous suspension shall in no case exceed twelve months.

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Cancellation of pension-certificate in certain cases.

(4.) If on the conviction of a pensioner for any offence he becomes an habitual drunkard within the meaning of the Police Offences Act, 1908, or if a pensioner is convicted of any offence dishonouring him in the public estimation and is sentenced to imprisonment for twelve months or more, a Magistrate shall, notwithstanding anything to the contrary in the preceding subsections, on application made by a Registrar within three months after the date of that conviction, make an order cancelling the pension-certificate of that pensioner. 5

(5.) If a pensioner is convicted of any offence before a Magistrate, and the conviction is such that the Magistrate is empowered or required by the foregoing provisions of this section to make an order of suspension or cancellation on the application of a Registrar, the Magistrate may, if he thinks fit, on his own motion, make at the time of the conviction any order of suspension or cancellation which he might lawfully make on the application of a Registrar. 10 15

(6.) No order of suspension made under this section shall operate so as to affect any instalment or part of any instalment of any pension that is, pursuant to section forty-one of the principal Act, payable to the governing body of any charitable institution in which the pensioner with respect to whom the order of suspension is made is maintained or receives relief. 20

Repeal.

(7.) This section is in substitution for sections fifty-one and fifty-two of the principal Act, which sections are hereby repealed accordingly. 25

Forfeiture of pension on cancellation of certificate.

13. (1.) In any case where a pension-certificate is cancelled, the pension shall be deemed to be absolutely forfeited.

(2.) In every such case the person whose pension is so forfeited is disqualified to make any application for a new pension until the expiration of twelve months from the date of the forfeiture. 30

(3.) Every application made by any such person for a new pension shall be subject in all respects to the same provisions as if no former pension had been granted to that person.

(4.) This section shall extend and apply to all persons whose pensions have been forfeited before the passing of this Act. 35

Repeal.

(5.) This section is in substitution for section fifty-three of the principal Act, which section is hereby accordingly repealed.

Instalments of pension forfeited during currency of suspension-order.

14. (1.) So long as any order is in force suspending a pension-certificate all instalments which would otherwise become due and payable during that period shall be forfeited. 40

(2.) If any period of suspension is such as to extend beyond the expiration of the year in which the order of suspension is made, the order shall apply so far as regards the residue of that period to any pension-certificate issued for the next succeeding year.

Magistrate to notify Registrar of suspension or cancellation of certificates.

15. (1.) In every case in which a pension-certificate is suspended or cancelled, the Magistrate so suspending or cancelling the same shall forthwith send to the Registrar a notice under the hand of the Magistrate setting forth the terms of the order so made by him and the grounds thereof, and the Registrar shall record the same. 45

Repeal.

(2.) This section is in substitution for section fifty-four of the principal Act, which section is hereby repealed accordingly. 50

16. Section fifty-nine of the principal Act is hereby amended by adding to subsection one thereof the following proviso:—

Section 59 of principal Act amended.

5 “ Provided that if on the death of the pensioner any money is owing to a charitable institution in respect of his maintenance or relief, the Minister may, if he thinks fit, direct that the said apportioned amount and previous instalments or any part thereof shall be paid to the said institution in satisfaction or on account of the money so owing.”

10 17. Section sixty of the principal Act is hereby amended by inserting after the word “solicitor” the word “constable.”

Section 60 of principal Act amended.

18. Section seventy-one of the principal Act is hereby amended by adding to paragraph (d) thereof the words “and whether British subjects by birth or not.”

Section 71 of principal Act amended.