

## Act No. 22, 1907.

**INVALIDITY AND  
ACCIDENT PENSIONS.**

**A**n Act to make provision for pensions in certain cases of invalidity and accident; to amend the Old-age Pensions Act, 1900; and for purposes consequent thereon or incidental thereto. [24th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

*Preliminary.*

Incorporation and short title.

**1.** This Act shall be construed with the Old-age Pensions Act, 1900, and may be cited as the "Invalidity and Accidents Pensions Act, 1907."

Commencement.

**2.** This Act shall commence and take effect on and from a date to be appointed by the Governor by notification in the Gazette.

Definitions.

**3.** In this Act,—

"Granting authority" means authority by whom old-age pensions are granted.

"Principal Act" means Old-age Pensions Act, 1900.

Authority to Colonial Treasurer to pay pensions.

**4.** The Colonial Treasurer shall, from time to time, without further appropriation under this Act, pay out of the Consolidated Revenue Fund whatever moneys are necessary in order to enable the pensions granted under this Act to be paid.

*The pensions.*

Conditions on which such pension may be granted.

**5.** Subject to the provisions of this Act, every person permanently incapacitated for any work, by reason of an accident or by reason of his being an invalid, shall be entitled to a pension as hereinafter provided, if the following conditions be fulfilled:—

(a) that he is above the age of sixteen years, and is not receiving an old-age pension under the Principal Act;

(b) that he has resided in the State continuously for at least five years immediately preceding the date on which he applies for this pension, that he has become so permanently incapacitated within this State, and that he is residing in the State on the date on which he establishes his claim to such pension;

(c)

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- (c) that the accident or invalid state of health was not self-induced, nor in any way brought about with a view to obtaining a pension;
- (d) that he has no claim against any employer, company, or other person, or body, compellable under private contract or public enactment to adequately maintain or compensate him on account of accident or invalid state of health;
- (e) that his income or property does not exceed the limits prescribed in the Principal Act, or any amendment thereof in the case of applicants for old-age pensions;
- (f) that he has not directly or indirectly deprived himself of income or property in order to qualify for a pension under this Act;
- (g) that his relatives, namely, father, mother, husband, wife, or children do not, either individually or by a joint contribution, adequately maintain him.

**6.** The amount of a pension payable under this Act shall not <sup>Amount of pension.</sup> exceed the sum of twenty-six pounds a year, and shall in every case be determined annually by the granting authority, having regard to any income or property possessed by the applicant, and the fact that his relatives contribute to his maintenance, and the fact also of his having received compensation from any source in respect of any injury.

**7.** The applicant for a pension under this Act shall have all <sup>Right of appeal, &c.</sup> such rights of appeal as are granted to the applicant for an old-age pension under the Principal Act.

**8.** The income and accumulated property of a pensioner under this Act shall be subject to all provisions as to computation contained in the Principal Act, except section thirteen, and all penalties provided in connection therewith shall be applicable to offences of a similar nature committed in connection with this Act. <sup>Income and accumulated property.</sup>

**9.** The granting authority shall inquire as to the matters set out in section five, and being satisfied that a *prima facie* case has been established, shall in all cases of invalidity, and also in cases of accident where the permanent incapacity for work is not manifest, direct an examination of the applicant to be made by a Government medical officer, who shall certify in the prescribed form whether the claimant is permanently incapacitated for any work, giving the prescribed particulars. In its final determination the granting authority shall be guided by the certificate of such officer. <sup>Examination by Government medical officer.</sup>

**10.** No person who is an inmate of a charitable institution shall receive any payment for any period during which he is an inmate of such institution on account of any pension-certificate issued to him under this Act and current at the time he was so admitted. <sup>Pensioners in charitable institutions.</sup>

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Instalments due while pensioner out of State.

Payments of pensions.

**11.** Every instalment of a pension under this Act which falls due during any period whilst the pensioner is out of the State shall be deemed to be absolutely forfeited, unless leave for such absence has been previously obtained from the Colonial Treasurer.

**12.** The investigation and determination of claims and payment of pensions under this Act shall, except where otherwise provided under the next following section, be subject to the provisions in the Principal Act with regard to the investigation and determination of claims and payment of pensions to old-age pensioners:

Provided that where a claim for a pension under this Act is lodged within one month after the commencement of this Act, such pension, when granted, shall be deemed to have commenced on the first day of January, one thousand nine hundred and eight. In all other respects the provisions of sections fourteen and fifteen of the Principal Act shall apply to pensions under this Act.

*Payment of pensions.*

Payment of pensions under Principal Act or this Act.

**13.** Payment of pensions under the Principal Act or this Act may be made by the Colonial Treasurer in such manner and at such places as he may from time to time determine.

References in the Principal Act to a bank or branch bank at which a pension is payable, or to the manager or clerk of such bank or branch, shall be deemed to include an office or place at which a pension is payable or an officer paying pensions under this section.

*Administration of Act.*

Administration by Central Board for Old-age Pensions.

**14.** (1) The Central Board for Old-age Pensions shall have the general administration of this Act, and its decision on any point shall be final, subject to the control of the Colonial Treasurer.

(2) The registrar and deputy-registrars appointed under the Principal Act shall be the registrar and deputy-registrars for the purposes of this Act.

(3) The districts constituted under section six of the Principal Act shall be districts for the purposes of this Act; and the examination in connection with claims shall be conducted by the same granting authority and officers.

**15.** This Act shall, so far as consistent therewith, be administered with the Principal Act and any amendment thereof.

*Regulations.*

Regulations.

**16.** The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose any penalty not exceeding twenty pounds for the breach thereof.