

THE ISLAND OF NAURU.

No. 7 of 1956.

A N O R D I N A N C E

TO provide for the payment of Age Pensions, Invalid Pensions, Widows' Pensions and Child Endowment to Nauruans, and for other purposes connected therewith.

BE it ordained by the Administrator of the Island of Nauru, in pursuance of the powers conferred by Article 1 of the Agreement dated the second day of July, 1919, between the Government of the United Kingdom, the Government of the Commonwealth of Australia and the Government of the Dominion of New Zealand, as follows:-

PART I. - PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Social Services Ordinance 1956.

Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.

Parts.

3. This Ordinance is divided into Parts, as follows:-

Part I. - Preliminary (Sections 1-5).

Part II. - Administration (Sections 6-10).

Part III. - Age and Invalid Pensions.

Division 1. - Preliminary (Sections 11-12).

Division 2. - Qualifications for Age Pensions
(Sections 13-14).

Division 3. - Qualifications for Invalid
Pensions (Sections 15-18).

Division 4. - Rate of Pensions (Section 19).

Division 5. - Wives' and Children's Allowances
(Sections 20-24).

Division 6. - Payment of Pensions (Sections
25-28).

Division 7. - Review of Pensions (Sections 29-31).

Division 8. - General (Sections 32-35).

Part IV. - Widows' Pensions.

Division 1. - Preliminary (Sections 36-37).

Division 2. - Qualifications for Widows' Pensions (Sections 38-39).

Division 3. - Rate of Pensions (Section 40).

Division 4. - Payment of Pensions (Sections 41-44).

Division 5. - Review of Pensions (Sections 45-47).

Division 6. - General (Sections 48-52).

Part V. - Child Endowment (Sections 53-61).

Part VI. - Miscellaneous (Sections 62-66).

Definition.

4. In this Ordinance, unless the contrary intention appears, "claim" means a claim for a pension, allowance or endowment made under this Ordinance.

Nauruans only qualified to receive pensions, etc.

5. A person who is not a Nauruan is not qualified to receive a pension, allowance or endowment under this Ordinance.

PART II. - ADMINISTRATION

Administration of Ordinance.

6.-(1.) Subject to any directions given to the Council under the next succeeding sub-section, the Council has the general administration of this Ordinance.

(2.) The Administrator may, after making such inquiries, and considering such evidence, as he thinks fit, give to the Council such directions as he thinks proper with respect to the administration of this Ordinance.

(3.) The power of the Administrator to give directions under the last preceding sub-section extends to the giving of a direction to the Council to grant, reinstate, refuse, increase, reduce, cancel or suspend a pension, allowance or endowment under this Ordinance.

Monthly
statement
by Council
to
Administrator.

7. The Council shall, not later than the fourteenth day in each month, furnish to the Administrator, in writing, a statement, containing such particulars as the Administrator directs, of -

- (a) claims for pensions, allowances and endowments, and claims for variations or reinstatements of pensions and allowances, made to the Council during the month preceding the month in which the statement is furnished; and
- (b) pensions, allowances and endowments granted, refused, varied, reinstated, cancelled or suspended during that month.

Claims.

8. A claim for a pension, allowance or endowment under this Ordinance -

- (a) shall be made in accordance with a form approved by the Council;
- (b) shall be supported by such declaration as is approved by the Council; and
- (c) shall be lodged with the Council.

Investigation
of claims.

9.-(1.) Upon receipt of a claim, the Council shall, subject to this Ordinance and after making such investigations as appear to the Council to be necessary for the determination of the claim, determine the claim.

(2.) In investigating and determining a claim, the Council is not bound by any rules of evidence but shall investigate and determine the claim according to equity good conscience and the substantial merits of the case, without regard to legal forms or technicalities.

Appeal to
Administrator.

10. A person affected by a determination, direction, decision or approval of the Council under this Ordinance may, within such time, if any, as is prescribed, appeal to the Administrator and the Administrator may affirm, vary or annul the determination, direction, decision or approval.

PART III. - AGE AND INVALID PENSIONS.

Division 1. - Preliminary.

Interpretation. 11.--(1.) In this Part, unless the contrary intention appears -

"claimant" means a person claiming a pension;

"dependent female" means, in relation to the operation of a provision of this Part, a woman who has lived with a man as his wife on a permanent and bona fide domestic basis, although not legally married to him, for not less than three years immediately preceding the operation of the provision in relation to that woman or man;

"husband" includes the man with whom a dependent female lives;

"income", in relation to a person, means any personal earnings, moneys, valuable consideration and profits earned, derived or received by that person for his own use and benefit by any means from any source whatsoever, whether within or outside Nauru, and includes any periodical payment or benefit by way of gift or allowance from a person other than the father, mother, son or daughter of the first-mentioned person, but does not include -

- (a) income derived from property other than land;
- (b) a payment in respect of illness, infirmity or old age from a trade union; or
- (c) a payment of child's allowance or child endowment under this Ordinance or any other payment made to a person for or in respect of a child of whom that person has the custody, care and control;

"income derived from property other than land", in relation to a person, means income derived from property, other than land, owned, whether alone or

jointly or in common with another person, by that person, but does not include income which consists of an annuity or is derived from a life interest in property;

"pension" means a pension or allowance under this Part;

"pensioner" means a person in receipt of a pension;

"wife" includes a dependent female.

(2.) For the purposes of this Part (other than sections twenty-nine and thirty), the income of a husband and wife, other than a husband living apart from his wife, or a wife living apart from her husband, in pursuance of a decree, judgment or order of a court or of a separation agreement in writing, shall, unless for any special reason in a particular case the Council otherwise determines, be deemed to be half the total income of both.

(3.) For the purposes of this Part, the value of the property of a husband or wife, other than a husband living apart from his wife, or a wife living apart from her husband, in pursuance of a decree, judgment or order of a court or of a separation agreement in writing, shall, unless for any special reason in a particular case the Council otherwise determines, be deemed to be half the sum of the value of the property of the husband and the value of the property of the wife, as computed, in any case in which the next succeeding section is applicable, in accordance with that section.

Computation of
value of
property.

12. In the computation of the value of property for the purposes of this Part -

(a) there shall be disregarded -

(i) the value of any interest in land;

(ii) the value of any furniture or personal effects;

(iii) the surrender value (not exceeding Seven hundred and fifty pounds in the aggregate) of any life insurance policy;

- (iv) the value of any property the value of which, for a special reason in a particular case, the Council has directed shall be disregarded for the purposes of this Part; and
 - (v) the value of any other property of a class or kind declared by the Administrator in writing to be property of a class or kind which is not to be taken into account for the purposes of this Part;
- (b) there shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph; and
- (c) where a person has sold his home on terms and has purchased another home, also on terms, there shall be set off against the amount of the balance due to him from time to time in respect of the sale of the former home the amount of the balance due by him from time to time in respect of the purchase of the latter home.

Division 2. - Qualifications for Age Pensions.

Qualifications
for age
pensions.

13. Subject to this Part, a person -
- (a) who is not receiving an invalid pension under Division 3 of this Part;
 - (b) who, being a man, has, in the opinion of the Council, attained the age of sixty years or, being a woman, has, in the opinion of the Council, attained the age of fifty-five years; and
 - (c) who is residing in Nauru on the date on which he lodges his claim for the pension,
- is qualified to receive an age pension.

Conditions
of grant of
age pension.

14.-(1.) An age pension shall not be granted to a person -

- (a) if he is not of good character;
- (b) if he is not deserving of the pension;
- (c) if, being a husband, he has, without just cause, deserted his wife and the desertion has continued during the prescribed period;
- (d) if, being a husband, he has, during the prescribed period, failed, without just cause, to provide his wife with adequate means of maintenance;
- (e) if, being a man, he has, during the prescribed period, failed, without just cause, to maintain any of his children under the age of sixteen years;
- (f) if, being a wife, she has, without just cause, deserted her husband and the desertion has continued during the prescribed period;
- (g) if, being a woman, she has, without just cause, deserted any of her children under the age of sixteen years and the desertion has continued during the prescribed period;
- (h) if he has directly or indirectly deprived himself of property or income in order to qualify for the pension;
- (i) if the value of his property equals or exceeds Nine hundred and fifteen pounds; or
- (j) if his income equals or exceeds One hundred and forty-three pounds per annum.

(2.) For the purposes of the last preceding sub-section, "the prescribed period", in relation to a person claiming an age pension, means the period of six months immediately preceding the date of lodgment of the claim.

Division 3. - Qualifications for Invalid Pensions.

Interpretation.

15. For the purposes of this Division, a person shall be deemed to be permanently incapacitated for work if the degree of his permanent incapacity for work is not less than eighty-five per centum.

Qualifications for invalid pension.

16. Subject to this Part, a person -

- (a) who has attained the age of sixteen years;
- (b) who is not receiving an age pension under Division 2 of this Part;
- (c) who is permanently incapacitated for work or is permanently blind; and
- (d) who is residing in Nauru on the date on which he lodges his claim for the pension, is qualified to receive an invalid pension.

Conditions of grant of invalid pension.

17. An invalid pension shall not be granted to a person. -

- (a) if he is not deserving of the pension;
- (b) if he did not become permanently incapacitated for work or permanently blind while in Nauru or during a temporary absence from Nauru;
- (c) if his permanent incapacity or permanent blindness was brought about with a view to obtaining the pension;
- (d) if he has directly or indirectly deprived himself of property or income in order to qualify for the pension;
- (e) if the value of his property equals or exceeds Nine hundred and fifteen pounds; or
- (f) if his income equals or exceeds One hundred and forty-three pounds per annum.

Examination by medical practitioner.

13.-(1.) The Council shall, unless it is manifest that a claimant for an invalid pension is permanently incapacitated for work or is permanently blind, direct that the claimant be examined by a legally qualified medical practitioner.

(2.) The medical practitioner shall certify, in such form as the Council approves, whether, in his opinion, the claimant is permanently incapacitated for work or is permanently blind.

Division 4. - Rate of Pensions.

Rate of pension.

19.-(1.) Subject to this Part, the rate of an age or invalid pension under this Part shall, in each case, be a rate determined by the Council from time to time as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Seventy-one pounds ten shillings per annum.

(2.) The annual rate at which an age or invalid pension is determined shall be reduced -

(a) by the amount, if any, by which the income of the claimant or pensioner, apart from the pension, exceeds Seventy-one pounds ten shillings per annum; and

(b) by One pound for every complete Ten pounds of that portion, if any, of the value of the property of the claimant or pensioner which exceeds Two hundred pounds.

Division 5. - Wives' and Children's Allowances.

Interpretation.

20.-(1.) In this Division, "invalid pensioner" includes an age pensioner who is permanently incapacitated for work or permanently blind.

(2.) For the purposes of the last preceding subsection, a person shall be deemed to be permanently incapacitated for work if the degree of his permanent incapacity for work is not less than eighty-five per centum.

(3.) Where a husband has the custody, care and control of a child, that child shall, except where the husband and his wife are living apart, be deemed, for the purposes of this Division, to be in the custody, care and control of the wife.

Wife's
allowance.

21.--(1.) Subject to this Part, a wife (not being an age or invalid pensioner) whose husband is an invalid pensioner is qualified to receive a wife's allowance.

(2.) A wife's allowance is not payable to a wife who is living apart from her husband.

Rate of
wife's
allowance.

22. Subject to this Part, the rate of a wife's allowance shall, in each case, be a rate determined by the Council from time to time as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Thirty-five pounds fifteen shillings per annum.

Child's
allowance.

23.--(1.) Where a wife whose husband is an invalid pensioner has the custody, care and control of one or more children under the age of sixteen years, the wife is qualified to receive a child's allowance.

(2.) A child's allowance is not payable under the last preceding sub-section to a wife who is living apart from her husband.

(3.) An invalid pensioner who has the custody, care and control of one or more children under the age of sixteen years is qualified to receive a child's allowance.

(4.) Where both a husband and his wife are qualified to receive a child's allowance, a child's allowance is not payable to the husband.

(5.) The rate of a child's allowance is Twenty-six pounds per annum.

Allowances not
to be paid in
certain
circumstances.

24. A wife's allowance or a child's allowance is not payable -

(a) to a person who is an inmate of a hospital for the insane; or

(b) to a wife whose husband is an inmate of a hospital for the insane.

Division 6. - Payment of Pensions.

Date from
which pension
payable.

25.--(1.) Where a pension is granted, it shall be paid from a date determined by the Council.

(2.) The date determined by the Council shall not be a date earlier than the date on which the claim for the pension was lodged or, subject to the next succeeding sub-section, later than the date of the first pension pay day occurring after the date on which the claim was lodged.

(3.) Where the determination of a claim has been delayed by neglect or default on the part of the claimant, the date determined by the Council may, in the discretion of the Council, be a date later than the date of the first pension pay day occurring after the date on which the claim was lodged.

Payment in
instalments.

26.--(1.) Pensions shall be paid in fortnightly instalments.

(2.) Subject to the next succeeding sub-section, the amount of fortnightly instalment of a pension shall be ascertained by dividing the annual rate of the pension by twenty-six.

(3.) Where the amount so ascertained includes an amount of pence -

(a) if the pence are six or more than six - the amount shall be increased by treating the pence as One shilling; and

(b) if the pence are less than six - the amount shall be reduced by the amount of the pence.

Payment of
pension.

27.--(1.) A pension shall be paid -

(a) to the pensioner; or

(b) on behalf of the pensioner -

(i) to such other person as the pensioner appoints in accordance with a form approved by the Council; or

(ii) to such other person to whom payment of the pension has been authorized by the Council under the next succeeding section.

(2.) A pension shall be paid in such manner as the Council determines.

Payment to a person other than the pensioner.

28. Where the Council is satisfied that, having regard to the age, infirmity, ill-health or improvidence of a pensioner, or to any other special circumstances, it is expedient that payment of the pension should be made to some other person on behalf of the pensioner, the Council may authorize payment of the pension to that person.

Division 7. - Review of Pensions.

Statement of income and property to be furnished when required.

29.-(1.) A pensioner shall, whenever so required by the Council and within such time as the Council specifies, furnish to the Council a statement, in accordance with a form approved by the Council, relating to the income and property of the pensioner and of the wife or husband of the pensioner, if any.

Penalty: Ten pounds.

(2.) In the last preceding sub-section, "pensioner" does not include a person who is in receipt of a child's allowance only under this Ordinance.

Receipt of property, etc., to be notified.

30.-(1.) Whenever a pensioner becomes the owner of property he shall, within twenty-eight days after becoming the owner of that property, notify the Council accordingly.

(2.) Whenever a pensioner, throughout any period of eight consecutive weeks, receives income exceeding -

(a) in the case of a married pensioner not living apart from his spouse - Two pounds fifteen shillings per week; or

(b) in any other case - One pound seven shillings and six pence per week,

and the average weekly rate of that income is higher than the weekly rate of income last specified by him in a claim, statement or notification under this Part, the pensioner shall, within fourteen days after the expiration of that period, notify the Council accordingly.

(3.) In the last two preceding sub-sections, "pensioner" does not include a person who is in receipt of a child's allowance only under this Ordinance.

(4.) Where -

(a) a pensioner marries or remarries;

(b) a pensioner's marriage is dissolved; or

(c) the wife or husband of a pensioner dies,

the pensioner shall, within fourteen days after the marriage, remarriage, dissolution of the marriage or death, notify the Council accordingly.

Penalty: Ten pounds.

31.--(1.) If -

(a) having regard to the income, or the value of the property, of a pensioner;

(b) by reason of the failure of a pensioner to comply with either of the last two preceding sections; or

(c) for any other reason,

the Council considers that the pension which is being paid to a pensioner should be cancelled or suspended, or that the rate of the pension which is being paid to a pensioner is greater or less than it should be, the Council may cancel or suspend the pension, or reduce or increase the rate of the pension, accordingly.

(2.) Without in any way limiting the effect of paragraph (c) of the last preceding sub-section, the Council may, under that sub-section, cancel the pension payable to a pensioner if, at any time, circumstances exist in relation to the pensioner which,

Cancellation,
etc., of
pension.

if the pensioner were a claimant for the pension, would, by virtue of any provision of this Ordinance, prevent the grant of the pension.

Division 8. - General.

Payment in hospital.

32.--(1.) The rate of pension payable to a pensioner after the expiration of a continuous period of twenty-eight days during which the pensioner -

(a) has been an inmate of a hospital maintained by the Administration; and

(b) has been in receipt of a pension,

shall not exceed the rate of Twenty-six pounds per annum until the pensioner ceases to be such an inmate.

(2.) For the purposes of this section, an inmate of a hospital who is receiving hospital treatment at the expense of the Administration is deemed to be an inmate of a hospital maintained by the Administration.

Suspension of pension while recipient in hospital for the insane.

33.--(1.) Where an age or invalid pensioner becomes an inmate of a hospital for the insane, his pension shall, without further or other authority than this section, be suspended.

(2.) When the pensioner is discharged from the hospital for the insane, payment of his pension shall, subject to this Part, be resumed and he shall be entitled to payment of pension in respect of the period during which his pension was so suspended, but not in any case in respect of a period longer than four weeks.

Pension to cease if pensioner leaves Nauru.

34.--(1.) A pension shall cease to be payable in respect of any period during which the pensioner is absent from Nauru unless the Council is satisfied that the absence is of a temporary nature, in which case payment may be continued in respect of the period of that absence, but not in any case in respect of a period longer than twelve weeks.

(2.) Payment of an instalment of a pension shall not in any event be made to a person outside Nauru.

(3.) For the purpose of this section, a person shall be deemed not to be absent from, or outside, Nauru while that person is temporarily in the Commonwealth or in New Zealand.

Imprisonment
of pensioner.

35. If a pensioner is imprisoned following upon his conviction for an offence -

(a) the Council may suspend his pension during

the term of imprisonment or may forfeit any instalment of the pension falling due during the term of imprisonment; and

(b) where the pensioner has a wife or child dependent on him -

the Council may authorize the payment of the whole or any portion of -

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

(ii) any instalment of the pension so forfeited, as the case may be, to his wife or child or to some other person approved by the Council for the benefit of the wife or child.

PART IV. - WIDOWS' PENSIONS.

Division 1. - Preliminary.

Definitions.

36. In this Part, unless the contrary intention appears -

"claimant" means a person claiming a pension;

"dependent female" means a woman who, for not less than 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;

"deserted wife" means a wife who has been deserted by her husband without just cause for a period of not less than six months and is still so deserted;

"income" has the same meaning as in Part III.;

"pension" means a pension under this Part;

"pensioner" means a woman in receipt of a pension;

"widow" includes -

- (a) a dependent female;
- (b) a deserted wife;
- (c) a woman whose marriage has, on the petition, claim or application of the woman, been dissolved and who has not subsequently remarried;
- (d) a woman whose husband is an inmate of a hospital for the insane; and
- (e) a woman whose husband has been convicted of an offence and is imprisoned and has been imprisoned for a period of not less than six months, including any period of imprisonment prior to and continuous with a period of imprisonment following upon the conviction.

Computation of value of property.

37. In the computation of the value of property for the purposes of this Part -

- (a) there shall be disregarded -
 - (i) the value of any interest in land;
 - (ii) the value of any furniture or personal effects;
 - (iii) the surrender value (not exceeding Seven hundred and fifty pounds in the aggregate) of any life insurance policy;
 - (iv) the value of any property the value of which, for a special reason in a particular case, the Council has directed shall be disregarded for the purposes of this Part; and

- (v) the value of any other property of a class or kind declared by the Administrator in writing to be property of a class or kind which is not to be taken into account for the purposes of this Part;
- (b) there shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph; and
- (c) where the widow has sold her home on terms and has purchased another home, also on terms, there shall be set off against the amount of the balance due to her from time to time in respect of the sale of the former home the amount of the balance due by her from time to time in respect of the purchase of the latter home.

Division 2. - Qualifications for Widow's Pension.

Qualifications
for widow's
pension.

38. Subject to this Part, a widow who is residing in Nauru on the date on which she lodges her claim for the pension is qualified to receive a pension.

Conditions
for grant
of widow's
pension.

- 39.-(1.) A pension shall not be granted to a widow -
- (a) if she is not of good character;
 - (b) if she is not deserving of the pension;
 - (c) if she has directly or indirectly deprived herself of property or income in order to qualify for the pension;
 - (d) if the value of her property equals or exceeds Nine hundred and fifteen pounds; or
 - (e) if her income equals or exceeds One hundred and forty-three pounds per annum.

(2.) A pension shall not be granted to a widow, being a deserted wife or a woman whose marriage has been dissolved and who has not subsequently remarried, unless

she has taken such action as the Council considers reasonable to obtain maintenance from her husband or former husband.

Division 3. - Rate of Pensions.

Rate of
Widow's
pension.

40.-(1.) Subject to this Part, the rate of the pension payable to a widow shall, in each case, be a rate determined by the Council from time to time as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Seventy-one pounds ten shillings per annum.

(2.) The annual rate at which a pension is determined shall be reduced -

- (a) by the amount, if any, by which the income of the claimant or pensioner, apart from the pension, exceeds Seventy-one pounds ten shillings per annum; and
- (b) by One pound for every complete Ten pounds of that portion, if any, of the value of the property of the claimant or pensioner which exceeds Two hundred pounds.

Division 4. - Payment of Pensions.

Date from
which
pension
payable.

41.-(1.) Where a pension is granted, it shall be paid from a date determined by the Council.

(2.) Subject to the next two succeeding subsections, the date determined by the Council shall not be a date earlier than the date on which the claim for the pension was lodged or later than the date of the first pension pay day occurring after the date on which the claim was lodged.

(3.) Where the determination of a claim has been delayed by neglect or default on the part of the claimant, the date determined by the Council may, in the discretion of the Council, be a date later than the date of the first pension pay day occurring after the date on which the claim was lodged.

(4.) Where a claim is lodged within three months after the date of the death of the claimant's husband, or where the claimant is a dependent female, within three months after the date of the death of the man in respect of whom she was a dependent female, the pension may be paid from the date of the death.

Payment in instalments.

42.--(1.) Pensions shall be paid in fortnightly instalments.

(2.) Subject to the next succeeding sub-section, the amount of a fortnightly instalment of a pension shall be ascertained by dividing the annual rate of the pension by twenty-six.

(3.) Where the amount so ascertained includes an amount of pence -

- (a) if the pence are six or more than six - the amount shall be increased by treating the pence as One shilling; and
- (b) if the pence are less than six - the amount shall be reduced by the amount of the pence.

Payment of pension.

43.--(1.) A pension shall be paid -

- (a) to the pensioner; or
- (b) on behalf of the pensioner -
 - (i) to such other person as the pensioner appoints in accordance with a form approved by the Council; or
 - (ii) to such other person to whom payment of the pension has been authorized by the Council under the next succeeding section.

(2.) A pension shall be paid in such manner as the Council determines.

Payment to a person other than the pensioner.

44. Where the Council is satisfied that, having regard to the age, infirmity, ill-health or improvidence of a pensioner, or to any other special circumstances, it is expedient that payment of the pension should be made to some other person on behalf of the pensioner, the Council may authorize payment of the pension to that person.

Division 5. - Review of Pensions.

Statement of income to be furnished when required.

45. A pensioner shall, whenever so required by the Council and within such time as the Council specifies, furnish to the Council a statement, in accordance with a form approved by the Council, relating to the income and property of the pensioner.

Penalty: Ten pounds.

Receipt of property, etc., to be notified.

46.-(1.) Whenever a pensioner becomes the owner of property she shall, within twenty-eight days after becoming the owner of that property, notify the Council accordingly.

(2.) Whenever a pensioner throughout any period of eight consecutive weeks receives income (exceeding the rate of One pound seven shillings and sixpence per week) at an average weekly rate higher than the weekly rate of income last specified by her in a claim, statement or notification under this Part, she shall, within fourteen days after the expiration of that period, notify the Council accordingly.

(3.) Where a pensioner marries or remarries she shall, within fourteen days after marriage or remarriage notify the Council accordingly.

Penalty: Ten pounds.

Cancellation, etc., of pension.

47.-(1.) If -

(a) having regard to the income, or the value of the property, of a pensioner;

(b) by reason of the failure of a pensioner to comply with either of the last two preceding sections; or

(c) for any other reason,

the Council considers that the pension which is being paid to a pensioner should be cancelled or suspended, or that the rate of pension which is being paid to a pensioner is greater or less than it should be, the Council may cancel or suspend the pension, or reduce or increase the rate of the pension, accordingly.

(2.) Without in any way limiting the effect of paragraph(c) of the last preceding sub-section, the Council may, under that sub-section, cancel the pension payable to a pensioner if, at any time, circumstances exist in relation to the pensioner which, if the pensioner were a claimant for the pension, would, by virtue of any provision of this Ordinance, prevent the grant of the pension.

Division 6. - General.

Payment in hospital.

48.--(1.) The rate of pension payable to a pensioner after the expiration of a continuous period of twenty-eight days during which the pensioner -

(a) has been an inmate of a hospital maintained by the Administration; and

(b) has been in receipt of a pension,

shall not exceed the rate of Twenty-six pounds per annum until the pensioner ceases to be such an inmate.

(2.) For the purposes of this section, an inmate of a hospital who is receiving hospital treatment at the expense of the Administration is deemed to be an inmate of a hospital maintained by the Administration.

Suspension of pension while recipient in hospital for the insane.

49.--(1.) Where a pensioner becomes an inmate of a hospital for the insane, her pension shall, without further or other authority than this section, be suspended.

(2.) When the pensioner is discharged from the hospital for the insane, payment of her pension shall, subject to this Part, be resumed and she shall be entitled to payment of pension in respect of the period during which her pension was so suspended, but not in any case in respect of a period longer than four weeks.

Pension to cease if pensioner leaves Nauru.

50.--(1.) A pension shall cease to be payable in respect of any period during which the pensioner is absent from Nauru unless the Council is satisfied that the absence is of a temporary nature, in which case payment may be continued in respect of the period of that absence, but not in any case in respect of a period longer than twelve weeks.

(2.) Payment of an instalment of a pension shall not in any event be made to a person outside Nauru.

(3.) For the purposes of this section, a person shall be deemed not to be absent from, or outside, Nauru while that person is temporarily in the Commonwealth or in New Zealand.

Restrictions as to dual pensions.

51. A woman is not entitled to receive at the same time a pension under this Part and under Part III.

Imprisonment of pensioner.

52. If a pensioner is imprisoned following upon her conviction for an offence -

(a) the Council may suspend her pension during the term of imprisonment or may forfeit any instalment of the pension falling due during the term of imprisonment; and

(b) where the pensioner has a child under the age of sixteen years dependent on her -

the Council may authorize the payment of the whole or any portion of -

- (i) any instalment of the pension which would have been payable to the pensioner if her pension had not been suspended; or
- (ii) any instalment of the pension so forfeited, as the case may be, to some person approved by the Council for the benefit of the child.

PART V. - CHILD ENDOWMENT.

Interpretation. 53.-(1.) In this Part, unless the contrary intention appears -

"child" means a child under the age of sixteen years;

"claimant" means a person claiming an endowment;

"endowee" means a person to whom an endowment has been granted;

"endowment" means an endowment under this Part.

(2.) Where a husband has the custody, care and control of a child, the child shall, except where the husband and his wife are living apart, be deemed, for the purposes of this Part, to be in the custody, care and control of the wife.

(3.) For the purposes of the last preceding subsection, "husband" and "wife" have the respective meanings that they would have if this Part were included in Part III.

(4.) Where a child is an inmate of a hospital for the insane and a person is making a reasonable contribution towards the expense of maintaining that child -

- (a) the Council may, in its discretion, determine that, for the purposes of this Part, that person shall be deemed to have the custody, care and control of that child; or

- (b) if that person is a married man not living apart from his wife, the Council may, in its discretion, determine that, for the purposes of this Part, that person's wife shall be deemed to have the custody, care and control of that child.

Child endowment.

54. Subject to this Part, a person -

- (a) who has the custody, care and control of one or more children; and

- (b) who -

- (i) is granted an age pension, an invalid pension or a widow's pension under this Ordinance; or

- (ii) is the wife of a person who is granted an age pension or an invalid pension under this Ordinance,

is qualified to receive an endowment of Ten shillings per week in respect of each child.

Qualification for endowment.

55. An endowment shall not be granted in respect of a child unless both the claimant and the child are, on the date on which the claimant lodges his claim for the endowment, residing in Nauru.

Endowment periods.

56. Subject to this Part, endowments are payable in respect of endowment periods as determined by the Council.

Date from which endowment is payable.

57. The endowment granted to a person shall be payable -

- (a) if the claim for the endowment is lodged within six months after the date on which the claimant became eligible to claim the endowment or, in special circumstances, within such further period as the Council allows - from the commencement of the next endowment period after that date; and
- (b) in any other case - from the commencement of the next endowment period after the date on which the claim for the endowment is lodged.

Payment of
endowment.

58.-(1.) An endowment shall be paid -

(a) to the endowee; or

(b) on behalf of the endowee -

(i) to such other person as the endowee
appoints in accordance with a form
approved by the Council; or

(ii) to such other person to whom payment of
the pension has been authorized by the
Council under the next succeeding section.

(2.) An endowment shall be paid in such manner as
the Council determines.

Payment to a
person other
than the
endowee.

59. Where the Council is satisfied that, having
regard to the age, infirmity, ill-health or improvidence
of an endowee, or to any other special circumstances, it
is expedient that payment of the endowment should be made
to some other person on behalf of the endowee, the
Council may authorize payment of the endowment to that
person.

Endowment to
cease in
certain cir-
cumstances.

60.-(1.) An endowment in respect of a child is not
payable in respect of any period after -

(a) the endowee ceases to have the custody, care or
control of the child;

(b) the endowee or the child ceases to reside in
Nauru, unless his absence from Nauru is
temporary only;

(c) the child reaches the age of sixteen years;

(d) the child dies; or

(e) in the case of a female child, she marries
before reaching the age of sixteen years.

(2.) Where an endowment ceases to be payable by
reason of an event specified in the last preceding sub-
section, it shall cease to be paid as from the end of
the endowment period during which the event occurred.

Application
of endowment.

61. An endowment shall be applied, by the person to whom it is paid, to the maintenance, training and advancement of the child in respect of whom it is granted.

PART VI. - MISCELLANEOUS.

Benefits to be
absolutely
inalienable.

62. Subject to this Ordinance, a pension, allowance or endowment under this Ordinance is absolutely inalienable whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

Offences.

63.-(1.) A person shall not -

(a) make, either orally or in writing, a false or misleading statement -

(i) in connexion with, or in support of, a claim, whether for himself or for any other person;

(ii) to deceive a person performing duties, or exercising powers or functions, under, or in relation to, this Ordinance; or

(iii) to affect the rate of a pension, allowance or endowment payable under this Ordinance;

(b) obtain payment of a pension, allowance or endowment under this Ordinance, or of an instalment of such a pension, allowance or endowment, which is not payable;

(c) obtain payment of a pension, allowance or endowment under this Ordinance, or of an instalment of such a pension, allowance or endowment, by means of a false or misleading statement or by means of impersonation or a fraudulent device; or

(d) make or present to a person performing duties or exercising powers or functions under, or in relation to, this Ordinance a statement or

document which is false in any particular.

Penalty: Twenty-five pounds or imprisonment for three months.

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

Recovery of overpayments.

64.--(1.) Where, in consequence of a false statement or representation, or in consequence of a failure or omission to comply with a provision of this Ordinance, an amount has been paid by way of pension, allowance or endowment which would not have been paid but for the false statement or representation, failure or omission, the amount so paid is recoverable in a 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 Council.

(2.) Notwithstanding anything contained in this Ordinance, where, for any reason, an amount has been paid by way of pension, allowance or endowment which should not have been paid, and the person to whom, or on whose account, that amount was paid is receiving, or is entitled to receive, some other pension or allowance (other than child endowment under Part V.), that amount may, if the Council in its discretion so determines, be deducted from that other pension or allowance.

Payment of pension, etc., on death of pensioner, etc.

65. Any amount of pension, allowance or endowment under this Ordinance which has accrued and is unpaid at the date of the death of the person to whom that pension, allowance or endowment is payable, or which would have been payable to a claimant if the claimant had not died,

may, on application made within six months after the date of death of the person or claimant, as the case may be, or within such further period as the Council, in special circumstances, allows, be paid to the person who, in the opinion of the Council, is best entitled to receive it and neither the Administrator nor the Council is liable to any action, claim or demand for any further payment in respect of that pension, allowance or endowment.

Rules.

66. The Council may, with the approval of the Administrator, make rules, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, for prescribing penalties not exceeding a fine of Ten pounds for offences against the rules.

Dated this

18th

day of September, 1956.



Administrator of the Island of Nauru.