

tions to the scheme bear to the total amount of the premiums paid in respect of that policy (as at that date).

“(2) The relevant date for the purposes of subsection (1) of this section is the date on which a person to whom that subsection relates exercised the right of election conferred on him by section fifty-one of the *Retirement Benefits Act 1970*.

“(3) The Trust shall cause an amount that is retained by, or paid to, it pursuant to subsection (1) of this section to be carried to the credit of a special reserve account.

“(4) The reserve account referred to in subsection (3) of this section shall be applied by the Trust in or towards meeting its liability in respect of the making of contributions to the Fund established under the *Retirement Benefits Act 1970* in relation to persons who have exercised the right of election conferred on them by section fifty-one of that Act.

“(5) In this section, ‘prescribed scheme’ has the same meaning as it has in Division III of Part VI of the *Retirement Benefits Act 1970*.”.

PENSIONERS (HEATING ALLOWANCES).

No. 16 of 1971.

AN ACT to make provision with respect to the payment of heating allowances to certain classes of pensioners. [29 April 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Pensioners (Heating Allowances) Act 1971*. Short title.

2—(1) In this Act, unless the contrary intention appears— Interpretation.
 “allowance” means a heating allowance under section four;
 “Director” means the Director of Social Welfare;

“eligible pensioner” means a pensioner who, by virtue of the provisions of section three, is eligible for the grant of an allowance;

“pensioner” means a person who is in receipt of—

- (a) an age pension or an invalid pension under the *Social Services Act 1947-1970* of the Commonwealth;
- (b) a service pension under the *Repatriation Act 1920-1970* of the Commonwealth (being a service pension that is payable at a rate per annum not exceeding the maximum rate per annum that would be applicable to that person under section twenty-eight of the *Social Services Act 1947-1970* of the Commonwealth if he were qualified to receive an age pension under the last-mentioned Act); or
- (c) any other pension, annuity, or allowance that the Minister certifies to be, in his opinion, of a similar nature to a pension referred to in paragraph (a) or paragraph (b) of this definition (being a pension, annuity, or allowance that is payable at a rate per annum not exceeding the maximum rate per annum that would be applicable to that person under section twenty-eight of the *Social Services Act 1947-1970* of the Commonwealth if he were qualified for an age pension under that Act);

“liquid assets”, in relation to a person, means money in hand or in a bank account, money lent by the person to another person (whether on security or otherwise), and money that is invested in the purchase of marketable securities;

“marketable securities” means shares, debentures, debenture stock, bonds, notes, and other securities of a body corporate (whether incorporated in this State or elsewhere) and also bonds, notes, inscribed stock, and other securities issued or created by the Government of the Commonwealth or of this State or of another State.

(2) A reference in this Act to a Commonwealth Act includes a reference to that Act as amended from time to time and to any Commonwealth Act passed in substitution for that Act.

Eligibility for
the grant of an
allowance.

3—(1) Subject to subsection (3) of this section, a pensioner is eligible for the grant of an allowance if—

- (a) he is responsible for the payment of the cost of fuel or electricity used for providing heat in the house, flat, or room where he lives;
- (b) his spouse (if any) is a pensioner and each other person who lives with him is either a pensioner or a child who is wholly dependent on him;

(c) the income of—

- (i) the pensioner;
- (ii) his spouse (if any); or
- (iii) any other person referred to in paragraph (b) of this subsection,

does not exceed four dollars a week; and

(d) the liquid assets of—

- (i) the pensioner;
- (ii) his spouse (if any); or
- (iii) any other person referred to in paragraph (b) of this subsection,

do not exceed five hundred dollars.

(2) For the purposes of paragraph (c) of subsection (1) of this section, "income" does not include—

- (a) such a pension, annuity, or allowance as is referred to in paragraph (a), or paragraph (b), or paragraph (c) of the definition of "pensioner" in subsection (1) of section two; or
- (b) any sums paid to a person by way of child endowment under Part VI of the *Social Services Act 1947-1970* of the Commonwealth.

(3) Notwithstanding paragraph (b) of subsection (1) of this section, where the Minister is satisfied, on the report of the Director, that—

- (a) a pensioner is not eligible for the grant of an allowance solely by reason of the operation of that paragraph; and
- (b) the pensioner would suffer undue hardship if he is not granted an allowance,

the Minister may authorize the Director to grant an allowance to the pensioner as if he were an eligible pensioner.

4—(1) On the application of a pensioner, the Director, if satisfied that the pensioner is an eligible pensioner, may grant him a heating allowance. ^{Grant of allowances.}

(2) A heating allowance shall consist of—

- (a) thirty dollars; or
- (b) such other sum as may be prescribed,

and shall be paid in three equal instalments in the months of March, July, and November.

(3) A heating allowance shall, in the first instance, be granted for one year only, but it may be continued during subsequent years on a fresh application being made in each year.

(4) An application under this section shall be in the prescribed form.

False
information.

5—(1) A person who, in an application under section four (whether made on his own behalf or on behalf of another person), knowingly makes a false statement or furnishes false information is guilty of an offence.

Penalty: Twenty dollars.

(2) Where a person to whom an allowance has been granted is convicted of an offence under this section, the Director may cancel the allowance.

Regulations.

6 The Governor may make regulations for the purposes of this Act.

WAR SERVICE LAND SETTLEMENT.

No. 17 of 1971.

AN ACT to amend the *War Service Land Settlement Act 1950*. [29 April 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and
citation.

1—(1) This Act may be cited as the *War Service Land Settlement Act 1971*.

(2) The *War Service Land Settlement Act 1950*, as subsequently amended, is in this Act referred to as the Principal Act.