

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,

16th October, 1924.

Hon. Mr. Anderson.

PENSIONS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Old-age Pensions.</i></p> <p>2. Amendment of term "income" for purposes of principal Act. Consequential repeal.</p> <p>3. Definition of "income-year" amended.</p> <p>4. Repeal of surplus provisions of section 8 of principal Act and amendments. Repeal.</p> <p>5. Section 9 of principal Act (relating to computation of pensions) amended. Consequential repeal.</p> <p>6. Furniture and other personal effects to be excluded from computation of value of accumulated property of claimant for old-age pension. Increased exemptions in respect of value of residence for purpose of computing old-age pension. Repeals.</p> <p>7. Special provision as to computation of pensions in cases where applicant is in receipt of war pension.</p> <p>8. Death of husband or wife of pensioner not to affect pension of survivor before next pension-year. Repeal.</p> <p>9. Provision for allowance of 2s. 6d. a week to old-age pensioners who have no means other than their pension.</p> <p style="text-align: center;"><i>Pensions for Service in South African War.</i></p> <p>10. Special pensions in respect of service in a New Zealand Contingent in South African War.</p>	<p style="text-align: center;"><i>Widows' Pensions.</i></p> <p>11. Increased rates of pensions to widows in respect of children. Consequential repeal.</p> <p>12. Increased exemption in respect of value of residence for purpose of computing widow's pension.</p> <p>13. Minister may, on certificate of Magistrate, grant pension to mother having care of children, though not qualified to receive a widow's pension.</p> <p style="text-align: center;"><i>Pensions to Blind.</i></p> <p>14. Pensions to persons suffering from total and permanent blindness.</p> <p>15. Computation of pensions. Personal earnings of pensioner to be subsidized.</p> <p>16. Commissioner to determine applications for pensions in respect of blindness.</p> <p>17. Instalments of pension not payable while pensioner maintained in State institution or resident out of New Zealand.</p> <p>18. Application of principal Act to pensions in respect of blindness.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>19. Offences against principal Act.</p> <p>20. Saving of existing pensions.</p>
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A BILL INTITULED

AN ACT to amend the Pensions Act, 1913.

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 Pensions Amendment Act, 1924, and shall be read together with and deemed part of the Pensions Act, 1913 (hereinafter referred to as the principal Act). **Short Title.**

Old-age Pensions.

10 2. (1.) The definition of the term "income" in section two of the principal Act, as amended by section four of the Finance Act, 1920, is hereby further amended as follows:— **Amendment of term "income" for purposes of principal Act.**

(a.) By repealing paragraphs (c), (d), (i), (j), and (k) thereof:

- (b.) By omitting the words "Any money or money's worth" in paragraph (h) and substituting the words "Any principal or capital sum."
- Consequential repeal. 5
- Definition of "income-year" amended.
- (2.) Section four of the Finance Act, 1920, is hereby repealed.
3. Section two of the principal Act is hereby further amended by repealing the definition of the term "income-year" and substituting the following definition:—
- " 'Income-year' means the period of twelve months ending on the first day of the month immediately preceding the month in which a pension-claim is admitted, and on the same date in each year thereafter." 10
- Repeal of surplus provisions of section 8 of principal Act and amendments.
4. (1.) Section eight of the principal Act is hereby amended by repealing paragraphs (g) and (h) thereof.
- (2.) Section five of the Finance Act, 1920, is hereby repealed.
- Repeal.
- Section 9 of principal Act (relating to computation of pensions) amended.
5. (1.) Section nine of the principal Act, as amended by section six of the Finance Act, 1920, is hereby further amended by repealing paragraph (a) of subsection one, and substituting the following paragraph:—
- " (a.) One pound for every complete pound of income in excess of fifty-two pounds; and also by." 15
- (2.) Section six of the Finance Act, 1920, is hereby amended by repealing paragraph (b) of subsection one thereof.
- Consequential repeal.
- Furniture and other personal effects to be excluded from computation of value of accumulated property of claimant for old-age pension.
6. (1.) Subsection one of section ten of the principal Act is hereby amended by inserting, after the words "all real and personal property owned by any person," the words "(not being furniture or other personal effects owned by him and in his possession)." 20
- (2.) Subsection two of section ten of the principal Act, as amended by section seven of the Finance Act, 1920, is hereby further amended as follows:—
- (a.) By omitting from paragraph (a) the words "including any furniture and other personal effects belonging to him and in his possession": 25
- (b.) By omitting from the said paragraph (a) the words "three hundred and ninety pounds" and substituting the words "five hundred and twenty pounds": 30
- (c.) By omitting from the proviso to the said subsection the words "including furniture and other personal effects": and 35
- (d.) By omitting from the said proviso the words "three hundred and ninety pounds" and substituting the words "five hundred and twenty pounds." 40
- Repeals.
- (3.) Subsection three of section ten of the principal Act is hereby repealed.
- (4.) Section seven of the Finance Act, 1920, is hereby repealed.
- Special provision as to computation of pensions in cases where applicant is in receipt of war pension.
7. In any case where an applicant for an old-age pension is in receipt of a pension under the War Pensions Act, 1915, in excess of fifty-two pounds a year, then, notwithstanding anything to the contrary in section nine or in section thirteen of the principal Act, the annual amount of the war pension shall be deemed to be substituted for the amount of fifty-two pounds specified in paragraph (a) of subsection one of the said section nine as amended by this Act, and the amount of one hundred and thirty pounds specified in the proviso to paragraph (b) of subsection one of the said section thirteen as 45 50

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amended by section eight of the Finance Act, 1920, shall be deemed to be increased by an amount equal to the excess over fifty-two pounds of the annual amount of the war pension.

8. (1.) The accumulated property or yearly income of any person in receipt of an old-age pension, whose accumulated property and yearly income have been computed in accordance with section thirteen of the principal Act shall not, on the death of the husband or wife of the pensioner, be deemed to be increased so as to affect the pension of the survivor in the same pension-year.

Death of husband or wife of pensioner not to affect pension of survivor before next pension-year.

10 (2.) Section four of the Pensions Amendment Act, 1914, is hereby repealed.

Repeal.

9. (1.) Every person who, being in receipt of an old-age pension at the maximum rate provided for by Part I of the principal Act, satisfies the Commissioner—

Provision for allowance of 2s. 6d a week to old-age pensioners who have no means other than their pension.

15 (a.) That he has no accumulated property within the meaning of the principal Act; and also

(b.) That he is not entitled to receive any moneys other than his pension (whether income as defined for the purposes of the principal Act or not)—

20 shall be entitled to receive an allowance, in addition to his pension, at a rate not exceeding *two shillings and sixpence* a week.

(2.) No allowance shall be paid under this section to or in respect of a person who is an inmate of any charitable or other institution.

25 (3.) All moneys required for the purpose of providing the allowances payable pursuant to this section shall be paid out of moneys to be from time to time appropriated for the purposes of the principal Act.

Pensions for Service in South African War.

10. (1.) Every person who, while domiciled in New Zealand, served in South Africa as a member of a New Zealand contingent raised for service in connection with the South African War, and who is qualified to receive an old-age pension under Part I of the principal Act, shall be entitled to receive, in addition to his old-age pension, a pension under this section at a rate not exceeding *thirteen* pounds a year, but so that his aggregate receipts from all sources shall not exceed the sum of

Special pensions in respect of service in a New Zealand contingent in South African War.

35 *ninety-one* pounds in any year.

(2.) The Commissioner shall investigate all claims for pensions under this section, and the decision of the Commissioner shall be final.

40 (3.) All moneys required for the payment of pensions pursuant to this section shall be paid out of moneys to be from time to time appropriated for the purposes of the principal Act.

Widows' Pensions.

11. (1.) Subject to the provisions of this section, pensions payable to widows under Part II of the principal Act shall in every case be payable at the rate of *ten shillings* a week for each child in respect of whom such pension is payable, with an additional amount of *ten shillings* a week, but not exceeding *four pounds* a week in any case.

Increased rates of pensions to widows in respect of children.

(2.) Notwithstanding anything to the contrary in this or any other Act a pension shall not be granted under the said Part II of such an amount that the total incomes of a widow and her children together

with the pension will exceed a rate of *two pounds* a week together with *ten shillings* a week in respect of any such child, or exceed a rate of *five pounds ten shillings* a week, whichever rate is the less.

Consequential
repeal.

(3.) This section is in substitution for section ten of the Finance Act, 1919, and that section is hereby accordingly repealed. 5

Increased exemption
in respect of value
of residence for
purpose of
computing widow's
pension.

12. (1.) Section twenty of the principal Act is hereby amended by omitting from subsection one the words "three hundred and forty pounds" and substituting the words "five hundred and twenty pounds."

(2.) The said section twenty is hereby further amended by repealing subsection two thereof. 10

Minister may, on
certificate of
Magistrate, grant
pension to mother
having care of
children, though
not qualified
to receive a widow's
pension.

13. (1.) Notwithstanding anything to the contrary in the principal Act, if the Magistrate who investigates any claim for a pension under Part II of that Act made by the mother of any child or children whose father is dead and who are under her care and dependent on her, is of opinion that the applicant, though not entitled to a pension, is in need of and is deserving of the relief for which provision is made by this section, and gives his certificate to that effect, the Minister may, in his discretion, and without further authority than this section, grant to the applicant a pension of an amount not exceeding the maximum amount that could be paid to a widow with the same number of children dependent on her as the applicant has. 15

(2.) Every pension granted by the Minister under this section shall be deemed to be a widow's pension, and the provisions of the principal Act relating to such pensions, in so far as they may be applicable or in so far as they are not inconsistent with this section, shall apply thereto accordingly. 25

Pensions to Blind.

Pensions to persons
suffering from total
and permanent
blindness.

14. (1.) Subject to the provisions of this section, and of sections *fifteen* to *eighteen* hereof, every person of the full age of *twenty* years or upwards, who is totally blind shall, while such condition continues, be entitled to a pension as hereinafter provided. 30

(2.) No person shall be entitled to a pension in respect of blindness who would be disqualified from obtaining an old-age pension on any of the grounds specified in section seventy-one of the principal Act, or who does not fulfil the conditions following, that is to say:— 35

(a.) That he has resided continuously in New Zealand for not less than *ten* years immediately preceding the date of his application: Provided that continuous residence in New Zealand shall not be deemed to have been interrupted by occasional absences therefrom, not exceeding three months in the aggregate, or by any period of absence for purposes of vocational training: 40

(b.) That he was born blind in New Zealand, or became blind while permanently resident in New Zealand:

(c.) That his relatives are not in a position, either jointly or severally, to maintain him: 45

(d.) That, within the period of five years immediately prior to his application for a pension, he has not been convicted of any offence punishable by imprisonment for *two* years or upwards: 50

(e.) That he is of good moral character and sober habits.

(3.) For the purposes of this section the term "relative" means the father, mother, husband, wife, son, daughter, or any brother or sister (whether of the whole or of half blood).

5 15. (1.) The amount of pension payable under this Act to any person in respect of his blindness shall, save as hereinafter provided, be computed at the rate of *thirty-nine* pounds per annum, diminished in respect of the annual income or accumulated property of the applicant in the same manner in all respects as if the applicant were an applicant for an old-age pension under the principal Act:

10 Provided that for the purpose of computing the rate of pension to which any applicant may be entitled as aforesaid no account shall be taken of any personal earnings up to but not exceeding *two pounds fifteen shillings* a week.

15 (2.) In addition to the pension computed as provided in the *last preceding* subsection, there shall be payable to every person for the time being in receipt of such pension who may be employed in any occupation, an additional weekly allowance equal to *twenty-five* per centum of his average weekly earnings for the year, but so that in no case shall the total receipts of the pensioner, whether derived from

20 pension or personal earnings or from any other source, exceed a rate of *three pounds ten shillings* a week.

16. Every application for a pension in respect of blindness shall be determined by the Commissioner, whose decision shall be final.

25 17. (1.) No person shall be entitled to receive a pension or any instalment of a pension in respect of blindness in respect of any period during which he is an inmate of an institution controlled by any Department of State.

(2.) Every instalment of any such pension which falls due while the pensioner is resident out of New Zealand shall be absolutely forfeited:

30 Provided that this subsection shall not apply in respect of any period, not exceeding *two* years, during which a pensioner may be out of New Zealand for purposes of vocational training.

18. The provisions of the principal Act (not being provisions limited in their application to any particular class of pensions that may be

35 granted thereunder) shall, with the necessary modifications and in so far as they are not inconsistent with the express provisions of this Act, apply in relation to pensions in respect of blindness, to applications for such pensions, and to matters incidental thereto.

Miscellaneous.

40 19. Section fifty-six of the principal Act is hereby amended by repealing paragraph (d) and substituting the following paragraph:—

45 " (d.) If he makes any wilfully false statement or representation, or uses any fraudulent device or other improper means, with intent that any other person may obtain a pension-certificate, or any instalment of a pension payable under a pension-certificate, whether or not such last-mentioned person is entitled to receive such pension-certificate or instalment."

Computation of pensions.

Personal earnings of pensioner to be subsidized.

Commissioner to determine applications for pensions in respect of blindness.

Instalments of pension not payable while pensioner maintained in State institution or resident out of New Zealand.

Application of principal Act to pensions in respect of blindness.

Offences against principal Act.

Saving of existing pensions.

20. Nothing in the foregoing provisions of this Act relative to old-age pensions or widows' pensions shall operate to reduce the amount of any such pension of which any person may be in receipt at the commencement of this Act. On any renewal of any such pension, such pension shall not, by virtue of any amendment of the law effected by this Act, be so reduced that the aggregate receipts of the pensioner in the pension-year for which the renewal is granted shall be less than his aggregate receipts in the pension-year current at the commencement of this Act. 5

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1924.