

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,
7th August, 1923.*

Hon. Sir R. H. Rhodes.

WAR PENSIONS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Definition of term "economic pension."</p> <p>3. Economic pension may be granted to disabled members of Forces. Repeals.</p> <p>4. Where economic pension granted to member, his wife and children may receive pension as for his total disablement.</p> <p>5. Economic pension may be granted to widow and children of deceased member of Forces. Repeal.</p> <p>6. Economic pension may be granted to widowed mother of deceased member of Forces.</p> <p>7. Pensions to children. Repeal.</p> <p>8. Additional allowances to members suffering certain disabilities.</p> | <p>9. Additional allowance by way of pension to member requiring services of attendant.</p> <p>10. Constitution and functions of War Pensions Appeal Board. Repeal.</p> <p>11. Right of appeal against withdrawal of pension.</p> <p>12. Extension of right of widow and children to receive pension in respect of death of member of Forces.</p> <p>13. Additional power to make regulations.</p> <p>14. As to gratuity that may be given to the widow of a deceased member of the Forces (not being a dependant as defined by principal Act).</p> <p>15. Third Schedule to War Pensions Amendment Act, 1917, amended.</p> <p>16. Procedure for offences under the principal Act.</p> <p>17. Payment of pensions in advance.</p> |
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A BILL INTITULED

AN ACT to amend the War Pensions Act, 1915.

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

Title.

1. This Act may be cited as the War Pensions Amendment Act, 1923, and shall be read together with and deemed part of the War Pensions Act, 1915 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) In this Act the expression "economic pension" means a supplementary pension granted pursuant to this Act on economic grounds as hereinafter mentioned, and being in addition to any pension payable as of right in respect of the death or disablement of a member of the Forces.

Definition of term "economic pension."

(2.) In considering any application for an economic pension the Board may, to such extent as in any case it thinks proper and equitable, take into consideration the ability of the applicant to obtain and to retain suitable employment, the personal earnings and other income of the applicant (if any), any property of the applicant, the cost of living, and such other factors of economic significance as the Board considers relevant.

3. (1.) The Board may, in its discretion, grant to any member of the Forces who is in receipt of a pension under the principal Act in respect of his total or partial disablement an economic pension not exceeding *thirty* shillings a week, but so that the total amount payable to the member by way of pension, together with his personal earnings (if any), shall not exceed *three pounds ten* shillings a week.

Economic pension may be granted to disabled members of Forces.

Repeals.

(2.) This section is in substitution for section four of the War Pensions Amendment Act, 1917, and that section is hereby accordingly repealed.

(3.) Section three of the Finance Act, 1920 (conferring on the War Pensions Board authority to grant additional pensions to totally disabled members of the Forces) is hereby repealed. 5

Where economic pension granted to member, his wife and children may receive pension as for his total disablement.

4. Where, pursuant to the authority conferred by the *last preceding* section, an economic pension is payable to any member of the Forces, the Board may grant a pension to his wife and children of an amount not exceeding the maximum pension that could be granted to them in respect of the total disablement of the member, or may increase the amount of any pension of which any such person is in receipt in respect of the disablement of the member, but not so as to exceed the maximum aforesaid: 10

Provided that nothing in this section shall authorize the grant of a pension to any person who would not be qualified to receive a pension under the principal Act in respect of the disablement of the member. 15

Economic pension may be granted to widow and children of deceased member of Forces.

5. (1.) The Board may, in its discretion, grant to the widow of any member of the Forces who is in receipt of a pension under the principal Act in respect of his death an economic pension as follows:— 20

(a.) In the case of a widow with one child, an economic pension not exceeding *ten* shillings a week:

(b.) In the case of a widow with two or more children, an economic pension not exceeding *ten* shillings a week, increased by *two* shillings and *sixpence* a week for every child in excess of one. 25

(2.) In addition to any pension under the principal Act, or to any economic pension under this Act, the Board may grant to any widow, with or without children, a further amount by way of pension not exceeding *fifteen* shillings a week, but so that the total weekly amount payable by way of pension to the widow and her children (if any) shall not exceed the total weekly amount of which they are in receipt by way of pension at the passing of this Act or the sum of *four* pounds a week (whichever amount is the greater). 30

Repeal.

(3.) This section is in substitution for section ten of the War Pensions Amendment Act, 1917, and that section is hereby accordingly repealed. 35

Economic pension may be granted to widowed mother of deceased member of Forces.

6. The Board may, in its discretion, grant to the widowed mother of a member of the Forces who is in receipt of a pension under the principal Act in respect of his death an economic pension as follows:— 40

(a.) Where the applicant was wholly dependent on the member, an economic pension not exceeding *twenty* shillings a week, but so that the total amount payable to the applicant by way of pension, together with her income from all other sources, shall not exceed *two* pounds *ten* shillings a week: 45

(b.) Where the applicant was partially dependent on the member, an economic pension not exceeding *twenty* shillings a week but so that the total amount payable to the applicant by way of pension, together with her income from all other sources, shall not exceed *thirty-five* shillings a week. 50

Pensions to children.

7. (1.) Save as provided in this section, a pension payable to a child of a member of the Forces in respect of his death or disablement shall not continue after the child has attained the age of sixteen years.

(2.) A pension payable to any female child of a member of the Forces may, if the Board thinks fit, be continued until she attains the age of seventeen years, and a pension payable to any child suffering from any mental or bodily infirmity may be continued for such period
5 as the Board thinks fit.

(3.) A pension payable to any child may, if the Board thinks fit, be continued for such period as may be necessary to enable the child to complete its education.

(4.) Section eleven of the principal Act is hereby repealed.

10 8. There shall be payable out of the Consolidated Fund, without further appropriation than this section, to members of the Forces who have suffered amputation of a leg, wholly or in part, such allowances as the Board may, having regard to the circumstances of each particular case, determine, not exceeding,—

Repeal.
Additional allow-
ances to members
suffering certain
disabilities.

15 (a.) In the case of the amputation of a leg above the knee, *eight* pounds per annum :

(b.) In the case of the amputation of a leg below the knee, *six* pounds per annum.

20 9. (1.) Section six of the principal Act, as amended by section five of the War Pensions Amendment Act, 1917, is hereby further amended by omitting the words "one pound," and substituting the words "three pounds."

Additional allowance
by way of pension
to member
requiring services of
attendant.

(2.) Section five of the War Pensions Amendment Act, 1917, is hereby amended by repealing paragraph (a) thereof.

25 10. (1.) There shall be a War Pensions Appeal Board (hereinafter referred to as the Appeal Board) consisting of three members of whom two shall be registered medical practitioners. The members of the Board shall be appointed by the Minister of Defence and shall hold office during his pleasure.

Constitution and
functions of War
Pensions Appeal
Board.

30 (2.) One of the said members shall be appointed as representative of members of the Forces, on the nomination of the New Zealand Returned Soldiers Association (Incorporated).

(3.) Any vacancy in the membership of the Appeal Board shall be filled in the manner in which the appointment to the vacant
35 office was originally made.

(4.) There shall be a right of appeal to the Appeal Board from the decisions of the War Pensions Board in so far as they consist of—

40 (a.) The rejection of any claim for a pension on the ground that the death or disablement of the member of the Forces in respect of whose death or disablement the claim is made was not due, directly or indirectly, to his employment as a member of the Forces, or, in the case of disablement, that the condition of disablement was not aggravated by such employment ; and

45 (b.) The assessment of a pension granted to any member of the Forces in so far as the assessment is based on medical grounds.

(5.) On any such appeal the Appeal Board may receive such evidence as it thinks fit, whether of a strictly legal nature or not.

50 (6.) On any appeal the Appeal Board may confirm the decision of the War Pensions Board, or may grant a pension or increase or reduce the amount of any pension. Any decision of the Appeal Board may be made retrospective if and to such extent as that Board thinks fit.

(7.) The Governor-General may, by Order in Council, make regulations prescribing the procedure of the Appeal Board, and, in the absence of such regulations, or in so far as they do not extend, the Board may regulate its own procedure.

Repeal.

(8.) Section two of the Finance Act, 1920, is hereby repealed. 5

Right of appeal against withdrawal of pension.

11. (1.) Any person whose pension is withdrawn, reduced, or suspended by the Board, acting under the authority conferred on it by section sixteen or section nineteen of the principal Act, shall have the same right of appeal to a Stipendiary Magistrate as he would have had if the Board had refused to grant him a pension on any of the grounds specified in section fifteen of the War Pensions Amendment Act, 1916. 10

(2.) In any such case the Magistrate shall have full power and authority to hear and determine the appeal, and the provisions of the said section fifteen of the War Pensions Amendment Act, 1916, shall, so far as applicable, apply. 15

Extension of right of widow and children to receive pension in respect of death of member of Forces.

12. Section three of the principal Act is hereby amended by omitting from subsection two the words "if such death occurs within seven years after the receipt of the wound or injury or the commencement of the disease." 20

Additional power to make regulations.

13. Section twenty-six of the principal Act is hereby amended by adding the following paragraph:—

"(h.) The procedure with respect to the provision of medical or curative treatment for members of the Forces in respect of disabilities attributable to their military service." 25

As to gratuity that may be given to the widow of a deceased member of the Forces (not being a dependant as defined by principal Act.)

14. Section fifteen of the War Pensions Amendment Act, 1917, is hereby amended by omitting from the proviso to paragraph (cc) of the definition of the term "dependants" as therein set out, the words "not exceeding twice the annual value of her pension," and substituting the words "not exceeding twice the amount of the annual pension which may be paid to the wife of a member of the Forces in respect of his total disablement." 30

Third Schedule to War Pensions Amendment Act, 1917, amended.

15. The Third Schedule to the War Pensions Amendment Act, 1917, is hereby amended by omitting from the second column—

(a.) The percentage set opposite to the reference to amputation of the left arm at or above the elbow, and substituting *eighty* per centum; and 35

(b.) The percentage set opposite the reference to amputation of the right arm below the elbow, and substituting *eighty* per centum. 40

Procedure for offences under the principal Act.

16. All proceedings for offences against the principal Act, whether in respect of offences heretofore or hereafter committed, shall be taken before a Magistrate alone, and may be so taken at any time not exceeding *six* months from the time when the facts first came to the knowledge of the Board. 45

Payment of pensions in advance.

17. Regulations under section twenty-six of the principal Act, prescribing the times at which pensions may be paid, may authorize the payment of pensions in advance, either generally or in particular cases, and subject in any case to such conditions as may be prescribed.