

WAR PENSIONS AMENDMENT BILL

EXPLANATORY NOTE

The purpose of this Bill is to increase the rates of certain war pensions and allowances, and to make other miscellaneous amendments to the War Pensions Act 1943. The Bill implements recommendations of the Commission of Inquiry appointed in 1950 to inquire into and report on war pensions.

PART I—RATES OF WAR PENSIONS AND ALLOWANCES

The following war pensions and allowances are to be increased as from 15 February 1951, namely:—

- (a) The additional mother's allowance payable to the widow of a deceased member of the Forces is increased by 2s. 6d. a week (*clause 2*):
- (b) The pension payable to the wife of a totally disabled member of the Forces, whether or not she has any dependent children, is increased to 57s. 6d. a week in each case (*clauses 2 and 3*):
- (c) The additional pension payable to a member suffering from total blindness or from two or more serious disabilities is increased from 40s. a week to 50s. a week in each case (*clause 4*):
- (d) The increased pension that may be paid to or on behalf of children in the cases provided by section 31 of the principal Act is increased by 12s. 6d. a week (*clause 5*):
- (e) The pension payable to the guardian of a motherless child is increased by 30s. a week (*clause 6*):
- (f) The allowance that may be paid for the services of an attendant is increased by 12s. 6d. a week (*clause 7*):
- (g) Clothing allowances payable in the cases provided by section 41 of the principal Act are increased by £6 a year in each case (*clause 8*):
- (h) Economic pensions are increased as follows:—
 - (i) To any member of the Forces, from 47s. 6d. a week to 57s. 6d. a week:
 - (ii) To the widow of a deceased member who receives a mother's allowance of 40s. a week, from 27s. 6d. a week to 52s. 6d. a week:
 - (iii) To any other widow of a deceased member who does not qualify for mother's allowance, from 22s. 6d. a week to 57s. 6d. a week:
 - (iv) To the widowed mother of a deceased member, from 27s. 6d. a week to 57s. 6d. a week in the case of total dependency, and from 22s. 6d. a week to 37s. 6d. a week in the case of partial dependency:
 - (v) To persons entitled to pensions by reason of service in other Commonwealth Forces, from 47s. 6d. a week to 57s. 6d. a week:
- (i) Emergency Reserve Corps pensions to wives of members are increased to 57s. 6d. a week, from 27s. 6d. a week in cases where the wife has no dependent children, and from 37s. 6d. a week in other cases:
- (j) War veteran's allowances are increased from £136 10s. a year to £149 10s. a year, and the allowance in respect of a wife of a married veteran is similarly increased.

PART II—MISCELLANEOUS PROVISIONS AS TO WAR PENSIONS AND ALLOWANCES

Clause 12 provides for payment of an additional pension of 50s. a week to a totally disabled member of the Forces who is totally unfit for work and is either bedridden or so severely handicapped as to be prevented from engaging in normal social or recreational activities.

Clause 13 extends the existing provisions as to payment of pensions to New Zealand residents who serve in other forces. The clause enables the Board to grant a pension to any person who served in the forces of any other country in the Commonwealth in the same manner as if that service had been in the New Zealand Forces.

Clause 14 provides that all pensioners receiving an economic pension are to be entitled to an allowable income of 30s. a week.

Clause 15: Section 61 (1) of the principal Act provides that before a veteran can claim a war veteran's allowance he must have resided continuously in New Zealand for not less than five years immediately preceding the date of his application. Occasional absences not amounting in the aggregate to more than six months are disregarded in computing the five-year period. This clause substitutes a new subsection which differs from the existing subsection in that in computing the five-year period absences from New Zealand are disregarded if they do not amount in the aggregate to more than six months increased by one month for each year in excess of five that the veteran has actually resided in New Zealand, and absences as a member of any Commonwealth Forces are also to be disregarded. The clause also provides that no war veteran's allowance is to be payable to or on account of any person who receives an economic pension, or who receives a war pension or Emergency Reserve Corps pension or a pension or allowance under the War Pensions and Allowances (Mercantile Marine) Act 1940 as the wife of a member, or on account of the wife of a veteran who receives a war veteran's allowance in her own right.

Clause 16 empowers the War Pensions Board to treat as an unmarried person a war veteran who is separated from his wife or her husband. The effect of this provision will be to enable the Board when computing the income of the veteran to disregard any income of the veteran's wife or husband.

Clause 17 authorizes the War Pensions Board to continue payment of a war veteran's allowance to or in respect of a veteran maintained in a public institution. The existing provision requires a forfeiture of the allowance in the case of unmarried veterans.

Clause 18 provides that disablement pensions and war widows' pensions are to be disregarded for the purpose of computing the basic war veterans' allowances.

Clause 19 provides that no person who is in receipt of a superannuation benefit under the Social Security Act 1938 shall at the same time be entitled to a war pension or Emergency Reserve Corps pension as the wife of a disabled member of the Forces, or an economic pension or a war veteran's allowance. *Subclause (2)* provides that persons receiving both a superannuation benefit and a pension or war veteran's allowance at any time between 15 February 1951 (the date of the commencement of the Bill) and the date of the passing of the Bill may continue to receive them up to an amount not exceeding by more than £37 10s. a year the rate of pension to which they are entitled under the principal Act—that is, they may continue to receive their pensions together with the existing rate of superannuation benefit.

Clause 20 authorizes the War Pensions Board to grant a supplementary allowance, where a war veteran or his wife has attained sixty-five years of age, not exceeding £78 a year where they have both attained that age or £39 a year where only one of them has attained that age or the veteran is unmarried. Where the veteran and his wife (if any) have other income, the supplementary allowance is not to exceed such an amount that their total income from all sources, apart from war veteran's allowance, exceeds £78 a year.

Clause 21 enables the War Pensions Board to treat in the same way as the equivalent New Zealand pension any pension received by a person from overseas. For example, an overseas pension that the Board regards as equivalent to a New Zealand disability pension would be disregarded for the purpose of computing an economic pension or war veteran's allowance under the principal Act.

Hon. Mr. Macdonald

WAR PENSIONS AMENDMENT

ANALYSIS

Title.

1. Short Title and commencement.

PART I

RATES OF WAR PENSIONS AND ALLOWANCES

War Pensions

2. Increasing maximum rates of certain war pensions. Repeals.
3. Increasing pensions to wives of disabled members.
4. Increase of pension where member suffering from total blindness or from two or more serious disabilities.
5. Increasing pensions to children in certain cases. Repeal.
6. Increasing pensions to guardians of motherless children. Repeal.
7. Increasing allowances for services of attendant. Repeal.
8. Increasing clothing allowances. Repeal.

Economic Pensions

9. Increasing maximum rates of economic pensions. Repeal.

Pensions in Respect of Service with Emergency Reserve Corps

10. Increasing maximum rates of Emergency Reserve Corps pensions. Repeal.

War Veterans' Allowances

11. Increasing rate of war veterans' allowances. Repeal.

PART II

MISCELLANEOUS PROVISIONS AS TO WAR PENSIONS AND ALLOWANCES

12. Additional pension payable to members severely disabled.
13. Special provisions as to persons who serve with forces in other Commonwealth countries.
14. Allowable income of claimants for economic pensions.
15. Amending provisions as to qualifications of claimants for war veterans' allowances.
16. Separated husbands and wives may be regarded as unmarried persons.
17. Board may authorize payment to veteran maintained in public institution.
18. Disablement pensions and war widows' pensions to be disregarded in computing war veterans' allowances.
19. Persons receiving superannuation benefits under the Social Security Act 1938 not to receive certain war pensions and allowances.
20. Supplementary allowance where war veteran or his wife has attained sixty-five years.
21. Special provisions affecting rates of pensions. Schedule.

A BILL INTITULED

Title. AN ACT to amend the War Pensions Act 1943.
BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement.
1943, No. 22

1. (1) This Act may be cited as the War Pensions Amendment Act 1951, and shall be read together with and deemed part of the War Pensions Act 1943 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the fifteenth day of February, nineteen hundred and fifty-one.

PART I

RATES OF WAR PENSIONS AND ALLOWANCES

War Pensions

Increasing maximum rates of certain war pensions.
1950, No. 47

2. (1) The principal Act is hereby amended by repealing the First and Third Schedules (as set out in the Schedule to the War Pensions Amendment Act 1950), and substituting therefor respectively the First and Third Schedules set out in the Schedule to this Act.

Repeals.

(2) Section two of the War Pensions Amendment Act 1950 and the Schedule to that Act are hereby repealed.

Increasing pensions to wives of disabled members.
1946, No. 17

3. Subsection one of section nineteen of the principal Act (as set out in subsection three of section two of the War Pensions Amendment Act 1946) is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:—

“(b) To the wife, the rate specified in the third column of the said Schedule:

“(c) To each child, the rate specified in the fourth column of the said Schedule:”.

Increase of pension where member suffering from total blindness or from two or more serious disabilities.

4. (1) Section nineteen of the principal Act is hereby amended by omitting from subsection four the words “forty shillings”, and substituting the words “fifty shillings”.

(2) Section twenty of the principal Act is hereby amended by omitting from subsection three the words “forty shillings”, and substituting the words “fifty shillings”.

5. (1) Section thirty-one of the principal Act (as amended by section three of the War Pensions Amendment Act 1950) is hereby further amended by omitting the words "twenty-seven shillings and sixpence", and substituting the words "forty shillings".
- (2) Section three of the War Pensions Amendment Act 1950 is hereby repealed.
6. (1) Section thirty-six of the principal Act (as amended by section four of the War Pensions Amendment Act 1950) is hereby further amended by omitting from subsection two the words "twenty-seven shillings and sixpence", and substituting the words "fifty-seven shillings and sixpence".
- (2) Section four of the War Pensions Amendment Act 1950 is hereby repealed.
7. (1) Section forty of the principal Act (as amended by section five of the War Pensions Amendment Act 1950) is hereby further amended by omitting from subsection one the words "six pounds a week", and substituting the words "six pounds twelve shillings and sixpence a week".
- (2) Section five of the War Pensions Amendment Act 1950 is hereby repealed.
8. (1) Subsection one of section forty-one of the principal Act (as amended by section five of the War Pensions Amendment Act 1947) is hereby further amended as follows:—
- (a) By omitting from paragraph (a) the words "eighteen pounds", and substituting the words "twenty-four pounds":
- (b) By omitting from paragraph (b) the words "sixteen pounds", and substituting the words "twenty-two pounds":
- (c) By omitting from paragraph (c) the words "ten pounds", and substituting the words "sixteen pounds":
- (d) By inserting in paragraph (c), after the words "any member", the words "who has suffered the loss of an arm or part of an arm or".
- (2) Section five of the War Pensions Amendment Act 1947 is hereby repealed.

Increasing pensions to children in certain cases. 1950, No. 47

Repeal.

Increasing pensions to guardians of motherless children. 1950, No. 47

Repeal.

Increasing allowances for services of attendant.

Repeal.

Increasing clothing allowances. 1947, No. 26

Economic Pensions

Increasing
maximum rates
of economic
pensions.
1950, No. 47

9. (1) Section fifty-one of the principal Act (as amended by section six of the War Pensions Amendment Act 1950) is hereby further amended by repealing paragraphs (a), (b), (c), (d), and (e), and substituting the following paragraphs:— 5

“(a) To any member of the Forces, fifty-seven shillings and sixpence a week:

“(b) To the widow of a deceased member of the Forces who is in receipt of a mother’s allowance under paragraph (a) of subsection one of section eighteen of this Act, fifty-two shillings and sixpence a week: 10

“(c) To any other widow of a deceased member of the Forces, fifty-seven shillings and sixpence a week: 15

“(d) To the widowed mother of a deceased member of the Forces,—

“(i) Where the claimant was wholly dependent on the member or was partially dependent on two or more sons, being deceased members, fifty-seven shillings and sixpence a week: 20

“(ii) In any other case, thirty-seven shillings and sixpence a week: 25

“(e) To any person who is in receipt of a pension under section forty-six or section forty-seven hereof in respect of his own disablement, fifty-seven shillings and sixpence a week:” 30

Repeal.

(2) Section six of the War Pensions Amendment Act 1950 is hereby repealed.

Pensions in Respect of Service with Emergency Reserve Corps

Increasing
maximum rates
of Emergency
Reserve Corps
pensions.
1946, No. 17
1950, No. 47

10. (1) Section fifty-seven of the principal Act (as amended by subsection two of section four of the War Pensions Amendment Act 1946 and by section seven of the War Pensions Amendment Act 1950) is hereby further amended by repealing paragraph (c), and substituting the following paragraph:— 35 40

“(c) To or on account of the wife of a member, the sum of fifty-seven shillings and sixpence a week:”

(2) Section seven of the War Pensions Amendment Act 1950 is hereby repealed. Repeal.

War Veterans' Allowances

11. (1) Section sixty-two of the principal Act (as amended by section two of the War Pensions Amendment Act 1945 and by section nine of the War Pensions Amendment Act 1950) is hereby further amended by omitting from subsection one the words "one hundred and thirty-six pounds ten shillings" wherever they occur, and substituting in each case the words "one hundred and forty-nine pounds ten shillings".

Increasing rate of war veterans' allowances.
1945, No. 12
1950, No. 47

(2) Section nine of the War Pensions Amendment Act 1950 is hereby repealed. Repeal.

PART II

15 MISCELLANEOUS PROVISIONS AS TO WAR PENSIONS AND ALLOWANCES

12. Section nineteen of the principal Act is hereby amended by adding the following subsection:—

Additional pension payable to members severely disabled.

"(5) The War Pensions Board may, with the approval of the Minister, increase the maximum pension payable to a member in accordance with the foregoing provisions of this section by an amount not exceeding fifty shillings a week if the member is totally disabled and is permanently unfit for work of any kind, and either is permanently bedridden or, if not permanently bedridden, is, in the opinion of the Board, so restricted in his activities and pursuits that he is prevented from engaging in normal social and recreational activities:

"Provided that no increased pension shall be payable under this subsection to any member who is in receipt of an increased pension under subsection four of this section or under subsection three of section twenty of this Act."

13. (1) Section forty-seven of the principal Act is hereby amended by repealing subsections one and two, and substituting the following subsections:—

Special provisions as to persons who serve with forces in other Commonwealth countries.

"(1) Subject to the provisions of this section, the War Pensions Board may, with the approval of the Minister, grant a pension under this Part of this Act in respect of the death or disablement during any war in which His Majesty has been or is at any time engaged of any person who served in connection with that war

as a member of any forces established in any country of the Commonwealth (other than New Zealand) and whose death is attributable to or whose disablement is attributable to or has been aggravated by that service.

“(2) Where any claimant for a pension pursuant to this section in respect of the death or disablement of a member of the forces of any country of the Commonwealth (other than New Zealand) is in receipt of a pension from the Government of that country in respect of the member’s death or disablement, the Board may, in its discretion, accept the death or disablement as attributable to the member’s service in those forces.”

(2) Section forty-seven of the principal Act is hereby further amended by omitting from subsection three the words “any of His Majesty’s Forces established elsewhere than in New Zealand”, and substituting the words “any forces established in any country of the Commonwealth (other than New Zealand)”.

Allowable
income of
claimants for
economic
pensions.

14. Section fifty of the principal Act is hereby amended by repealing the proviso to subsection two, and substituting the following proviso:—

“Provided that the Board shall take no account of any personal earnings and other income of the claimant and his wife or her husband up to thirty shillings a week.”

Amending
provisions as to
qualifications
of claimants for
war veterans’
allowances.

15. Section sixty-one of the principal Act is hereby amended by repealing subsection one, and substituting the following subsections:—

“(1) Subject to the provisions of this Part of this Act, allowances shall be payable thereunder to or on account of—

“(a) Any veteran who satisfies the War Pensions Board that he is unfit for permanent employment by reason of physical or mental infirmity, and that he has resided continuously in New Zealand during the five years immediately preceding the date of his claim for an allowance or, if he has not so resided in New Zealand, that his absences from New Zealand during the five years immediately preceding the date of his claim have not in the aggregate exceeded six months increased by one month for every year of his actual residence in New Zealand in excess of five years:

“ Provided that for the purposes of this paragraph residence in New Zealand shall not be deemed to be interrupted by absence therefrom while serving as a member of any Forces established in any country of the Commonwealth:

“ (b) The wife of any such veteran.

“ (1A) Notwithstanding anything in the last preceding subsection, no allowance shall be payable under this Part of this Act—

“ (a) To or on account of any person who is in receipt of an economic pension under Part III of this Act; or

“ (b) To or on account of any person who is in receipt of a pension or allowance under Part II or Part IV of this Act or under the War Pensions and Allowances (Mercantile Marine) Act 1940 as the wife of a disabled member of the Forces or of any other Commonwealth Forces or of the Emergency Reserve Corps or as the wife of a disabled or detained member of the New Zealand mercantile marine; or

“ (c) On account of the wife of a veteran who is in receipt of an allowance under this Part of this Act in her own right.”

16. Section sixty-two of the principal Act (as amended by subsection two of section two of the War Pensions Amendment Act 1945) is hereby further amended by adding the following subsection:—

“ (2) For the purpose of computing any allowance under the foregoing provisions of this section, a veteran who is living apart from his wife or her husband, as the case may be, may, in the discretion of the Board, be regarded as an unmarried person.”

17. Section sixty-five of the principal Act is hereby amended by inserting in subsection two, after the words “ on behalf of ”, the words “ the veteran or ”.

18. In determining for the purposes of section sixty-two of the principal Act the income of any person, the War Pensions Board shall take no account of any pension under Part II or Part IV of that Act or under the War Pensions and Allowances (Mercantile Marine) Act 1940

Separated husbands and wives may be regarded as unmarried persons.

1945, No. 12

Board may authorize payment to veteran maintained in public institution.

Disablement pensions and war widows' pensions to be disregarded in computing war veterans' allowances.

1940, No. 24

received by that person in respect of his own disablement or of any pension, other than a mother's allowance, under Part II or Part IV of the principal Act or under the War Pensions and Allowances (Mercantile Marine) Act 1940 received by the widow of a deceased member of the Forces or of any other Commonwealth Forces or of the Emergency Reserve Corps or of the New Zealand mercantile marine in respect of the death of that member. 5

Persons receiving superannuation benefits under the Social Security Act 1938 not to receive certain war pensions and allowances. 1938, No. 7; reprinted, 1948, Vol. II, p. 1251

19. (1) Except as provided in this section, no person shall be entitled, while in receipt of a superannuation benefit under the Social Security Act 1938, to receive a pension under Part II or Part IV of the principal Act as the wife of a disabled member of the Forces or of any other Commonwealth Forces or of the Emergency Reserve Corps, or an economic pension under Part III of the principal Act, or a war veteran's allowance under Part V of that Act. 10 15

1938, No. 7; reprinted, 1948, Vol. II, p. 1251

(2) Notwithstanding anything in subsection *one* of this section, where any person was, at the date of the commencement of this Act or at any time between that date and the date of the passing of this Act, in receipt of a superannuation benefit under the Social Security Act 1938, and also of any pension or allowance specified in subsection *one* of this section, the Board may continue that pension or allowance at such rate as the Board thinks fit, but so that in no case shall the aggregate of the rates of the pension or allowance and the superannuation benefit exceed by more than thirty-seven pounds ten shillings a year the maximum rate of that pension or allowance under the principal Act as amended by this Act: 20 25 30

Provided that, if any person to whom this subsection applies surrenders his right to receive a superannuation benefit, the Board may increase the rate of the pension or allowance by the rate of the superannuation benefit surrendered, notwithstanding that the maximum rate of the pension or allowance under the principal Act as amended by this Act may thereby be exceeded. 35

(3) For the purposes of subsection *two* of this section, any person who, after the passing of this Act, is granted a superannuation benefit to commence from a day before the passing of this Act shall be deemed to have been in receipt of that benefit immediately before the passing of this Act. 40 45

20. Where any person in receipt of a war veteran's allowance under Part V of the principal Act or the wife of any such person has attained the age of sixty-five years, the War Pensions Board may, in its discretion, grant a supplementary allowance to the veteran or his wife of an amount not exceeding—

Supplementary allowance where war veteran or his wife has attained sixty-five years.

(a) Seventy-eight pounds a year, where the veteran and his wife have both attained the age of sixty-five years; or

(b) Thirty-nine pounds a year in any other case:

Provided that a supplementary allowance shall not be granted under this section of such an amount that the total amount from all sources (excluding any allowance under Part V of the principal Act computed in accordance with section sixty-two of that Act) received by the veteran and his wife (if any) in any year shall exceed the sum of seventy-eight pounds.

21. (1) In this section—

“Analogous New Zealand pension” means a pension or other periodical allowance under the principal Act, the War Pensions and Allowances (Mercantile Marine) Act 1940, or the Social Security Act 1938 that is deemed by the Board to be analogous to an overseas pension:

Special provisions affecting rates of pensions.

1940, No. 24

“Overseas pension” means a pension or other periodical allowance granted elsewhere than in New Zealand.

(2) Notwithstanding anything to the contrary in the principal Act, where any person entitled to receive a pension or allowance under the principal Act or the wife or husband of any such person is for the time being in receipt of an overseas pension, the Board may grant the pension or allowance at such rate as it thinks fit, but so that the aggregate of the rates of that pension or allowance and of the overseas pension (or of so much thereof as is equivalent to the analogous New Zealand pension) shall not exceed the aggregate of the rates of pension or allowance that could be granted if he or she were in receipt of the analogous New Zealand pension.

Schedule.

SCHEDULE

" FIRST SCHEDULE

" RATES OF PENSIONS IN RESPECT OF DEATH OF MALE MEMBER OF FORCES

(First Column.) Rank or Rating.	(Second Column.) To the Wife in Every Case, Per Week.	(Third Column.) To the Wife With a Dependent Child or Children, Per Week (Additional Mother's Allowance).	(Fourth Column.) To Each Child, Per Week.
	£ s. d.	£ s. d.	s. d.
All ranks and ratings below commissioned rank (Army, Navy, and Air Force)	2 10 0	2 0 0	10 0
Commissioned officer not above the rank of Lieutenant (Army); Sub-Lieutenant (Navy); Pilot Officer (Air Force)	2 15 0	2 0 0	10 0
Captain (Army); Lieutenant (Navy); Flying Officer, Flight Lieutenant (Air Force)	3 0 0	2 0 0	10 0
Major (Army); Lieutenant-Commander (Navy); Squadron Leader (Air Force)	3 7 0	2 0 0	10 0
Lieutenant-Colonel (Army); Commander (Navy); Wing Commander (Air Force)	3 16 0	2 0 0	10 0
Colonel (Army); Captain (Navy); Group Captain (Air Force)	3 18 0	2 0 0	10 0
Brigadier, Brigadier-General, Major-General, Lieutenant-General (Army); Commodores, first and second class, Rear-Admiral (Navy); Air Commodore, Air Vice-Marshal, Air Marshal (Air Force)	4 0 0	2 0 0	10 0

" THIRD SCHEDULE

" RATES OF PENSIONS IN RESPECT OF TOTAL DISABLEMENT OF MALE MEMBER OF FORCES

(First Column.) Rank or Rating.	(Second Column.) To the Member, Per Week.	(Third Column.) To the Wife, Per Week.	(Fourth Column.) To Each Child, Per Week.
	£ s. d.	£ s. d.	s. d.
Major (Army); Lieutenant-Commander (Navy); Squadron Leader (Air Force); and all ranks and ratings below	3 10 0	2 17 6	10 0
Lieutenant-Colonel (Army); Commander (Navy); Wing Commander (Air Force)	3 11 0	2 17 6	10 0
Colonel (Army); Captain (Navy); Group Captain (Air Force)	3 13 0	2 17 6	10 0
Brigadier, Brigadier-General, Major-General, Lieutenant-General (Army); Commodores, first and second class, Rear-Admiral (Navy); Air Commodore, Air Vice-Marshal, Air Marshal (Air Force)	3 15 0	2 17 6	10 0"