

## WAR PENSIONS AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the War Pensions Act 1954.

*Clause 2:* Section 48 of the principal Act provides that where any member of the forces who is in receipt of a pension at a rate of not less than 70 per cent of the rate for total disablement dies from any cause not attributable to his service, a War Pensions Board may grant a pension to or on behalf of his widow or dependent children in all respects as if his death were attributable to his service. This clause extends that provision to apply also in cases where a member dies from a cause not attributable to his service and at the date of his death was not in receipt of a permanent pension at a rate of 70 per cent of the rate for total disablement, but the Board is of the opinion that, if he had not died, he could have been granted a permanent pension at a rate not less than 70 per cent of the rate for total disablement.

*Subclause (2)* extends this provision to apply in the case of New Zealand residents who have served in the forces of other Commonwealth countries, and will enable a pension to be granted in similar circumstances to or on behalf of their widows and dependent children.

*Clause 3* empowers a War Pensions Board, in computing the rate of any pension or allowance, to disregard sick benefits received from a friendly society up to £1 a week.

*Clause 4* increases from £3 a week to £5 a week the allowable income of a widow with a dependent child or dependent children supported by her to the satisfaction of the Board. In other cases it is to remain at £3 a week.

*Hon. Mr Kinsella*

## WAR PENSIONS AMENDMENT

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### ANALYSIS

Title

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| 2. Pension to widow or child of deceased member whose death not attributable to service | 4. Allowable income of widows with dependent children |
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### A BILL INTITULED

#### An Act to amend the War Pensions Act 1954

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

1. **Short Title and commencement**—(1) This Act may be cited as the War Pensions Amendment Act 1961, and shall be read together with and deemed part of the War Pensions Act 1954\* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the thirteenth day of September, nineteen hundred and sixty-one.

2. **Pension to widow or child of deceased member whose death not attributable to service**—(1) The principal Act is hereby amended by repealing section 48, and substituting the following section:
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\*1957 Reprint, Vol. 16, p. 475  
Amendments: 1958, No. 45; 1960, No. 14

“48. Notwithstanding anything in this Act, where any member of the forces has died, whether before or after the commencement of this section, from any cause not attributable to his service as a member of the forces, and—

“(a) At the date of his death the member was in receipt of a permanent pension under this Part of this Act at a rate not less than seventy per cent of the maximum rate of pension that would be payable in respect of his total disablement; or

“(b) At the date of his death the member was not in receipt of such a pension, but the Board is of the opinion that, if he had not died, he could have been granted a permanent pension at a rate not less than seventy per cent of that maximum rate,—

a War Pensions Board may, in its discretion, grant a pension to or on behalf of the widow or any dependent child or dependent children of the member in all respects as if the death of the member were attributable to his service.”

(2) Section 56 of the principal Act is hereby amended by adding the following subsection:

“(5) The provisions of section 48 of this Act shall apply with respect to the widow or a child of a deceased member of any forces to which this section applies as if—

“(a) That member were a member of Her Majesty’s forces established in New Zealand; and

“(b) Any pension or part thereof received by that member from the Government of any country of the Commonwealth (other than New Zealand) which in the opinion of the Board is in respect of his permanent disablement were a permanent pension under this Part of this Act.”

**3. Sick benefits received from friendly society**—The principal Act is hereby further amended by inserting, after section 78, the following section:

“78A. (1) Where a claimant for a pension or allowance under this Act, or the husband or the wife of any such claimant, is in receipt of a sick benefit from a friendly society or a like benefit from any other source, the Board shall, in computing the rate of any such pension or allowance, take no account of any income up to, in the aggregate, one pound a week received by way of sick benefit from a friendly society or by way of like benefit from any other source.

“(2) If any question arises as to whether any moneys received or receivable are of a like nature to a sick benefit payable by a friendly society it shall be determined by the Board.”

5    **4. Allowable income of widows with dependent children—**  
The Sixth Schedule to the principal Act (as substituted by section 5 of the War Pensions Amendment Act 1960) is hereby amended by repealing clause 1 of Part I, and substituting the following clause:

10    “1. Under section 59—  
    Allowable income of claimant and husband or wife  
        (if any)—  
        “(a) In the case of a widow with a  
            child or children of the  
15              member dependent upon her  
            and supported by her to the  
            satisfaction of the Board, per  
            week .....         .....         £5  
        “(b) In any other case, per week .....         £3”.