

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 22 October 1963*

Words struck out by the Committee of the Whole are shown with black rule at beginning and after last line of struck out matter; words inserted are shown with double rule before first line and after last line of new matter.

*Hon. Mr Kinsella*

## WAR PENSIONS AMENDMENT

### ANALYSIS

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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,  
5 as follows:

**1. Short Title**—This Act may be cited as the War Pensions Amendment Act 1963, and shall be read together with and deemed part of the War Pensions Act 1954\* (hereinafter referred to as the principal Act).

\*1957 Reprint, Vol. 16, p. 475

Amendments: 1958, No. 45; 1960, No. 14; 1961, No. 7; 1962, No. 21

## PART I

## INCREASING RATES OF PENSIONS AND ALLOWANCES

**2. Commencement**—This Part of this Act and the Schedule to this Act shall be deemed to have come into force on the seventeenth day of July, nineteen hundred and sixty-three. 5

**3. Increasing rates of disablement and other pensions and allowances**—(1) The principal Act is hereby amended by repealing the First Schedule (as substituted by section 2 of the War Pensions Amendment Act 1962), the Second Schedule (as substituted by section 2 of the War Pensions Amendment Act 1957), the Third, Fourth, Fifth, Sixth, and Seventh Schedules (as substituted by section 4 of the War Pensions Amendment Act 1962), and the Eighth and Ninth Schedules, and substituting the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Schedules set out in the Schedule to this Act. 10 15

(2) The following enactments are hereby repealed:

(a) The War Pensions Amendment Act 1957:

(b) The War Pensions Amendment Act 1962.

**4. War servicemen's dependants' allowances**—The principal Act is hereby further amended by inserting in Part VII, before section 76, the following section: 20

“75A. (1) Subject to the provisions of subsection (2) of this section, a War Pensions Board may, in its discretion, grant an additional allowance (in this section referred to as a war serviceman's dependant's allowance) of ten shillings per week, to be payable— 25

“(a) To or on account of—

“(i) Any veteran who is in receipt of a war veteran's allowance under Part VI of this Act; 30  
and also

“(ii) The wife of any such veteran in any case where the veteran is qualified to receive an allowance in respect of his wife; and

“(b) To or on account of— 35

“(i) Any person who is in receipt of an economic pension under Part III of this Act; and also

“(ii) The wife of any such person in any case where she is in receipt of a pension under this Act.

“(2) No war serviceman’s dependant’s allowance shall be payable to or on account of any person referred to in paragraph (a) or paragraph (b) of subsection (1) of this section, unless a War Pensions Board is satisfied that he or she  
5 was one of the parents of—

“(a) A deceased member of any of Her Majesty’s Forces established in New Zealand whose death was attributable to his service as a member of any such Force; or

10 “(b) A deceased member of the New Zealand Mercantile Marine whose death was directly attributable to the Second World War; or

“(c) A deceased member of any Forces established in any part of the British Commonwealth other than in New Zealand who was a bona fide resident of New Zealand at the commencement of any war in which Her Majesty’s Forces established in New Zealand were engaged and whose death was attributable to his service as a member of any such Force; or

20 “(d) A deceased member of the Mercantile Marine of any part of the British Commonwealth other than New Zealand who was a bona fide resident of New Zealand at the commencement of the Second World War and whose death was directly attributable to that War.

*Struck Out*

“~~(3) For the purposes of this section, a person referred to in paragraph (a) or paragraph (b) of subsection (1) of this section shall be deemed to have been one of the parents of  
30 any such deceased member, if the member was at his death a child or step-child or adopted child of that person, or if in any other case the member was maintained by that person or by the wife or husband of that person and is in the circumstances of the case regarded by a War Pensions Board as being  
35 a child of that person.~~”

*New*

“(3) For the purposes of this section, a person referred to in paragraph (a) or paragraph (b) of subsection (1) of this section shall be deemed to have been one of the parents  
40 of any such deceased member, if he was at the death of the member a parent or step-parent or adoptive parent of the member, or if in any other case the member was maintained by that person or by the wife or husband of that person and that person is in the circumstances of the case regarded by a War Pensions Board as being a parent of that member.”

“(4) Any allowance paid to or on account of any person under this section shall be deemed not to form part of his income for the purposes of this Act.”

**5. Person entitled to war serviceman's dependant's allowance absent from New Zealand**—Section 86 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Any allowance under section 75A of this Act may, in the discretion of a War Pensions Board, be paid in respect of any period during which the person to or on account of whom the allowance has been granted is absent from New Zealand.” 5

## PART II 10

### MISCELLANEOUS AMENDMENTS

**6. Interpretation**—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister” in subsection (1), and substituting the following definition:

“‘Minister’ means the Minister in Charge of War Pensions:” 15

**7. Review of decision where powers of Board delegated**—Section 15 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) A Board may at any time, of its own motion or on application by any claimant for a pension or an allowance under this Act, or, as the case may be, the person to whom a pension or allowance has been granted, review any decision made by the Secretary or any other officer in the exercise of any powers conferred on him by delegation under this section, and in any such case may confirm the decision, or may, in accordance with the provisions of this Act, grant or refuse to grant a pension or allowance, or increase or reduce the amount of any pension or allowance, or terminate any pension or allowance.” 20 25 30

**8. Assessment in the case of multiple injuries**—Section 21 of the principal Act is hereby amended by adding to subsection (2) the following proviso:

“Provided also that where in the said Schedule the percentage of full pension payable for a specified disability involving multiple losses differs from the sum of the percentages specified for the separate losses, the former shall be the appropriate percentage.” 35

**9. Exemption of income from former home property**—The principal Act is hereby further amended by inserting, after section 78A (as inserted by section 3 of the War Pensions Amendment Act 1961), the following section: 40

“78B. Where any person has let his home or sold it on terms providing for the payment of the purchase money or any part thereof by instalments or by which the purchase money or any part thereof is secured by mortgage thereon, a War Pensions Board may, in its discretion, in computing the income of that person for the purposes of this Act, set off against the rent or interest derived or received by him in respect of that letting or sale the whole or any part of—

- 5 “(a) Any rent payable by him in respect of the tenancy of another home:
- 10 “(b) Any interest payable by him on unpaid purchase money owing by him in respect of the purchase of another home:
- 15 “(c) Any interest payable by him on money advanced to him for the purchase of another home:
- “(d) Any money payable by him in respect of his board, lodging, or maintenance, whether in a private home or in any public or private institution.”

SCHEDULE

Section 3

NEW FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH, SEVENTH, EIGHTH, AND NINTH SCHEDULES TO PRINCIPAL ACT  
(Effective on and from 17 July 1963)

“FIRST SCHEDULE

Sections 20, 23, 28, 62, 65

MAXIMUM RATES OF PENSIONS FOR DISABLED MEMBERS

*Part I—Members of Forces*

- 1. Under section 20—  
In every case, per week ..... £5 5s.
- 2. Under section 23—  
In certain cases of severe disablement (additional pension), per week ..... £3 3s.
- 3. Under section 28—  
Clothing allowance (additional pension) as follows—
  - (a) Loss of two limbs or parts, per week ..... 12s. 6d.
  - (b) Loss of leg or part, per week ..... 11s. 6d.
  - (c) Loss of arm or part, per week ..... 8s. 6d.
  - (d) Use of mechanical appliance, etc., per week ..... 8s. 6d.

*Part II—Members of Mercantile Marine*

- 4. Under section 62—  
The same rates as those specified in Part I of this Schedule

*Part III—Members of Emergency Reserve Corps*

- 5. Under section 65—  
The same rates as those specified in Part I of this Schedule.

Sections 29, 62, 65 "SECOND SCHEDULE

MAXIMUM RATES OF ALLOWANCES FOR SERVICES OF ATTENDANTS FOR  
DISABLED MEMBERS

*Part I—Members of Forces*

1. Under section 29—  
In every case, per week ..... £8

*Part II—Members of Mercantile Marine*

2. Under section 62—  
The same rate as that specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

3. Under section 65—  
The same rate as that specified in Part I of this Schedule.

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Sections 30, 62, 65 "THIRD SCHEDULE

MAXIMUM RATES OF PENSION FOR WIFE OF TOTALLY DISABLED MEMBER

*Part I—Members of Forces*

1. Under section 30—  
In every case, per week ..... £4 10s.

*Part II—Members of Mercantile Marine*

2. Under section 62—  
The same rate as that specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

3. Under section 65—  
The same rate as that specified in Part I of this Schedule.

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“FOURTH SCHEDULE Sections 32, 62, 65

MAXIMUM RATES OF PENSIONS FOR WIDOWS OF DECEASED MEMBERS

*Part I—Members of Forces*

1. Under section 32 (1)—

To the widow in every case, according to the rank or rating of the deceased member, as follows—

- (a) Lieutenant-Colonel (Army); Commander (Navy); Wing Commander (Air Force), and all ranks and ratings below, per week £3 17s. 6d.
- (b) Colonel (Army); Captain (Navy); Group Captain (Air Force), per week ..... £3 18s.
- (c) Brigadier, Brigadier-General, Major-General, Lieutenant-General (Army); Commodore, first or second class, Rear Admiral (Navy); Air Commodore, Air Vice-Marshal, Air Marshall (Air Force), per week ..... £4

2. Under section 32 (2)—

Additional mother's allowance to a widow with—

- (a) One dependent child, per week ..... £3 5s.
- (b) Two dependent children, per week ..... £3 15s.
- (c) Three dependent children, per week ..... £4 5s.
- (d) Four dependent children, per week ..... £4 15s.
- (e) Five dependent children, per week ..... £5 5s.
- (f) Six or more dependent children, per week £5 15s.

*Part II—Members of Mercantile Marine*

3. Under section 32 (1) as applied by section 62—

To the widow in every case, per week ..... £3 17s. 6d.

4. Under section 32 (2) as applied by section 62—

Additional mother's allowance to a widow with dependent child or children—

The same rates as those provided in clause 2 of Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

5. Under section 32 (1) as applied by section 65—

To the widow in every case, per week ..... £3 17s. 6d.

6. Under section 32 (2) as applied by section 65—

Additional mother's allowance to a widow with dependent child or children—

The same rates as those provided in clause 2 of Part I of this Schedule.



## Sections 36, 40, 62, 65 "FIFTH SCHEDULE

## MAXIMUM RATES OF PENSIONS FOR CHILDREN OF DISABLED AND DECEASED MEMBERS

*Part I—Members of Forces*

1. Under section 36—  
In ordinary cases, per week ..... 15s.
2. Under section 40—  
In certain cases where parents dead, or child not under control of its mother, per week ..... £3

*Part II—Members of Mercantile Marine*

3. Under section 62—  
The same rates as those specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

4. Under section 65—  
The same rates as those specified in Part I of this Schedule.

## Sections 59, 60, 62, 65 "SIXTH SCHEDULE

## MAXIMUM RATES OF ECONOMIC PENSIONS AND ALLOWABLE INCOME

*Part I—Members of Forces*

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 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
2. For the purposes of clause 1 of this Schedule, the expression 'child or children' includes, if a War Pensions Board thinks fit, a child or children in respect of whom a pension has been continued beyond the age of sixteen years under section 43 of this Act.



3. Under section 60—

Economic pension, as follows—

- (a) To any member of the forces, per week ..... £4 10s.
- (b) To the widow of a deceased member of the forces, per week ..... £4 10s.
- (c) To the widowed mother of a deceased member of the forces—
  - (i) Where the claimant was wholly dependent on the member or was the mother of two or more sons, being deceased members of the forces, per week ..... £4 10s.
  - (ii) In any other case, per week ..... £3 7s. 6d.
- (d) To any person in receipt of a pension under section 55 or section 56 in respect of his own disablement, per week ..... £4 10s.
- (e) To any widow in receipt of a pension under section 55 or section 56 in respect of the death of her husband or son
 

The rate of the pension that would be payable to her under paragraph (b) or paragraph (c) of this clause if her husband or son, as the case may be, had been a member of the forces.
- (f) To any person who is disqualified from receiving a pension under section 56 by reason only that the pension received by him from an overseas Government is not less than the pension that would be payable under Part II of this Act in respect of a member of the New Zealand forces
 

The difference between the rate of the pension paid to the claimant by an overseas Government and the aggregate rate of the pensions that would be payable to the claimant under Parts II and III of this Act if the person in respect of whose disablement or death the overseas pension is paid had been a member of the New Zealand forces.

*Part II—Members of Mercantile Marine*

## 4. Under section 62—

The same rates as those specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

## 5. Under section 65—

The same rates as those specified in Part I of this Schedule.

*Part IV—General*

6. The rates specified in clauses 3, 4, and 5 of this Schedule shall be increased by 10s. per week in any case where the claimant or pensioner is an unmarried person, or, being married, is, in the opinion of a War Pensions Board, living apart from his wife or her husband, as the case may be:

Provided that a War Pensions Board may in its discretion refuse to increase any economic pension under this clause in any case where in the opinion of the Board the claimant or pensioner is sharing household expenses with any other person.

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 Sections 69, 70, 74      “SEVENTH SCHEDULE

## RATES OF WAR VETERANS' ALLOWANCES

## 1. Under section 69—

- |   |   |
|---|---|
| (a) To a married male veteran who is qualified to receive an allowance on account of his wife, in respect of himself and his wife | £468 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and his wife (exclusive of any allowance under Part VI of this Act) in excess of £156 per annum.   |
| (b) To a married female veteran   | £234 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and her husband (exclusive of any allowance under Part VI of this Act) received by the female veteran) in excess of £390 per annum.  |
| (c) In any other case .....   | £234 per annum, diminished by £1 for every complete £1 of the total annual income (exclusive of any allowance under Part VI of this Act) of the veteran and his wife (if any) in excess of £390 per annum in the case of a married veteran and in excess of £156 per annum in the case of an unmarried veteran. |

2. Under section 70—

Age supplement—

- (a) Where a married male veteran and his wife have both attained the age of 65 years £78 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and his wife (exclusive of any allowance under Part VI of this Act) in excess of £78 per annum.
- (b) Where a married female veteran has attained the age of 65 years £39 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and her husband (exclusive of any allowance under Part VI of this Act received by the female veteran) in excess of £351 per annum.
- (c) In any other case where the veteran or the wife of a male veteran has attained the age of 65 years £39 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and his wife (if any) (exclusive of any allowance under Part VI of this Act) in excess of £117 per annum.

3. Under section 74—

Special allowance where veteran dies leaving widow or dependent child Not exceeding £461 10s. per annum.

4. General—

The rates specified in clause 1 of this Schedule shall be increased by £26 per annum in any case where the person claiming or in receipt of the allowance is an unmarried person:

Provided that a War Pensions Board may in its discretion refuse to increase any allowance under this clause in any case where in the opinion of the Board the person claiming or in receipt of the allowance is sharing household expenses with any other person.

“EIGHTH SCHEDULE

Section 79

MAXIMUM ALLOWABLE EARNINGS OF WOMEN FROM DOMESTIC SERVICE

In every case ..... £78 per annum.

## "NINTH SCHEDULE

## PENSIONS PAYABLE FOR SPECIFIC DISABILITIES

Nature of Disability	Percentage of Full Pension Payable in Cases of Total Disablement
	Per Cent
Total blindness .....	100
Incurable insanity .....	100
Very severe facial disfigurement .....	100
Lower limb amputation through hip joint .....	100
Lower limb amputation through upper third of thigh (if without useful stump) .....	100
Upper limb amputation (where an artificial arm cannot be fitted with retention of elbow joint function) .....	100
Lower limb amputation through upper third of thigh (if with useful stump) .....	90
Permanent loss of speech .....	90
Lower limb amputation through knee joint or middle or lower third of thigh .....	85
Total deafness .....	85
Upper limb amputation (where an artificial arm can be fitted with retention of elbow joint function), but not beyond all the metacarpo-phalangeal joints .....	80
Severe facial disfigurement .....	80
Lower limb amputation, but not beyond the tarso-metatarsal joint .....	75
Loss of one eye .....	50
Loss of four fingers .....	50
Loss of three fingers .....	40
Loss of thumb .....	40
Loss of two fingers .....	25
Loss of index finger of either hand .....	20

## NOTE TO SCHEDULE

For the purposes of this Schedule, 'loss of' and 'amputation of' include 'permanent loss of the use of.'