

WAR PENSIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the War Pensions Act 1954.

Clause 1 relates to the Short Title.

Clause 2: The amendments made by this clause to the definition of the term "veteran" in section 67 of the principal Act are intended to make it clear that service overseas in connection with an emergency will qualify as service for the purposes of that definition.

Clause 3 imposes a time limit of six months within which a claimant for a war veteran's allowance may appeal to a War Pensions Appeal Board against a decision of a War Pensions Board on any question as to whether the claimant is unfit for permanent employment by reason of mental or physical infirmity.

Clause 4 provides that if any question arises as to whether any member of the forces while serving overseas was serving in connection with an emergency for the purposes of any provision of the principal Act (e.g. sections 19 and 67), that question is to be referred to and decided by the Minister.

Clause 5 increases as from 1 April 1965 certain war pensions and allowances as follows:

- (a) The maximum pension for total disablement is increased from £5 5s. to £5 12s. 6d. a week. The effect of this increase will be that proportionate increases will also be made in pensions for partial disablement.
- (b) The maximum additional pension in certain cases of severe disablement is increased from £3 3s. to £3 7s. 6d. a week.
- (c) The maximum rate of war widow's pension is increased to £4 3s. a week. The present rates are £3 17s. 6d. a week, £3 18s. a week, and £4 a week, according to the rank of the deceased member, but there will now be only one rate irrespective of the rank of the member.
- (d) The maximum special allowance to the widow or dependent child of a deceased war veteran is increased by 5s. 6d. a week.

Hon. Mr Kinsella

WAR PENSIONS AMENDMENT

ANALYSIS

Title	4. Service overseas in connection with any emergency
1. Short Title	5. Increasing rates of disablement and other pensions and allowances
2. Meaning of "veteran"	Schedule
3. Appeals from decision of War Pensions Board	

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 1965, and shall be read together with and deemed part of the War Pensions Act 1954* (hereinafter referred to as the principal Act).

10 **2. Meaning of "veteran"**—Section 67 of the principal Act (as substituted by section 6 (1) of the War Pensions Amendment Act 1960) is hereby amended—

15 (a) By omitting from paragraph (a) the words "served as such", and substituting the words "served overseas as such in connection with any war or emergency":

*1957 Reprint, Vol. 16, p. 475
Amendments: 1958, No. 45; 1960, No. 14; 1961, No. 7; 1963, No. 125; 1964, No. 49

- (b) By inserting in paragraph (a), after the words "overseas service", the words "in connection with any war or emergency".

3. Appeals from decision of War Pensions Board—Section 68 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection: 5

"(4) Within six months after the date on which any decision of a Board under subsection (3) of this section (whether made before or after the commencement of this subsection) has been communicated to him, the claimant shall have a right of appeal to a War Pensions Appeal Board, and, in the event of appeal, the decision of the Appeal Board shall be final. Except as provided in this subsection, every decision of a War Pensions Board under this section shall be final." 10 15

4. Service overseas in connection with any emergency—The principal Act is hereby further amended by inserting, after section 80, the following section:

"80A. If any question arises as to whether or not any member of the forces while on service overseas was serving in connection with an emergency for the purposes of any provision of this Act, that question shall be referred to and be decided by the Minister." 20

5. Increasing rates of disablement and other pensions and allowances—(1) The principal Act is hereby further amended by repealing the First Schedule, the Fourth Schedule, and the Seventh Schedule (as substituted by section 3 (1) of the War Pensions Amendment Act 1964), and substituting the First, Fourth, and Seventh Schedules set out in the Schedule to this Act. 25 30

(2) This section and the Schedule to this Act shall be deemed to have come into force on the first day of April, nineteen hundred and sixty-five.

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SCHEDULE

Section 5

NEW FIRST, FOURTH, AND SEVENTH SCHEDULES TO
PRINCIPAL ACT

(Effective on and from 1 April 1965)

Sections 20, 23,
28, 62, 65

“FIRST SCHEDULE

MAXIMUM RATES OF PENSIONS FOR DISABLED MEMBERS

Part I—Members of Forces

1. Under section 20—
In every case, per week £5 12s. 6d.
2. Under section 23—
In certain cases of severe disablement (additional pension), per week £3 7s. 6d.
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.

“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, per week £4 3s.
2. Under section 32 (2)—
Additional mother's allowance to a widow with—
 - (a) One dependent child, per week £3 11s.
 - (b) Two dependent children, per week £4 1s.
 - (c) Three dependent children, per week £4 11s.
 - (d) Four dependent children, per week £5 1s.
 - (e) Five dependent children, per week £5 11s.
 - (f) Six or more dependent children, per week £6 1s.

War Pensions Amendment"SECOND SCHEDULE—*continued*MAXIMUM RATES OF PENSIONS FOR WIDOWS OF DECEASED MEMBERS—*continued**Part II—Members of Mercantile Marine*

3. Under section 32 (1) as applied by section 62—
To the widow in every case, per week £4 3s.
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 £4 3s.
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 69, 70, 74

"SEVENTH SCHEDULE

RATES OF WAR VETERAN'S 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 £499 4s. 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 £208 per annum.
- (b) To a married female veteran £249 12s. 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 £457 12s. per annum.
- (c) In any other case £249 12s. 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 £457 12s. per annum in the case of a married veteran and in excess of £208 per annum in the case of an unmarried veteran.

“SEVENTH SCHEDULE—*continued*”

RATES OF WAR VETERANS' ALLOWANCES—*continued*

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 £130 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 £418 12s. 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 £169 per annum.
3. Under section 74—
 Special allowance where veteran dies leaving widow or dependent child Not exceeding £491 8s. 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.”