WAR PENSIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the War Pensions Act 1954.

Clause 1 relates to the Short Title.

Clause 2 amends section 96 of the principal Act to provide that regulations made under section 96 (2) may be expressed to have come into force retrospectively.

The regulations made under section 96 (2) relate to the various benefits, concessions, allowances, etc., available to war pensioners. In the past, various regulations increasing the benefits, concessions, allowances, etc., have usually been made retrospective although there was no express authority to do so. Previous regulations are validated.

Clause 3 increases, on and after 7 January 1981, the following war pensions

and allowances:

- (a) Economic pensions payable in conjunction with-
 - (i) Disablement pensions;
 - (ii) Widows' pensions; and
 - (iii) Widowed mothers' pensions:
- (b) Wives' pensions:
- (c) War veterans' allowances and war veterans' allowance gratuities:
- (d) War service pensions:
- (e) War orphans' pensions.

The increase for single pensioners is \$4.52 a week bringing the rate to \$66 a week. For married couples the increase is \$7.54 a week bringing the rate to \$110 a week. Orphans' pensions increase by \$2.20 to \$33.70 a week. The additional amount for the first child of a solo parent pensioner increases by \$3.02 to \$38 a week.

Clause 4 increases, on and after 1 April 1981, the following war pensions and allowances:

- (a) Maximum rate of disablement pensions, by \$6.74 to \$50.96 a week. This will also allow proportionate increases in pensions for partial disablement:
- (b) Maximum rate of additional pension in respect of cases of severe disablement by \$4.04 to \$30.58 a week:
- (c) Clothing allowances by 75c to \$5.67 a week in respect of loss of 2 limbs, by 73c to \$5.47 a week in respect of loss of a leg, and by 53c to \$3.97 a week in respect of loss of arm or use of mechanical appliance:

(d) Maximum rate of war widows' pensions by \$4.97 to \$37.59 a week, and war veterans' allowance gratuities payable to a widow by \$4.97 to \$103.59 a week:

(e) Maximum rate of allowance for services of attendants for disablement pensioners, by \$12.48 to \$94.40 a week.

Clause 5 further increases, on and after 22 July 1981, the following war pensions and allowances:

(a) Economic pensions payable in conjunction with—

(i) Disablement pensions;(ii) Widows' pensions; and(iii) Widowed mothers' pensions:

(b) Wives' pensions:

(c) War veterans' allowances and war veterans' allowance gratuities:

(d) War service pensions:(e) War orphans' pensions:

(f) Additional amounts for children.

The increase for single pensioners is \$4.75 a week bringing the rate to \$70.75 a week. For married couples the increase is \$7.92 a week bringing the rate to \$117.92 a week. Orphans' pensions increase by \$2.35 to \$36.05 a week. The additional amount for the first child of a solo parent pensioner increases by \$3.17 to \$41.17 a week.

The additional amount for the second and subsequent children of a solo parent pensioner is increased by \$1 to \$5 a week. The additional amount for each child of a married couple is also increased by \$1 to \$5 a week.

Right Hon. D. S. Thompson

WAR PENSIONS AMENDMENT

ANALYSIS

Title

- 1. Short Title
- 2. Regulations
- 3. Increasing rates of certain pensions and allowances in respect of period 7 January 1981 to 31 March 1981
- 4. Increasing rates of certain pensions and allowances in respect of period 1 April 1981 to 21 July 1981
- 5. Increasing rates of certain pensions and allowances, including additional amounts for dependent children, on and after 22 July 1981 Schedules

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 1981, and shall be read together with and deemed part of the War Pensions Act 1954* (hereinafter referred to as the principal Act).
- 10 2. Regulations—(1) Section 96 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

"(2A) Any regulations made under subsection (2) of this section may be expressed to have come into force before the

15 date on which they were made."

(2) The War Pensions Regulations 1956 and every amendment to those regulations, to the extent that they would have been valid if section 96 (2A) of the principal Act

*Reprinted 1970, Vol. 3, p. 2659
Amendments: 1972, No. 134; 1973, No. 33; 1974, No. 47; 1975, No. 124; 1976, No. 41; 1977, No. 132; 1978, No. 59; 1979, No. 15; 1980, No. 51

(as inserted by <u>subsection (1)</u> of this section) had been in force when they were made, are hereby validated and declared to have been lawfully made.

- 3. Increasing rates of certain pensions and allowances in respect of period 7 January 1981 to 31 March 1981—(1) In 5 respect of the period which commenced on the 7th day of January 1981 and ended with the 31st day of March 1981, the principal Act shall have effect as if each provision of that Act specified in the first column of the First Schedule to this Act had been amended by omitting every expression set out 10 in the second column of that Schedule opposite the reference to that provision, wherever that expression occurs, and substituting in each case the expression set out opposite to it in the third column of that Schedule.
- (2) This section and the <u>First</u> Schedule to this Act shall 15 be deemed to have come into force on the 7th day of January 1981.
- 4. Increasing rates of certain pensions and allowances in respect of period 1 April 1981 to 21 July 1981—(1) In respect of the period which commenced on the 1st day of April 1981 20 and ended with the 21st day of July 1981, the principal Act shall have effect as if each provision of that Act specified in the first column of the Second Schedule to this Act had been amended by omitting every expression set out in the second column of that Schedule opposite the reference to that provision, wherever that expression occurs, and substituting in each case the expression set out opposite to it in the third column of that Schedule.
- (2) This section and the Second Schedule to this Act shall be deemed to have come into force on the 1st day of April 30 1981.
- 5. Increasing rates of certain pensions and allowances, including additional amounts for dependent children, on and after 22 July 1981—(1) The principal Act is hereby further amended by repealing the First to Seventh, Ninth, Eleventh, 35 and Twelfth Schedules (as substituted by section 3 (1) of the War Pensions Amendment Act 1980), and substituting the First to Seventh, Ninth, Eleventh, and Twelfth Schedules set out in the Third Schedule to this Act.
- (2) The War Pensions Amendment Act 1980 is hereby 40 repealed.
- (3) This section and the <u>Third</u> Schedule to this Act shall be deemed to have come into force on the 22nd day of July 1981.

SCHEDULES

FIRST SCHEDULE

Section 3 (1)

Amendments to Principal Act Increasing Rates of Certain Pensions and Allowances in Respect of Period 7 January 1981 to 31 March 1981

Provision Amended	Expressions Omitted	Expressions Substituted	
	\$	\$	
Third Schedule— Clause 1	51.23	55	
Fourth Schedule—Clause 2 (a)	34.98	38	
Fifth Schedule— Clause 2 —	31.50	33.70	
Sixth Schedule—			
Claura 2 (a)	51.23	55	
Clause 3 (b)	51.23	55	
Clause 3 (c) (i)	51.23	55	
Clause 3 (c) (ii)	48.98	52.75	
Clause 3 (d)	51.23	55	
Clause 6 (a)	10.25	11	
Seventh Schedule—			
Clause 1 (a)	2,663.96	2,860	
Clause 1 (b)	5,327.92	5,720	
Clause 1 (c)	2,663.96	2,860	
Clause 1 (d)	2,663.96	2,860	
Clause 2	4,893.20	5,128.24	
Clause 4 (a)	533	572	
Eleventh Schedule—			
Clause 1 (a)	1,818.96	1,976	
Clause 2 (a)	34.98	38	
Twelfth Schedule-			
Clause 1 (a)	2,663.96	2,860	
Clause 1 (b)	5,327.92	5,720	
Clause 1 (a)	2,663.96	2,860	
Clause 1 (d)	2,663.96	2,860	
Clause 2	5,483.92	5,876	
Clause 4 (a)	533	572	

SECOND SCHEDULE

Section 4 (1)

Amendments to Principal Act Increasing Rates of Certain Pensions and Allowances in Respect of Period 1 April 1981 to 21 July 1981

Provision Ame	ended	Expressions Omitted	Expressions Substituted
First Schedule—		\$	\$
Clause 1	414144 \$114	44.22	50.96
Clause 2		26.54	30.58
Clause 3 (a)		4.00	5.67
Clause 3 (b)	*****	171	5.47
Clause 3 (c)	*****	9.44	3.97
	••••	9.44	3.97
Clause 3 (d)	******	3.44	3.97
Second Schedule—		24.00	
Clause 1	******	81.92	94.40
Third Schedule—			
Clause 1		51.23	55
Fourth Schedule—			
Clause 1		32.62	37.59
Clause 2 (a)		34.98	38
Clause 3	******	32.62	37.59
Clause 5	*****	32.62	37.59
Fifth Schedule-			
Clause 2		31.50	33.70
Sixth Schedule—	••••		
Clause 3 (a)	*****	51.23	55
Clause 3 (b)		5100	55
Clause 3 (c) (i)		E1 00	55
Clause 3 (c) (ii)	*****	4.0 00	52.75
	*****	51.23	55

Clause 6 (a)	*****	10.25	11
Seventh Schedule-		0.000.00	0.000
Clause 1 (a)	•••••		2,860
Clause 1 (b)	******		5,720
Clause 1 (c)	•	.],	2,860
Clause 1 (d)	••••	. 2,663.96	2,860
Clause 3	****	4,893.20	5,386.68
Clause 4 (a)	*****	E99	572
Eleventh Schedule-			
Clause 1 (a)	*****	1,818.96	1,976
Clause 3 (a)	*****	24.00	38
Twelfth Schedule—	*****	" "	30
Clause 1 (a)		2,663.96	2,860
Clause 1 (b)	*****		
	*****		5,720
	*****		2,860
	*****		2,860
Clause 3	••••		5,876
Clause 4 (a)	******	533	572

THIRD SCHEDULE

Section 5 (1)

NEW FIRST TO SEVENTH, NINTH, ELEVENTH, AND TWELFTH SCHEDULES TO PRINCIPAL ACT

(Effective on and after 22 July 1981)

"FIRST SCHEDULE

Sections 20, 23, 28, 62, 65

MAXIMUM RATES OF PENSIONS FOR DISABLED MEMBERS

Part I-Members of Forces

"SECOND SCHEDULE

Sections 29, 62, 65

MAXIMUM RATES OF ALLOWANCES FOR SERVICES OF ATTENDANTS FOR DISABLED MEMBERS

Part I-Members of Forces

1. Under section 29—
In every case \$94.40 a week.

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.

THIRD SCHEDULE—continued

"THIRD SCHEDULE

Sections 30, 62, 65

MAXIMUM RATES OF PENSIONS FOR WIVES OF TOTALLY DISABLED MEMBERS

Part I-Members of Forces

1. Under section 30—

In every case \$58.96 a week.

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.

Part IV—General

4. The rate specified in clauses 1, 2, and 3 of this Schedule may, in the discretion of a War Pensions Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the wife has the care of a dependent child or children and her husband is in receipt of an economic pension under Part III of this Act.

"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 \$37.59 a week.

2. Under section 32 (2)—

Additional mother's allowance to a widow-

(a) On account of first or only dependent \$41.17 a week.

child after the first

\$5 a week.

Part II—Members of Mercantile Marine 3. Under section 32 (1) as applied by section 62-

To the widow in every case \$37.59 a week.

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—

..... \$37.59 a week. To the widow in every case

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.

THIRD SCHEDULE—continued

"FIFTH SCHEDULE

Sections 36, 40, 62, 65

MAXIMUM RATES OF PENSIONS FOR CHILDREN OF DISABLED AND DECEASED MEMBERS

Part I-Members of Forces

1. Under section 36-

In ordinary cases \$6 a week.

2. Under section 40-

In certain cases where parents dead, or child not under control of its mother

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.

"SIXTH SCHEDULE

Sections 59, 60, 62, 65

MAXIMUM RATES OF ECONOMIC PENSIONS AND INCOME EXEMPTIONS

Part I-Members of Forces

1. Under section 59-

Income exemption in respect of claimant and

husband or wife (if any) \$25 a week.

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 16 years under section 43 of this Act.

3. Under section 60-

Economic pension, as follows-

(a) To any member of the forces

\$58.96 a week.

(b) To the widow of a deceased member of the forces

..... \$58.96 a week.

(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 2 or more sons, being deceased members of the forces

..... \$58.96 a week. \$56.71 a week.

(ii) In any other case (d) To any person in receipt of a pension under section 55 or section 56 in

respect of his own disablement \$58.96 a week.

of a pension under section 55 or section 56 in respect of the death of her husband or son

(e) To any widow in receipt 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.

THIRD SCHEDULE—continued "SIXTH SCHEDULE—continued"

(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. (a) The rates specified in clauses 3, 4, and 5 of this Schedule shall be increased by \$11.79 a week in any case where the claimant or pensioner is an unmarried person.

(b) The rates specified in clauses 3, 4, and 5 of this Schedule may, in the discretion of a War Pensions Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the pensioner has the care of a dependent child or children.

"SEVENTH SCHEDULE

Sections 69, 70, 74

RATES OF WAR VETERANS' ALLOWANCES

1. Under section 69-

(a) To an unmarried veteran

\$3,065.92 a year, diminished by 40c for every complete \$1 of the total annual income of the veteran in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year.

THIRD SCHEDULE—continued "SEVENTH SCHEDULE—continued

- (b) To a married male veteran who is qualified to receive an allowance on account of his wife, in respect of himself and his wife
- (c) To a married veteran whose wife or husband is granted, in her or his own right, a war veteran's allowance, economic pension, or war service pension, under this Act, or a benefit) (other than national superannuation) under Part I of the Social Security Act 1964
- (d) To any other married veteran

- \$6,131.84 a year, diminished by 40c 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 \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year.
- \$3,065.92 a year, diminished by 20c for every complete \$1 of the total annual income of the veteran and his or her spouse in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 40c for every complete \$1 of such income in excess of \$2,080 a year.

\$3,065.92 a year, diminished by 40c for every complete \$1 of the total annual income of the veteran and the spouse of the veteran in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year:

Provided that, if the spouse of the veteran is not in receipt of national superannuation under Part I of the Social Security Act 1964, the rate of war veteran's allowance payable to the veteran shall not be less than the rate of the war veteran's allowance that would be payable to a married male veteran under paragraph (b) of this clause, but the rate of allowance payable hereunder shall not exceed \$3,065.92 a year.

THIRD SCHEDULE—continued "SEVENTH SCHEDULE—continued

2. Under section 70—

Age supplement-

(a) Where a married male veteran and his wife have both attained the age of 65 years

\$156 a year.

(b) Where a married female veteran has attained the age of 65 years

\$78 a year.

(c) In any other case where the veteran or the wife of a male veteran has attained the age of 65 years

\$78 a year.

65 years 3. Under section 74—

Special allowance where veteran dies leaving widow or dependent child

..... Not exceeding \$5,633.68 a year.

4. General—

(a) The rates specified in clause 1 of this Schedule shall be increased by \$613.08 a year in any case where the person claiming or in receipt of the allowance is an unmarried person.

(b) The rates specified in clause 1 of this Schedule may, in the discretion of a War Pensions Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the veteran or the wife of the veteran has the care of a dependent child or children.

THIRD SCHEDULE—continued "NINTH SCHEDULE

Section 21

Pensions Payable for Specific Disabilities

Nature	of Disabili	ty			Percentage of Full Pension Payable in Cases of Total Disablement
Total blindness	******	******			100
Incurable insanity		•••••		*****	100
Very severe facial disfigui	rement				100
Lower limb amputation t		nip ioint			100
Lower limb amputation th					100
without useful stump)		1			100
Upper limb amputation (v		artificial	arm can	not	100
be fitted with retention	of elboy	w ioint f	unction)		100
Lower limb amputation th	rough up	per third	of thigh	(if	
with useful stump)				\	90
Permanent loss of speech					90
Upper limb amputation (v				be	00
fitted with retention of	elbow ioi	nt function	on), but	not	
beyond all the metacarpo	o-phalang	eal joints			90
Lower limb amputation th					
lower third of thigh					85
Total deafness	*****		*****		85
Severe facial disfigurement					80
Lower limb amputation,		beyond	the tar	so-	. 00
metatarsal joint					75
Loss of 1 eye					50
Loss of 4 fingers					50
Loss of 3 fingers					40
Loss of thumb					40
Loss of 2 fingers	******	******			25
Loss of index finger of eit.					20
Hoss of files, mager of ele-					

NOTE TO SCHEDULE

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

THIRD SCHEDULE—continued

Section 75B

"ELEVENTH SCHEDULE

ADDITIONAL AMOUNTS FOR DEPENDENT CHILDREN

- 1. To any veteran or serviceman receiving a war veteran's allowance or a war service pension at the rate payable to an unmarried person-
 - (a) On account of first or only depen-

\$2,140.84 a year.

pendent child after the first

2. To any veteran or serviceman receiving or qualified to receive a war veteran's allowance or a war service pension in respect of himself and his wife, or the wife of any such veteran or serviceman-

\$260 a year.

\$260 a year.

On account of each dependent child 3. To any person receiving an economic pension at the rate payable to an unmarried person-

(a) On account of first or only dependent child

\$41.17 a week.

(b) On account of each additional dependent child after the first

\$5 a week.

4. To any person receiving an economic pension at the rate payable to a married person, or a wife's pension-

On account of each dependent child \$5 a week.

1.00

Sections 66E, 66F, 66J "TWELFTH SCHEDULE

RATES OF WAR SERVICE PENSIONS

1. Under section 66E-

(a) To an unmarried service- \$3,065.92 a year, diminished by 40c for every complete \$1 of the total annual income of the serviceman in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year.

(b) To a married male serviceman who is qualified to receive a pension on account of his wife, in respect of himself and his wife.

\$6,131.84 a year, diminished by 40c for every complete \$1 of the total annual income of the serviceman and his wife (exclusive of any pension under Part VA of this Act) in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year.

THIRD SCHEDULE—continued "TWELFTH SCHEDULE—continued

- (c) To a married serviceman whose wife or husband is granted in her or his own right, a war service pension, war veteran's allowance or economic pension under this Act, or a benefit (other than national superannuation) under Part I of the Social Security Act 1964
- (d) To any other married serviceman
- \$3,065.92 a year, diminished by 20c for every complete \$1 of the total annual income of the serviceman and his or her spouse in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 40c for every complete \$1 of such income in excess of \$2,080 a year.

\$3,065.92 a year, diminished by 40c for every complete \$1 of the total annual income of the serviceman and the spouse of the serviceman in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year:

Provided that, if the spouse of the serviceman is not in receipt of national superannuation under Part I of the Social Security Act 1964, the rate of war service pension payable to the serviceman shall not be less than the rate of the war service pension that would be payable to a married male serviceman under paragraph (b) of this clause, but the rate of pension payable hereunder shall not exceed \$3,065.92 a year.

2. Under section 66F— Age supplement—

(a) Where a married male serviceman and his wife have both atattained the age of 65 years

(b) Where a married female 'serviceman' has attained the age of 65 years

(c) In any other case where the serviceman or the wife of a male serviceman has attained the age of 65 years \$156 a year.

\$78 a year.

\$78 a year.

THIRD SCHEDULE—continued "TWELFTH SCHEDULE-continued

3. Under section 661—

serviceman dies leaving a widow or dependent child or children

Continuation of pension where A rate not exceeding \$6,287.84 a year, plus additional pension for dependent child or children (if any).

4. General-

(a) The rates specified in clause 1 of this Schedule shall be increased by \$613.08 a year in any case where the person claiming or in receipt of the pension is an unmarried person.

(b) The rates specified in clause 1 of this Schedule may, in the discretion of a War Pension Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the pensioner or the wife of the pensioner has the care of a dependent child or children."