

*Hon. Peter Tapsell*

## WAR PENSIONS (GROUNDS FOR PAYMENT)

### ANALYSIS

Title	3. Presumption that disablement or death attributable to service
1. Short Title	4. General provisions as to grounds for payment of pensions
2. Act binds Crown	

### A BILL INTITULED

5 **An Act to extend the grounds for the payment of war pensions to include those members of the Armed Forces injured as a result of New Zealand's participation in peacekeeping and peacemaking operations, and to amend the War Pensions Act 1956**

BE IT ENACTED by the Parliament of New Zealand as follows:

10 **1. Short Title**—This Act may be cited as the War Pensions (Grounds for Payment) Act 1993, and shall be read together with and deemed part of the War Pensions Act 1954.

**2. Act binds Crown**—This Act binds the Crown.

15 **3. Presumption that disablement or death attributable to service**—Section 17 (3) of the principal Act is hereby amended by omitting the words “in connection with any war or emergency,”, and substituting the words “in connection with any of the matters specified in paragraph (a) of section 19 (1) of this Act,”.

20 **4. General provisions as to grounds for payment of pensions**—(1) Section 19 of the principal Act is hereby amended by repealing subsection (1), except the provisos thereto, and substituting the following subsection:

“(1) Subject to the provisions of this Act, pensions in respect of the disablement or death of any member of the forces

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(whether occurring before or after the commencement of this Act) shall be payable under this Part of this Act to the member and the member's dependants (in the case of the member's disablement) or to the dependants of the member (in the case of the member's death) in any case where the disablement or death of the member— 5

“(a) Occurred while overseas in connection with any—

“(i) War in which Her Majesty was then engaged:

“(ii) Emergency:

“(iii) Purpose of the United Nations, or purpose carried out in association with any other organisations or States and in accordance with the principles of the Charter of the United Nations (including any peacekeeping or peacemaking operation or humanitarian activity); 10 15

“(b) Is attributable to the member's service in New Zealand or overseas:

“(c) Was the result of a condition aggravated by the member's service in New Zealand or overseas.”

(2) Section 19 of the principal Act is hereby further amended by repealing subsection (5) (as added by section 6 (1) of the War Pensions Amendment Act 1973), and substituting the following subsection: 20

“(5) Nothing in the Accident Rehabilitation and Compensation Insurance Act 1992 or any corresponding former Act shall limit or affect the application of the provisions of this Act in relation to the disablement or death of a member of the forces occurring in any of the circumstances specified in subsection (1) of this section.” 25