

1967/42



**THE WAR PENSIONS (ARRANGEMENT WITH AUSTRALIA)  
REGULATIONS 1967**

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**BERNARD FERGUSSON, Governor-General**  
**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 13th day of March 1967

Present:

**THE RIGHT HON. J. R. MARSHALL PRESIDING IN COUNCIL**

PURSUANT to the War Pensions Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the War Pensions (Arrangement with Australia) Regulations 1967.

(2) These regulations shall be deemed to have come into force on the 13th day of January 1966.

**2. Arrangement with Australia for payment of pensions, etc.**—The arrangement set out in the Schedule to these regulations is hereby declared to be an arrangement for the purposes of section 56A of the War Pensions Act 1954 (as inserted by section 3 of the War Pensions Amendment Act 1966), and shall have full force and effect according to its tenor.

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**SCHEDULE**

Reg. 2

**AN ARRANGEMENT BETWEEN THE MINISTER OF  
STATE FOR REPATRIATION OF THE COMMONWEALTH OF  
AUSTRALIA AND THE MINISTER IN CHARGE OF WAR  
PENSIONS IN NEW ZEALAND**

**PREAMBLE**

1. This Arrangement between the Minister of State for Repatriation of the Commonwealth of Australia and the Minister in Charge of War Pensions in New Zealand is made to facilitate the payment of pensions to and provision of treatment for ex-servicemen of either country (and the dependants of such ex-servicemen) resident in the other country.

SCHEDULE—*continued*

## DEFINITIONS

2. In this Arrangement, unless the context otherwise requires:

- Australian ex-serviceman** — means a person who at any time, whether before or after the date of this Arrangement, was or is a “member of the Forces” as defined in any legislation administered by the Commission; or who by reason of his service in the Naval, Military or Air Forces of another part of Her Majesty’s dominions is eligible for benefits as though he were a “member of the Forces” as so defined; or who otherwise receives such benefits under Government authority through the Commission.
- Commission** — means the Repatriation Commission of the Commonwealth of Australia established under the Repatriation Act 1920–1965 of the Commonwealth of Australia.
- Department** — means the War Pensions Branch of the Social Security Department in New Zealand.
- Dependant** — means a dependant of an Australian ex-serviceman or a New Zealand ex-serviceman as defined in the repatriation legislation of Australia or the war pensions legislation of New Zealand as the case may be.
- Memorandum for Guidance** — means a memorandum supplementary to this Arrangement which outlines administrative procedures and which has been approved by the Commission and the Secretary and includes any amendment or modification thereof.
- New Zealand ex-serviceman** — means a person who at any time, whether before or after the date of this Arrangement, was or is a member of any of Her Majesty’s Forces established in New Zealand and includes any person who has been so regarded by a War Pensions Board.
- Pension** — means pension on account of death, incapacity or disablement of an Australian ex-serviceman or a New Zealand ex-serviceman as the case may be and includes an additional pension or any allowance or beneficial payment awarded or payable to or in respect of any such ex-serviceman or his dependants.

SCHEDULE—*continued*

- Person entitled to treatment - means an Australian ex-serviceman or a New Zealand ex-serviceman or a dependant of any such ex-serviceman entitled to treatment under the laws of the Commonwealth of Australia administered by the Commission or under any war pension laws of New Zealand administered by the Department as the case may be.
- Secretary - means the Secretary for War Pensions in New Zealand.
- Treatment - means in respect of a person entitled to treatment all medical and surgical treatment and includes the supply, renewal and repair of artificial replacements and surgical and other aids and appliances, and in the case of an Australian person entitled to treatment also includes all other forms of treatment with a view to restoring a person to or maintaining a person in physical or mental health or alleviating suffering.
- War Pensions Board - means a War Pensions Board or a War Pensions Appeal Board of New Zealand as constituted under the War Pensions Act 1954.

AGENTS

3. The Commission shall act as agent in Australia for the Department, and the Department shall act as agent in New Zealand for the Commission, in matters relating to pensions and treatment.

PROCEDURES AND MEMORANDA FOR GUIDANCE

4. The Commission and the Department shall administer and pay pensions and arrange and pay for treatment for persons entitled to treatment in accordance with procedures considered necessary or expedient and outlined in Memoranda for Guidance, provided that the method of payment of pensions in Australia shall be the method decided upon by the Commission as appropriate and the method of payment of pensions in New Zealand shall be the method decided upon by the Department as appropriate.

5. Should the procedures contained in any Memorandum for Guidance require amendment at any time because of any change in law or policy they may be modified or amended by exchange of correspondence between the Commission and the Secretary.

FINANCIAL PROVISIONS

6. Subject to the next succeeding clause, no charge shall be made by the Commission or the Department for or in respect of the agency services performed by one for the other in accordance with this Arrangement.

7. The Commission and the Department shall, subject to the next succeeding clause, each reimburse the other the amount of all pensions paid, the cost of all medical examinations made in connection with any pension claim, appeal or review, and the cost of all treatment arranged, on behalf of each other.

8. For each year commencing with the year ending the 30th day of June 1966 the charge for treatment made by the Commission and the Department respectively shall be calculated on the following formula:

- (a) The Commission shall ascertain and certify the cost of treatment for New Zealand ex-servicemen in Australia in each year ended the 30th day of June and this shall be the amount payable by the Department.
- (b) For the purposes of the charge payable by the Commission to the Department the amount in accordance with sub-clause (a) shall be divided by the number of New Zealand ex-servicemen to whom the Commission is paying a pension on behalf of the Department at the 30th day of June in each year, and this shall be the unit cost for that year. The charge payable by the Commission to the Department for that year shall then be calculated by multiplying the unit cost by the number of Australian ex-servicemen to whom the Department is paying a pension on behalf of the Commission at the 30th day of June in that year.

9. For the purposes of sub-clauses (a) and (b) of clause 8, calculations and settlement shall be made as agreed from time to time between the Commission and the Secretary.

#### OPERATION OF THIS ARRANGEMENT AND CANCELLATION OF PREVIOUS ARRANGEMENTS

10. This Arrangement shall subject to the provisions of Section 119 of the Repatriation Act 1920-1965 of the Commonwealth of Australia come into force on the 1st day of April 1966 and shall remain in force until the expiration of twelve months from the date on which either Party receives from the other Party written notice of his intention to terminate the Arrangement. Immediately upon the coming into force of this Arrangement the Memorandum between the Repatriation Commission and the Minister of Defence of the Dominion of New Zealand and signed by the Chairman of the Repatriation Commission on the eighteenth day of October, One thousand nine hundred and thirty and the Memorandum between the said parties and signed by the Minister of Defence of the Dominion of New Zealand on the fourteenth day of November, One thousand nine hundred and thirty, relating to current arrangements, shall cease to have effect provided that any right, privilege, obligation or liability acquired accrued or incurred under either Memorandum shall subject to this Arrangement continue as if arising under this Arrangement.

DATED at Wellington this 13th day of January 1966.

G. C. McKELLAR,  
Minister of State for Repatriation  
of the Commonwealth of Australia

A. E. KINSELLA,  
Minister in Charge of War Pensions  
in New Zealand

T. J. SHERRARD,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 March 1967.

These regulations are administered in the Social Security Department.