

WAR PENSIONS.

No. 25 of 1916.

An Act to amend the *War Pensions Act* 1914-1915.

[Assented to 30th May, 1916.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and citation.

- 1.—(1.) This Act may be cited as the *War Pensions Act* 1916.
 (2.) The *War Pensions Act* 1914-1915 is in this Act referred to as the Principal Act.
 (3.) The Principal Act, as amended by this Act, may be cited as the *War Pensions Act* 1914-1916.^(a)

Commencement.

2. This Act shall be deemed to have commenced on the same day as the Principal Act.

Definitions.

3. Section two of the Principal Act is amended—

(a) by omitting the definition of “Dependants” and inserting in its stead the following definition :—

“ ‘Dependants’ means—

- (a) the wife or widow of a person, or the widowed mother of an unmarried son, who is or has been a member of the Forces whose death or incapacity results from his employment in connexion with warlike operations ;
 (b) the children of any such person ;
 (c) any ex-nuptial children of that person born before the occurrence of the event resulting in his death or incapacity as aforesaid or within nine months after that event ;
 (d) such other members of the family of that person as were wholly or in part dependent upon his earnings at any time within twelve months prior to his enlistment or appointment ;
 (e) the parents of any such person who are, at any time after the occurrence of the event resulting in his death, without adequate means of support ;

(a) For copy of *War Pensions Act* 1914-1916 see *infra*, p. 125.

- (f) the ex-nuptial child (wholly or in part dependent on the earnings of any such person at any time within twelve months prior to his enlistment or appointment), of a son or daughter of that person ; and
- (g) the parents or grandparents of any such person, who is an ex-nuptial child, who were so dependent ;”
- (b) by inserting in the definition of “ Member of the forces,” after the words “ ship of war ”, the words “ or enlisted or appointed for service in connexion with naval or military preparations or operations,” ; and
- (c) by inserting in the definition of “ member of a family ”, after the word “ step-mother ”, the word “ foster-mother.”.

4. Section three of the Principal Act is amended—

Amendment of
s. 3.

- (a) by omitting from sub-paragraph (i) of paragraph (a) of the proviso the words “ or, by parents who though not dependent upon the earnings of the member at the time of his death are at any time within five years after such death, without adequate means of support, within five years after such death ;” and inserting in their stead the words “ except in the case of parents who though not dependent upon the earnings of the member at the time of his death are at any time without adequate means of support ;” ; and
- (b) by omitting from sub-paragraph (ii) of paragraph (a) of the proviso the word “ and ” ;
- (c) by adding at the end of paragraph (a) of the proviso the words “ except where the Commissioner is satisfied that failure to make the claim within the prescribed period was owing to some reason which in the opinion of the Commissioner is adequate ;” ;
- (d) by omitting paragraph (b) of the proviso and inserting in its stead the following paragraph :—
 - “(b) the right of any person to payment by way of pension in accordance with this Act shall be substituted for his right to any payment in respect of incapacity or death, which, but for this Act, would have been due under the *Defence Act 1903-1915* or the *Naval Defence Act 1910-1912*, and any right of that person under either of those Acts shall be by force of this Act determined ; and” ; and
- (e) by omitting paragraph (c) of the proviso and inserting in its stead the following paragraph :—
 - “(c) If the member or his dependants is or are entitled under any Imperial Act or State Act to receive any payment in respect of death or incapacity resulting from employment

in connexion with warlike operations in which His Majesty is, or has, since the commencement of the present state of war, been engaged, the rate or amount of that payment shall be taken into account in assessing the rate of pension payable under this Act."

Amendment of
s. 8.

5. Section eight of the Principal Act is amended—

- (a) by inserting in sub-section (1.) after the word "widow" the words "or the widowed mother of an unmarried son";
- (b) by omitting the words "the Schedule" (wherever occurring) and inserting in their stead the words "the First Schedule";
- (c) by omitting the words "Thirteen pounds per annum" (wherever occurring) and inserting in their stead the words "Twenty shillings per fortnight for the first child, Fifteen shillings per fortnight for the second child, and Ten shillings per fortnight for the third and each subsequent child";
- (d) by omitting the words "Fifty-two pounds per annum" (wherever occurring) and inserting in their stead the words "Two pounds per fortnight";
- (e) by omitting sub-section (2.) and inserting in its stead the following sub-section:—
 - "(2.) Notwithstanding anything contained in this section the maximum rate of pension payable to a child both of whose parents are dead shall be—
 - (i) up to ten years of age, One pound per fortnight;
 - (ii) from ten to fourteen years of age, Twenty-five shillings per fortnight; and
 - (iii) from fourteen to sixteen years of age, Thirty shillings per fortnight."; and
- (f) by adding at the end thereof the following sub-sections:—
 - "(3.) The amount of pension granted and payable to a member of the Forces shall not be reduced within the period of six months from the date of the commencement of the pension.
 - "(4.) Any member of the Forces who is incapacitated by reason of a disability specified in the Second Schedule shall receive the rate of pension shown opposite to the description of the disability in that Schedule.
 - "(5.) If a member of the Forces who is unmarried or whose wife is either dead or a permanent invalid is incapacitated to an extent which necessitates the constant services of an attendant and the member has not the means to pay for such services, the rate of his pension may be increased by a sum not exceeding One pound per fortnight."

6. Section eight A of the Principal Act is amended by omitting sub-section (2.) thereof. Amendment of s. 8A.

7. Section nine A of the Principal Act is amended by omitting, from sub-section (3.) thereof, the words "the Schedule" and inserting in their stead the words "the First Schedule". Amendment of s. 9A.

8. Section ten of the Principal Act is amended by omitting the words "shall cease upon her marriage or re-marriage", and inserting in their stead the words "shall not be continued for a period of more than two years after her marriage or re-marriage". Amendment of s. 10.

9. After section ten of the Principal Act the following section is inserted :—

"10A. In the case of any person who, at the time of the occurrence of the event resulting in the death or incapacity of a member of the Forces was recognised as the wife of that member though not legally married to him, if the Commissioner is satisfied that that person was wholly or partly dependent upon the earnings of the member a pension at a rate not exceeding the rate of pension which may be allowed to the wife or widow of any such member of the Forces may be allowed to that person." Pension to *de facto* wife of member.

10. Section fifteen of the Principal Act is amended— Amendment of s. 15.

- (a) by omitting the first proviso thereto ; and
 (b) by omitting from the second proviso thereto the word "further".

11. The Schedule to the Principal Act is amended— Amendment of the Schedule.

- (a) by omitting the words "THE SCHEDULE" and inserting in their stead the words "THE FIRST SCHEDULE";
 (b) by omitting the scale shown in column two and inserting in its stead the following scale :—

£	s.	d.	
2	0	0	per fortnight.
2	3	0	”
2	9	0	”
2	12	3	”
2	13	9	”
2	16	0	”
2	17	3	”
2	19	6	”
3	10	0	”
3	17	6	”
4	9	0	”
5	0	9	”
5	12	3	”
6	0	0	”

; and

(c) by omitting the scale shown in column three and inserting in its stead the following scale:—

£	s.	d.	
3	0	0	per fortnight.
3	2	0	”
3	6	0	”
3	8	0	”
3	9	0	”
3	11	0	”
3	12	0	”
3	14	0	”
4	0	0	”
4	5	0	”
4	15	0	”
5	5	0	”
5	15	0	”
6	0	0	”

Second
Schedule.

12. After the Schedule to the Principal Act the following Schedule is inserted:—

“ THE SECOND SCHEDULE.

Description of Disability.	Rate of Pension Payable.
Loss of leg or foot	The maximum rate for six months, thereafter three-fourths of the maximum rate.
Loss of hand or arm	The maximum rate for six months, thereafter three-fourths of the maximum rate.
Loss of one eye	Half of the maximum rate.
Loss of both legs	} The maximum rate.
Loss of both feet	
Loss of both arms	
Loss of both hands	
Loss of arm and leg	
Loss of hand and foot	
Loss of both eyes	
Loss of one eye together with loss of leg, foot, hand or arm	

For the purposes of this Schedule, a leg, foot, hand, arm, or eye shall be deemed to be lost if it is rendered permanently and wholly useless.”