

Hon. Sir James Allen.

WAR PENSIONS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the War Pensions Act, 1915.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. (1.) This Act may be cited as the War Pensions Amendment Act, 1917, and shall be read together with and deemed part of the War Pensions Act, 1915 (hereinafter referred to as the principal Act).

Commencement.

(2.) This Act shall come into operation on the first day of 10 January, nineteen hundred and eighteen. All pensions granted before the said date, whether granted before or after the passing of this Act, shall, so far as they may be affected by the provisions of this Act, be adjusted as from the said first day of January, nineteen hundred and eighteen.

Increased Rates of Pensions.

New rates of pensions fixed for members of Forces and their dependants.

2. (1.) The First Schedule to the principal Act is hereby repealed, and the First Schedule to this Act is substituted therefor.

(2.) The Second Schedule to the principal Act is hereby repealed, and the Second Schedule to this Act is substituted therefor. 5

(3.) The additional rate of pension provided in the First Schedule hereto for a widow with a child or children, shall, so far as it exceeds the rate that would be payable to her if she had no child, continue to be paid so long as such child or children or any of them is in receipt of a pension, and no longer. 10

Fixed Rates of Pensions for specific Forms of Injury.

Special provisions as to pensions in respect of the injuries specified in the Third Schedule

3. Pensions payable to members of the Forces in respect of the injuries specified in the first column of the Third Schedule hereto shall be assessed ~~shall be assessed~~ shall be not less in any case than if they were assessed in the manner indicated in the second column of that Schedule, and the principal Act and its amendments shall be read and construed accordingly: 15

Struck out

Provided that nothing in this section shall so operate as to reduce the amount of any pension granted to any member of the Forces before the commencement of this Act in respect of any such injury. 20

Special Provisions Applicable to Disabled Members of Forces.

Additional pension to member of Forces in certain cases.

4. If in any case the Board is satisfied that the amount receivable, in the aggregate, by a member of the Forces by way of pension, in respect of his total or partial disablement, together with the amount receivable by way of pension in respect of such disablement by his wife and children (if any), or by any other person wholly dependent on him and living with him, and the average amount (if any) which, in the opinion of the Board, the member is capable of earning, is not sufficient to enable the member to maintain himself and his dependants in accordance with the standard of comfort to which they were accustomed before the war, the Board may increase the rate of pension payable to the member by an amount not exceeding *one pound* a week: 25 30 35

Provided that in any case in which this section is applied the total amount payable by way of pension to all persons in respect of the disablement of the member shall not exceed *five pounds* a week.

5. Section six of the principal Act is hereby amended as follows:— 40

(a.) By omitting the words "ten shillings" and substituting the words "*one pound*"; and -

(b.) By omitting the words "and that the member is not possessed of means to pay for such services."

Modification of provisions as to increased pension in cases where services of an attendant are required.

Disabled member of Forces may be required to undergo medical treatment.

6. If the Board has reason to believe, on the advice of a Medical Board consisting of not less than two registered medical practitioners to be appointed by the Minister of Defence, that any member of the Forces in receipt of or entitled to a pension under the principal Act should, in his own interests, undergo medical or 45

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curative treatment, whether in a hospital or elsewhere, it may reduce by one-half the amount of the pension to which the member would be otherwise entitled if and so long as the member, without good and sufficient cause, refuses or wilfully fails to undergo such treatment.

7. (1.) If, for the purpose of undergoing any medical or curative treatment as aforesaid, it is necessary, in the opinion of the Board, that a partially-disabled member of the Forces should be obliged to live away from home, the Board may increase the pensions payable to that member and his dependants, or any of them, in respect of the period of such treatment, but so that the total amount payable shall not in any case exceed the amount that would be payable in case of the total disablement of the member or the amount that would be payable under section *four* hereof, whichever is the greater.

Pension may be increased to a low member to undergo medical treatment.

(2.) If any such member as aforesaid, not being obliged to live away from home, is obliged, for the purposes of any such medical or curative treatment, to be absent from work for one or more days in any week, the Board may grant him a special allowance, in addition to his pension, ~~of such amount as it thinks fit, not exceeding in any case the rate of ten shillings a week~~ of an amount not exceeding in any *New.*

case the rate of *one* pound a week in consideration of any loss of wages and any incidental expenses that the member may suffer or be obliged to incur by reason of or in connection with such treatment:

Provided that in no such case shall the pension, with the allowance, exceed the rate of pension that would be payable in case of the total disablement of the member or the amount that would be payable under section *four* hereof, whichever is the greater.

8. (1.) In the case of an application for a pension by any member of the Forces whose disablement, in the opinion of the Board, has not reached its final condition, the Board may grant a temporary pension at such rate as, subject to the provisions of the principal Act and its amendments, the Board deems appropriate.

Provision for award of pension at temporary rates in cases where disablement has not reached its final condition.

(2.) Any such temporary award may be reviewed from time to time by the Board, pursuant to the provisions of section sixteen of the principal Act, until a permanent pension can be granted.

(3.) When a permanent pension has been granted it shall not afterwards be reduced on account of any change in the earning capacity of the member.

Permanent pension not to be afterwards reduced on review.

9. In any case where a pension is payable in respect of the disablement of a member of the Forces, who is discharged from camp in New Zealand with indefinite leave from the Expeditionary Force without pay, the date of his discharge from camp shall, for the purposes of section seventeen of the principal Act, be deemed to be the date of his discharge, and all pensions payable in respect of his disablement shall, subject to the provisions of section ten of the War Pensions Amendment Act, 1916, be payable as from that date accordingly.

Date of commencement of pensions in respect of disablement of members of Forces while in New Zealand.

Special Provisions applicable to Widow and Children of Member of Forces.

Additional pension to widow of deceased member of Forces in certain cases.

10. If in any case the Board is satisfied that the total amount receivable by way of pension by the widow of a member of the Forces, and by her children (if any), in respect of the death of that member, is not sufficient to enable the widow to maintain herself and her children in accordance with the standard of comfort to which they were accustomed before the war, the Board may increase the rate of pension payable to the widow by an amount not exceeding ~~ten~~ fifteen shillings a week, but so that the total amount payable by way of pension to the widow and children in any case to which this section is applied shall not exceed ~~three~~ four pounds a week.

New.

Pension as of right at maximum rate to widow and children in case of death of member of Forces.

10A. Where application is made for a pension by or on behalf of the widow or of a child or children of a deceased member of the Forces, in respect of his death, a pension shall, in cases where the applicant is a *bona fide* resident of New Zealand, be granted at the appropriate maximum rate as fixed in the *First* Schedule to this Act, and, except in cases to which section fifteen of the War Pensions Amendment Act, 1916, applies, the Board shall have no authority to refuse a pension in any such case or to reduce the rate thereof:

Provided that nothing in this section shall be deemed to restrict the provisions of section *ten* hereof.

Struck out.

Section 10 of principal Act (relating to increased pensions to orphan children) extended.

11. Section ten of the principal Act is hereby amended—
 (a.) By inserting after the words “after that date” the words “or, in the case of a child of a deceased member of the Forces, who is not under the control of its mother”; and
 (b.) By adding the following proviso:
 “Provided that in the case of any such child maintained in any public or private institution the weekly rate of pension shall not exceed the average weekly cost of the maintenance of children in that institution.”

New.

Increased pensions to orphan children.

11A. (1.) Notwithstanding anything in the principal Act or this Act, the maximum rate of pension that may be paid to a child whose parents are dead at the date of granting a pension, or whose parents or surviving parent may die after that date, or to a child of a deceased member of the Forces who is not under the control of its mother, shall be fifteen shillings a week:

Provided that in the case of any such child maintained in any public or private institution the weekly rate of pension shall not exceed the average weekly cost of the maintenance of children in that institution.

Repeal.

(2.) Section ten of the principal Act is hereby repealed.

Special Provisions applicable to Widowed Mother of Member of Forces.

Further provision as to pensions to widowed mother of member of Forces.

12. (1.) Section seven of the War Pensions Amendment Act, 1916, is hereby amended by inserting, after subsection three, the following subsection:—

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“(3A.) Where application for a pension in respect of the death or disablement of a member of the Forces is made by his widowed mother on the ground that she was partially dependent upon him, the pension granted to the applicant shall be not less in any case than one half of the amount that would have been payable if the applicant had been wholly dependent upon the member in respect of whose death or disablement the application is made.”

(2.) Subsection three of the said section seven of the War Pensions Amendment Act, 1916 (in so far as it provides that the widowed mother of a deceased member of the Forces shall be entitled to a pension at a rate not less than the rate to which she would be entitled if she were the widow of that member), shall, after the passing of this Act, be read and construed as if it provided that the applicant should be entitled to a pension at a rate not less than the rate to which she would be entitled if she were the widow of the member and without a child or children.

Provision as to Persons in Receipt of Imperial Pensions.

13. (1.) Subject to the provisions of this section the Board may grant pensions—

Supplementary pensions in certain cases to persons in receipt of Imperial pensions.

(a.) To any member of His Majesty's Imperial Naval or Military Forces who is in receipt of a pension from the Imperial Government in respect of his disablement during the present war; or

(b.) To any dependant of any such member as aforesaid who is in receipt of a pension from the Imperial Government in respect of the death or disablement of that member during the present war.

(2.) No pension shall be granted under this section to or in respect of any member of His Majesty's Imperial Naval or Military Forces unless the Board is satisfied—

(a.) That the member to or in respect of whom the pension is granted was, prior to the commencement of the present war, a *bona fide* resident of New Zealand, and either was a member of His Majesty's Naval or Military Reserve Forces or enlisted in New Zealand; and

(b.) That the applicant for a pension under this section is a *bona fide* resident of New Zealand.

(3.) No pension shall be granted under this section to any person of such an amount that the total amount receivable by or on account of that person by way of pension (including any Imperial pension) shall exceed the amount that would have been payable if the member in respect of whose death or disablement the pension is granted had been a member of the New Zealand Forces.

Miscellaneous Amendments of Principal Act.

14. (1.) The definition of the term “dependants,” in section two of the principal Act, is hereby amended as follows:—

Definition of “dependants” extended.

(a.) By omitting from paragraph (b) the words “twelve months” and substituting the words “two years”;

(b.) By omitting from paragraph (c) the words “twelve months” and substituting the words “two years”;

(c.) By inserting, after paragraph (c), the following new paragraph:—

“(cc.) Any other woman who becomes, by marriage in New Zealand, the wife of a member of the Forces after and within two years from the date of his discharge: 5

“Provided that in the event of the death of such member, his wife shall thereupon cease to be a dependant within the meaning of this section, but in any such case there may be paid to her a gratuity of an amount not exceeding twice the annual value of her pension”; and 10

(d.) By omitting from paragraph (d) the words “in either paragraph (b) or paragraph (c) hereof” and substituting the words “in paragraph (b) or paragraph (c) or paragraph (cc) hereof.” 15

(2.) Section two of the principal Act is hereby further amended by repealing the definition of the term “disablement.”

Struck out.

Section 2 of principal Act further amended.

Extension of grounds upon which claim to pension may be based.

15. (1.) Section three of the principal Act is hereby amended as follows:— 20

(a.) By omitting from subsection one the words “whose death or disablement results or has resulted from his employment as such member”; and

(b.) By inserting after subsection one the following proviso:— 25

“Provided that a pension shall not be payable under this section, in respect of the death or disablement of any member of the Forces, unless the death or disablement of that member is attributable to his employment as such, or unless the condition which has resulted in his death or disablement has been aggravated by such employment.” 30

(2.) Notwithstanding anything in the foregoing provisions of this section, if, on any application for a pension in respect of the death or disablement of a member of the Forces, it appears to the Board that such death or disablement is not attributable to his employment as a member of the Forces, or that the condition which resulted in the death or disablement of the member was not aggravated by such employment, it may nevertheless, if it thinks fit, grant to the applicant a pension under the principal Act, or such gratuity or allowance as it deems just and equitable, if it is satisfied that the death or disablement of the member was not due to his serious negligence or misconduct. 35 40

New.

15. Section three of the principal Act is hereby amended by repealing subsection one, and substituting therefor the following subsections:—

“(1.) On the death or disablement of a member of the Forces pensions shall, subject to the provisions of this Act, be payable out of the Consolidated Fund, without further appropriation than this Act, to the dependants of the member in the case of his death, and to the member and his dependants in the case of his disablement.” 45 50

(1A.) Notwithstanding the generality of the foregoing provisions of this section, a pension shall not, except as otherwise hereinafter provided, be payable in respect of the death or disablement of any member of the Forces who, at the date of his death or disablement, was not in receipt of continuous pay as such member, or was a deserter from the Forces or absent without leave: 55

Pensions payable in respect of death or disablement of members of Forces

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Provided that nothing in this section shall take away the right of any person to a pension in respect of the death or disablement of a member of the Forces who at the date of his death or disablement was being deprived of military pay by way of penalty for an offence committed by him.

(1B.) Pensions may be granted under this section in respect of the death or disablement of a member of the Forces occurring after the date of his discharge if the Board is satisfied that the death or disablement is attributable to his employment as a member of the Forces or that the condition which resulted in his death or disablement has been aggravated by his employment as such member.

16. (1.) Section four of the principal Act is hereby amended by inserting, after subsection two, the following subsections:—

Minister may appoint deputy to act for any member of War Pensions Board.

“(2A.) The Minister may, by warrant under his hand, appoint any person as the deputy of the Chairman or of any other member of the Board, who shall act in the event of the absence from any meeting of the Board (from whatever cause arising) of the person whose deputy he is.

“(2B.) Every person so appointed as the deputy of any member of the Board shall, while the warrant of appointment remains unrevoked, have and may exercise all the powers and functions of the member whose deputy he is:

“Provided that in the event of the appointment of a deputy of the Chairman of the Board, the members present at any meeting of the Board (including such deputy) may appoint any one of their number to be the Chairman for that meeting.

“(2C.) The fact that any person acts as the deputy of any member of the Board under an unrevoked warrant of appointment shall be conclusive evidence of his authority so to act, and no such warrant shall be questioned on the ground that the occasion for its issue had not arisen or had ceased.”

(2.) Notwithstanding anything to the contrary in the said section four, the Minister may, if he thinks fit, appoint an additional member of the War Pensions Board, who shall hold office on the same terms as the members appointed under that section.

Minister may appoint additional member of War Pensions Board.

17. (1.) Section twenty-one of the principal Act is hereby amended by omitting from subsection one the words “twenty-six weeks” and substituting the words “~~twelve~~ thirteen weeks.”

Section 21 of principal Act amended.

(2.) The said section is hereby further amended by repealing subsection three, and substituting the following subsection:—

“(3.) All payments under this section to any dependant may be regarded as payments on account of a pension to the same or any other dependant, and subsequent payments on account of any such pension may be adjusted accordingly in such manner as the Board directs, *but in cases where the adjustment involves repayments by the pensioner, such repayments shall be extended over a reasonable period.*”

New.

18. (1.) Notwithstanding anything to the contrary in the principal Act, the Board may grant a pension under that Act in respect of the death of a member of the Forces to any woman who satisfies the Board that she has the control and care of any child or children of that member.

Board may grant pension to guardian of motherless children.

(2.) A pension under this section shall not in any case exceed the rate of one pound a week.

(3.) A pension under this section shall commence on such date as the Board determines, and shall, unless sooner determined by the Board in its discretion, cease so soon as the person in receipt thereof has not the control and care of any child of the member.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

RATES OF PENSION IN CASE OF DEATH.

I. Rank or Rating.	II. To the Wife per Week.		III. To each Child per Week.	
	Without a Child.	With a Child or Children.		
	£ s. d.	£ s. d.	s. d.	s. d.
Private, Bombardier, Lance-Corporal, Trooper, Gunner, Driver, Sapper, Trumpeter, Bugler Able Seaman and equivalent ratings ... Corporal ...	1 10 0	2 0 0	7-6	10 0
Farrier, Shoemsmith, Saddler, or Fitter If Bombardier, Lance-Corporal, Gunner, or Private	1 11 0	2 1 0	7-6	10 0
Lance-Sergeant (not paid as such) ... Leading Seaman and equivalent ratings Sergeant, Farrier-Corporal, Shoemsmith-Corporal, Saddler-Corporal, Corporal-Fitter, Farrier-Sergeant, Saddler-Sergeant, Armourer-Sergeant, Sergeant-Fitter	1 12 0	2 2 0	7-6	10 0
Lance-Sergeant (paid as such) ... Petty Officer and equivalent ratings Squadron, Battery, or Company Sergeant-major, Quartermaster-Sergeant, Colour-Sergeant, Staff-Sergeant, Pay-clerk ... Chief Petty Officer, and equivalent ratings Regimental Sergeant-major, Regimental Quartermaster-Sergeant	1 14 0	2 4 0	7-6	10 0
Warrant Officer and equivalent ranks (Navy) ... 2nd Lieutenant, Lieutenant (Army) ... Commissioned Warrant Officer and equivalent ranks; Sub-Lieutenant and equivalent ranks (Navy) ... Captain (Army) ... Lieutenant under eight years' seniority and equivalent ranks (Navy) ... Major ... Lieutenant of eight years' seniority and equivalent ranks (Navy) ... Lieutenant-Colonel ... Captain under three years' seniority and equivalent ranks; Commanders and equivalent ranks (Navy) ... Colonel ... Captain of three years' seniority and equivalent ranks (Navy) ... Brigadier-General, Major-General ... Commodores, first and second class; Rear-Admiral and other equivalent ranks ...	1 15 0	2 5 0	7-6	10 0
	2 5 0	2 15 0	7-6	10 0
	2 10 0	3 0 0	7-6	10 0
	2 17 0	3 7 0	7-6	10 0
	3 6 0	3 16 0	7-6	10 0
	3 8 0	3 18 0	7-6	10 0
	3 10 0	4 0 0	7-6	10 0

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SECOND SCHEDULE.

RATES OF PENSION IN CASE OF DISABLEMENT.

I. Rank or Rating.	II. To the Member per Week.	III. To the Wife per Week.	IV. To each Child per Week.
	£ s. d.	£ s. d.	s. d. s. d.
Private, Bombardier, Lance-Corporal, Trooper, Gunner, Driver, Sapper, Trumpeter, Bugler Able Seaman and equivalent ratings ... Corporal ...			
Farrier, Shoeing- smith, Saddler, or Fitter	If Bombardier, Lance-Corporal, Gunner, or Pri- vate		
Lance-Sergeant (not paid as such) ... Leading Seaman and equivalent ratings Sergeant, Farrier-Corporal, Shoemsmith Corporal, Saddler-Corporal, Corporal- Fitter, Farrier-Sergeant, Saddler-Ser- geant, Armourer-Sergeant, Sergeant- Fitter	2 0 0	1 0 0	7-6 10 0
Lance-Sergeant (paid as such) ... Petty Officer and equivalent ratings ... Squadron, Battery, or Company Sergeant- major, Quartermaster-Sergeant, Col- our Sergeant, Staff-Sergeant, Pay-clerk Chief Petty Officer and equivalent ratings Regimental Sergeant-major, Regimental Quartermaster-Sergeant Warrant Officer and equivalent ranks (Navy)			
2nd Lieutenant, Lieutenant, (Army) ... Commissioned Warrant Officer and equivalent ranks; Sub-Lieutenant and and equivalent ranks (Navy)	2 2 6	1 1 3	7-6 10 0
Captain (Army) ... Lieutenant under eight years' seniority and equivalent ranks (Navy)	2 5 0	1 2 6	7-6 10 0
Major ... Lieutenant of eight years' seniority and equivalent ranks (Navy)	2 12 0	1 6 0	7-6 10 0
Lieutenant-Colonel ... Captain under three years' seniority and equivalent ranks; Commanders and equivalent ranks (Navy)	3 1 0	1 10 6	7-6 10 0
Colonel ... Captain of three years' seniority and and equivalent ranks (Navy)	3 3 0	1 11 6	7-6 10 0
Brigadier-General, Major-General ... Commodores, first and second class; Rear-Admiral and other equivalent ranks ...	3 5 0	1 12 6	7-6 10 0

THIRD SCHEDULE.
PENSIONS PAYABLE FOR SPECIFIC INJURIES.

Nature of Injury.	Ratio of Pension to Full Pension payable in Cases of Total Disablement.
	Per Cent.
Loss of two limbs	100
Loss of limb and eye... ..	100
Loss of both hands	100
Loss of all fingers and thumbs	100
Loss of both feet	100
Loss of hand and foot	100
Loss of sight	100
Total paralysis	100
Lunacy	100
Permanently bed-ridden	100
Wounds or injuries to head or other organ involving total permanent disabling effects	100
Advanced incurable disease	100
Very serious facial disfigurement	100
Amputation of right arm through shoulder-joint	85
Amputation of leg through hip-joint	85
Loss of speech	80
Severe facial disfigurement	80
Amputation of left arm through shoulder-joint	80
Amputation of right arm at or above elbow	80
Amputation of leg through knee-joint or thigh	80
Amputation of left arm at or above elbow	75
Amputation of right arm below elbow	75
Amputation of leg below knee... ..	75
Total deafness	70
Amputation of left arm below elbow	70
Amputation of right hand	65
Amputation of left hand	60
Loss of one eye	50
Loss of four fingers of right hand	50
Loss of four fingers of left hand	45
Loss of three fingers of right hand	40
Loss of thumb of right hand	40
Loss of three fingers of left hand	30
Loss of thumb of left hand	30
Loss of two fingers of right or left hand	25
Loss of index finger of right or left hand	20

NOTES.—(a.) In cases of left-handed men, certified to as such to the satisfaction of the Board, pensions in respect of injury to the left arm or hand will be at the rate prescribed as for injury to the right arm or hand, and compensation in respect of injury to the right arm or hand will be at the rate prescribed as for injury to the left arm or hand. (b.) For the purposes of this Schedule the expression "loss of" includes "permanent loss of the use of." (c.) Where a member of the Forces suffers or has suffered more than one of the injuries mentioned in this Schedule he shall not in any case be entitled to receive more than the maximum pension payable as for total disablement.