

New Zealand.



ANALYSIS.

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1935, No. 4.

AN ACT to make Provision for the Grant of Allowances to Unemployable Veterans who served in the Great War or in the South African War. Title.

[24th October, 1935.]

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

1. This Act may be cited as the War Veterans' Allowances Act, 1935, and shall be read together with and deemed part of the War Pensions Act, 1915 (hereinafter referred to as the principal Act). Short Title.

See Reprint
of Statutes,
Vol. VI, p. 796

Interpretation.

2. In this Act, unless the context otherwise requires,—

“ Appeal Board ” means the War Pensions Appeal Board established pursuant to section ten of the War Pensions Amendment Act, 1923:

“ Board ” means the War Pensions Board established under the principal Act:

“ Commissioner ” means the Commissioner of Pensions under the Pensions Act, 1926:

“ Veteran ” includes—

(a) Any person who, having been a member of the Forces within the meaning of the principal Act, served overseas as a member of the New Zealand Army Nursing Service, or, in the case of any other member of the Forces, served as such with a unit in actual engagement with the enemy; and

(b) Any other person who, being domiciled in New Zealand at the commencement of the Great War, served therein as a member of any of His Majesty's Forces other than the New Zealand Forces with a unit in actual engagement with the enemy; and

(c) Any person who, being domiciled in New Zealand at the commencement of the South African War, served therein as a member of a New Zealand contingent raised for service in connection with that war, with a unit in actual engagement with the enemy.

3. (1) Subject to the provisions of this Act, allowances shall be payable under this Act to or on account of—

(a) Any veteran who satisfies the Board that he is unfit for permanent employment by reason of physical or mental disability, and that he has resided continuously in New Zealand for not less than five years immediately preceding the date of his application for an allowance:

Provided that continuous residence in New Zealand shall not be deemed to have been interrupted by occasional absences therefrom not exceeding six months in the aggregate:

See Reprint
of Statutes,
Vol. VI, p. 760

Provision for
grant of
allowances to
veterans and
their
dependants.

(b) The wife or any child or children of the veteran, being dependants of the veteran within the meaning of the principal Act. For the purposes of this paragraph the term "dependants" in relation to a veteran of the South African War has a meaning corresponding to the meaning of that term in relation to a veteran of the Great War.

(2) Whether or not any applicant for an allowance under this Act is unfit for permanent employment by reason of mental or physical infirmity shall be a question of fact to be determined in the first instance by the Board.

(3) The Board may, if it thinks fit, refuse to grant an allowance under this Act to or in respect of any person who is of notoriously bad character or has been guilty of any gross offence or misconduct dishonouring him in the public estimation.

(4) From every decision of the Board under subsection two or subsection three hereof there shall be a right of appeal to the Appeal Board, and, in the event of appeal, the decision of the Appeal Board shall be final. Except as provided in this subsection, every decision of the Board shall be final.

4. (1) Applications for allowances under this Act shall be made to the Commissioner in the prescribed form, and shall be referred by the Commissioner to the Board.

Application for allowances.

(2) The Board shall thereupon determine whether or not an allowance is payable under this Act, and the amount of such allowance (if any).

5. Allowances payable under this Act shall be computed as follows:—

Rates of allowances under this Act.

(a) In the case of an unmarried veteran, the allowance shall be at the rate of fifty-two pounds a year, diminished by one pound for every complete pound of his annual income (exclusive of any allowance under this Act) in excess of twenty-six pounds:

(b) In the case of a married veteran or of a widowed veteran with dependent children, the allowance shall be at the rate of the sum of the following amounts, namely:—

(i) Fifty-two pounds a year in respect of the veteran's personal claim:

(ii) Thirty-nine pounds a year in respect of his wife:

(iii) Thirteen pounds a year in respect of each dependent child—

diminished in every case by one pound for every complete pound of the total annual income (exclusive of any allowance under this Act) of the veteran, his wife, and dependent children, in excess of thirty-nine pounds a year:

Provided that the total allowance payable under this Act to or in respect of any veteran and of his wife and children shall in no case exceed one hundred and forty-three pounds a year.

Special provisions as to payment of allowances in respect of wives and children.

6. (1) No allowance shall be payable under this Act to or in respect of the wife of a veteran if, in the opinion of the Board, she is living apart from her husband without good cause, and no allowance shall be payable in respect of any child of the veteran unless it is being maintained by him.

(2) An allowance payable under this Act in respect of any child who by reason of any mental or bodily infirmity is prevented from earning its livelihood may be continued for such period, if any, as the Board thinks fit after the child has attained the age of sixteen years.

Board may review its decisions.

7. In the event of the circumstances of any veteran to whom an allowance has been granted under this Act being altered, or for any other sufficient reason, the Board may cancel the allowance, or may reduce the rate thereof, or may increase the rate thereof, but not so as to exceed in any case the limits prescribed by the foregoing provisions of this Act.

Payment of allowances.

8. (1) Every allowance granted under this Act shall be deemed to have commenced on the first day of the month in which the application therefor is received by the Commissioner.

(2) Every such allowance shall be paid by equal monthly instalments, the first such instalment or instalments, as the case may be, being payable on the last day of the month in which the allowance is granted.

Forfeiture of instalments.

9. Every instalment of an allowance granted under this Act shall be absolutely forfeited which becomes payable in respect of any period while the grantee—

(a) Is undergoing a sentence of imprisonment or reformatory detention; or

(b) Is being maintained at the expense of the Government as an inmate of any public institution; or

(c) Is resident out of New Zealand.

10. In no case shall any allowance payable under this Act be in any way assigned or charged or pass to any other person by operation of law.

Allowances not alienable.

11. (1) On the death of any veteran while in receipt of an allowance under this Act, leaving a widow or a child or children in respect of whom an allowance is being paid under this Act, such allowance shall cease as from the date of the death of the veteran, but there may, in the discretion of the Board, be paid to or on behalf of the wife or of such child or children such amount as the Board thinks fit, not exceeding in any case an amount equal to twice the amount of the total annual allowance payable under this Act, as at the date of the death of the veteran, to or in respect of himself and his dependants.

Authority to pay gratuity to widow on death of veteran.

(2) Any moneys payable under this section may be paid in a lump sum or in monthly or other instalments as the Board thinks fit.

12. (1) Every person commits an offence against this Act and is liable on conviction to a fine of one hundred pounds or to imprisonment for twelve months who,—

Penalties for offences.

(a) Being a claimant for an allowance under this Act, does not, when duly required so to do, faithfully disclose all particulars affecting his right to receive an allowance or the rate of such allowance:

(b) Obtains payment of any allowance by means of any false or misleading statement:

(c) Makes or presents to the Board or to any officer performing any duties in relation to this Act any statement or document which to his knowledge is false or misleading in any material particular.

(2) All proceedings for offences against this Act shall be taken before a Magistrate alone, and may be so taken at any time not later than six months from the time when the facts first came to the knowledge of the Commissioner.

Savings of
rights under
principal Act.

13. The right of any person to receive a pension under the principal Act shall not be affected by anything in this Act or by the receipt of any allowance under this Act.

Moneys to be
appropriated
for purposes
of this Act.

14. All moneys payable by way of allowances under this Act and all expenses incurred in the administration of this Act shall be payable out of moneys appropriated by Parliament for the purpose.

Commissioner
of Pensions to
administer
Act.

15. The Commissioner shall be charged with the general administration of this Act.

Regulations.

16. The Governor-General may from time to time, by Order in Council, make all such regulations as may be necessary for giving effect to this Act.