

Mr. O'Brien.

INVALID PENSIONS.

ANALYSIS

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A BILL INTITULED

AN ACT to make Provision for the Grant of Pensions to Invalids. Title.

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 Invalid Pensions Act, 1934, and shall be read together with and deemed part of the Pensions Act, 1926. Short Title.

2. Subject to this Act, every person above the age of sixteen years who is permanently incapacitated for work by reason of an accident, or by reason of his being an invalid, and who is not receiving an old-age, blind, or widow's pension, shall whilst in New Zealand be qualified to receive an invalid pension. Who may receive pensions.

3. (1) The following persons shall not be qualified to receive an invalid pension, namely:— Persons disqualified.

(a) Aliens:

(b) Asiatics (except those born in New Zealand or resident therein for fifteen years).

(2) No woman having married one of the persons disqualified by subsection *one* hereof shall, in consequence only of such marriage, be or become disqualified to receive a pension.

Necessary conditions.

4. (1) No person shall receive an invalid pension 5 unless—

- (a) He is residing in New Zealand on the date on which he makes his claim to the pension ;
- (b) He has on that date resided in New Zealand continuously (within the meaning of section 10 *five* hereof) for at least five years, and to have been in good health when he took up his residence therein ;
- (c) He has, whilst in New Zealand, become incapacitated for work ; 15
- (d) The accident or state of health was not self-induced, nor brought about with a view of obtaining the pension ;
- (e) He has no claim against any employer, company, or other person, or body, compellable 20 under private contract to adequately maintain or compensate him on account of accident or invalid state of health ;
- (f) His income or property does not exceed the limits prescribed in the case of applicants 25 for old-age pensions ;
- (g) He has not directly or indirectly deprived himself of income or property in order to qualify for a pension ; and
- (h) His relatives—namely, father, mother, husband, 30 or wife—are not in a position to adequately maintain him.

(2) For the purpose of an invalid pension a person who is afflicted with a congenital defect, and who is rendered permanently incapacitated thereby, shall be 35 regarded as having become permanently incapacitated whilst in New Zealand if he was brought into New Zealand before attaining the age of three years or has resided continuously in New Zealand for at least 40 fifteen years.

Occasional short absences.

5. (1) Continuous residence in New Zealand shall not be deemed to have been interrupted by occasional absences not exceeding in the aggregate one-tenth of the total period of residence.

(2) Continuous residence in New Zealand shall not be deemed to have been interrupted by absence in a territory under the authority of the Dominion, or in any British possession which becomes a territory under the authority of the Dominion.

(3) A person, whether claimant or pensioner, shall not be deemed to be absent from New Zealand during any period of absence from New Zealand if he proves that during that period his home was in New Zealand, and, if married, that his wife and family, or his wife (if he has no family), or his family (if his wife is dead), resided in New Zealand and were maintained by him.

6. The amount of pension shall in each case be at such rate as, having regard to all the circumstances of the case, the Commissioner or Deputy Commissioner of Pensions who determines the pension-claim deems reasonable and sufficient; but shall not exceed the rate of *fifty-two* pounds per annum in any event, nor shall it be at such a rate as will make the pensioner's income, together with pension, exceed *one hundred and four* pounds per annum:

Limit of pension.

Provided that in the case of a pensioner having a wife and children dependent on him the Commissioner or Deputy Commissioner of Pensions may increase the amount of pension to a pensioner by *fifty-two* pounds per annum in the case of a wife, with an additional *twenty-six* pounds per annum for every child under the age of sixteen years. In the case of a wife dependent on a pensioner the pensioner's income, together with the pension, must not exceed *one hundred and fifty-four* pounds per annum, together with an additional *fifty-two* pounds per annum for every child under sixteen years.

7. (1) The amount of invalid pension shall in every case be determined by the Commissioner or Deputy Commissioner of Pensions, having regard to any income or property possessed by the applicant, and the fact that his relatives contribute to his maintenance, and the fact of his having received compensation from any source in respect of any injury.

Amount of pension.

(2) The Commissioner or Deputy Commissioner of Pensions shall in all cases of invalidity, and also in cases of accident where permanent incapacity for work

is not manifest, direct an examination of the claimant to be made by a duly qualified medical practitioner, who shall certify whether in his opinion the claimant is permanently incapacitated for work, and shall state the grounds upon which his opinion is founded :

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Provided that, in case of a difference of duly qualified medical opinions, claimant shall have the right of appeal to a Board composed of at least three qualified medical practitioners.

Commencement.

8. This Act shall come into force on the *first* day 10 of *January*, nineteen hundred and thirty-five.