

WAR PENSIONS AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

CLAUSE 2: This clause is merely explanatory and effects no change in the law.

Clause 3: The effect of this clause is to apply the provisions of the principal Act to the members of an Expeditionary Force prior to the date of their departure from New Zealand. The provisions to the same effect in the Defence Amendment Act, 1915, are proposed to be repealed.

Clause 4: This clause extends the benefits of the principal Act to persons engaged in New Zealand on military service in connection with the war. Similar provision was made by section 2 of the Defence Amendment Act, 1915, now proposed to be repealed.

Clause 5: This clause is in substitution for the provisions of subsection (4) of section 4 of the principal Act (relating to the conduct of the business of the Board).

Clause 6: This clause is self-explanatory. Subsection (1) of section 9 of the principal Act relates to the cessation of a widow's pension on her re-marriage.

Clause 7: This clause is in substitution for section 13 of the principal Act (relating to special pensions to parents of deceased members), but is more extensive in its application. The present clause omits all references to the ages of the applicants, and is extended so as to apply to the parents of *disabled* soldiers as well as to the parents of deceased soldiers. It also provides that a pension granted to a widowed mother whose son was her sole support shall not in any case be less than the pension that would be payable to a wife.

Clause 8: This clause extends the privileges as to the payment of pensions out of New Zealand.

Clause 9: This clause is in substitution for section 15 of the principal Act. It provides that the Board is not to take into consideration the income or property of the applicant in computing the amount of pension payable to a member of the Forces or to his wife and children. In the case of other dependants, the Board is required to consider the income and property of the applicant, but not of any other person liable for his or her maintenance.

Clause 10: Speaking generally, pensions commence as at the date of death (in the case of pensions in respect of death) and as from the date of discharge (in the case of pensions in respect of disablement). This clause allows the Board to fix another date—

- (a.) Where applications are made after the proper time ;
- (b.) Where pensions are granted to wives married after the disablement of their husbands, or to children born after the death or disablement of their father.

Clause 11: The object of this clause is to allow the Governor to extend the benefits of the Act to certain men serving on H.M.S. "Philomel" (and other vessels, if necessary) who, though paid by the New Zealand Government, are not members of the New Zealand Naval Forces.

Clause 12: This clause allows the Board in special cases to grant a pension to a person not otherwise entitled thereto, but who satisfies the Board that he has not sufficient means of support and that he has suffered loss because of the death or disablement of a member of the Forces.

Clause 13: This clause makes special provision for the computation of pensions in cases where pensions are also payable by the Imperial Government or by the Governments of other parts of the Empire.

Clause 14: This clause validates certain payments made since the passing of the principal Act (*e.g.*, payments of pensions out of New Zealand).

Clause 15 and Schedule: The amendments to sections 7 and 10 and the omission of the fourth and fifth columns respectively of the Schedules relate to the aggregate amounts to be paid in respect of the death or disablement of any one member. The aggregates are abolished.

The remaining amendment of the Schedules corrects an error in the rating of certain naval officers.

(3.) Two members shall constitute a quorum of the Board, and no business shall be transacted at any meeting unless at least a quorum of members is present thereat during the whole time at which the business is transacted.

(4.) In the absence of the Chairman from any meeting of the Board the remaining two members shall agree between themselves as to which of them shall act as Chairman, and the Chairman for the time being shall, while he so acts, have all the functions and may exercise all the powers of the Chairman appointed under the principal Act. 5

Repeal.

(5.) Subsection four of section four of the principal Act is hereby repealed. 10

Section 9 of principal Act amended.

6. (1.) Section nine of the principal Act is hereby amended by adding the following subsection:—

New.

thereto the following words: "Such gratuity may be paid either in a lump sum or in such instalments as the Board thinks fit." 15

(2.) The said section is hereby further amended by adding the following subsection:—

"(2.) A pension payable to any other female dependant of a member of the Forces shall cease on her marriage." 20

Pensions to parents in special cases.

7. (1.) Notwithstanding anything to the contrary in the principal Act, the Board may at any time grant a pension of such amount as it thinks fit to the father or mother of a member of the Forces if the Board is satisfied that the applicant for a pension under this section has not adequate means of support. 25

(2.) This section shall apply notwithstanding that the applicant in any case may or may not be a dependant within the meaning of the principal Act.

(3.) Where an application for a pension in respect of the death or disablement of a member of the Forces is made by the widowed mother of such member and such member was her sole support, the pension granted to the applicant shall not in any case be less than would have been granted if the applicant was the wife of the member in respect of whose death or disablement the application is made. 30 35

(4.) A pension under this section shall commence on such date as the Board determines.

Repeal.

(5.) This section is in substitution for section thirteen of the principal Act, which section is accordingly hereby repealed. 40

Payment of pensions out of New Zealand.

8. (1.) Pensions under the principal Act may be granted and paid to a member of the Forces, or to the father, mother, wife, or children of any such member, but not to any other dependant, notwithstanding that the pensioner may not be, or may cease to be, resident in New Zealand. 45

Repeals.

(2.) Section fourteen and the proviso to subsection two of section twenty-two of the principal Act are hereby repealed.

Repeal.

9. Section fifteen of the principal Act is hereby repealed, and the following section substituted therefor:—

Income and property of applicants not to be taken into consideration in determining rates of pensions of members or of wives and children.

"15. (1.) In determining the rate of pension payable to a member of the Forces, ~~or to the wife~~ or to any child of a member of the Forces, the Board shall not take into consideration the property or income from any source of the applicant. 50

New.

“ (1A.) In determining the rate of pension payable to the wife of a member of the Forces the Board shall not take into consideration the property or income of the applicant, unless the applicant is in receipt of or entitled to an income from all sources in excess of the rate of six hundred pounds a year. Where such income is in excess of the said rate the Board shall take into consideration the property and the income from all sources of the applicant.

10 “ (2.) In determining the rate of pension payable to any dependant of a member of the Forces (other than his wife or children) the Board shall take into consideration the property and the income from all sources of the dependant.”

Otherwise in case of applications by other dependants.

15 10. Section seventeen of the principal Act is hereby amended by adding the following proviso :—

Section 17 of principal Act amended.

“ Provided that the Board may determine such other date as it thinks fit to be the date of the commencement of any pension granted on an application made under subsection two of section twelve or on an application received by the Board pursuant to the proviso to subsection one of that section.”

New.

25 10A. (1.) The maximum rate of pension payable to a child of a deceased or disabled member of the Forces is hereby increased from five shillings a week to seven shillings and sixpence a week, and the First and Second Schedules to the principal Act are hereby amended accordingly.

Increased rates of pensions to children.

(2.) This section shall be deemed to have been in operation immediately after the passing of the principal Act.

30 11. (1.) The Governor may by Order in Council extend the provisions of the principal Act so as to apply—

Act may be extended to officers and men (not being members of New Zealand Naval Forces) serving on vessel forming part of New Zealand Naval establishment.

35 (a.) To any officers and men (not being members of the New Zealand Naval Forces) serving or who may have served on board any ship, vessel, or boat that has been acquired under the Naval Defence Act, 1913, and that during the continuance of the war is under the control and at the disposition of the Government of Great Britain pursuant to the provisions of section nineteen of the last-mentioned Act; and

40 (b.) To the dependants of any such officers and men, as if such officers and men were members of the New Zealand Naval Forces.

45 (2.) An Order in Council under this section may apply the principal Act as from the date of the passing thereof, or as from such later date as may be expressed in such order, and every such order shall have effect according to the tenor thereof.

50 12. (1.) Notwithstanding anything to the contrary in the principal Act, the Board may grant a pension under that Act in respect of the death or disablement of a member of the Forces to any person not being a dependant within the meaning of that Act, if such person satisfies the Board that he has suffered material loss of income or property by reason of the death or disablement of the member of the Forces and that he has not adequate means of support.

Pensions to persons other than dependants.

55 (2.) A pension under this section shall commence on such date as the Board determines.

Limitations as to grant of pensions.

13. (1.) If any applicant for a pension under the principal Act is in receipt of an Imperial or any other pension granted in respect of the present war (other than a pension attached to the award of any decoration or other distinction for distinguished service), the amount of such pension shall be deducted from the amount of the pension (if any) that would otherwise be payable under the principal Act, and the balance only shall be payable to the applicant. 5

(2.) If any person who is in receipt of a pension under the principal Act is afterwards in receipt of any other pension granted in respect of the present war (other than a pension attached to the award of any decoration or distinction as aforesaid), the amount of such pension shall be deducted from the amount of the pension under the principal Act, and the balance only shall be paid to the person entitled thereto. 10

(3.) For the purpose of giving effect to the *last preceding* subsection the Board shall forthwith, on being notified that any person in receipt of a pension under the principal Act is also in receipt of any other pension granted in respect of the present war, review its determination with respect to the amount of the first-mentioned pension, and shall reduce the amount of such pension accordingly. 15 20

New.

Board may refuse pension in certain cases.

13A. Notwithstanding anything to the contrary in the principal Act, the Board may refuse to grant a pension to any applicant who is, in the opinion of the Board, of notoriously bad character, or has been guilty of gross misconduct dishonouring him in the public estimation. 25

Validation of payments.

14. All payments made out of the Consolidated Fund after the passing of the principal Act and before the passing of this Act shall be deemed to have been as validly made as if this Act had been in operation when such payments were made. 30

Miscellaneous amendments of principal Act.

15. The principal Act is hereby further amended in the manner and to the extent specified in the Schedule hereto.

Schedule.

SCHEDULE.

Number of Section of Principal Act.	Nature and Extent of Amendment.
Section 7 ...	By repealing subsection 2.
Section 10 ...	By repealing the proviso.
First Schedule ...	(a.) By omitting the fourth column thereof; and (b.) By omitting the words "Commanders and equivalent ranks" after the words "Captain of three years' seniority and equivalent ranks," and inserting the words so omitted after the words "Captain under three years' seniority and equivalent ranks."
Second Schedule ...	(a.) By omitting the fifth column thereof; and (b.) By omitting the words "Commanders and equivalent ranks" after the words "Captain of three years' seniority and equivalent ranks," and inserting the words so omitted after the words "Captain under three years' seniority and equivalent ranks."