

AMENDED: See Act, 1917 No. 16  
 AMENDED: SEE ACT, 1913 NO. 13

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Section 2 of principal Act amended.</li> <li>3. Section 2 of principal Act further amended.<br/>Section 3 of principal Act amended.<br/>Repeal.</li> <li>4. Act extended to persons engaged on military service in New Zealand.</li> <li>5. Conduct of meetings of War Pensions Board.<br/>Repeal.</li> <li>6. Section 9 of principal Act amended.</li> <li>7. Pensions to parents in special cases. Repeal.</li> <li>8. Payment of pensions out of New Zealand.<br/>Repeals.</li> </ol> | <ol style="list-style-type: none"> <li>9. Repeal. Income and property of applicants not to be taken into consideration except in special cases.</li> <li>10. Section 17 of principal Act amended.</li> <li>11. Increased rates of pensions to children.</li> <li>12. 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.</li> <li>13. Pensions to persons other than dependants.</li> <li>14. Limitations as to grant of pensions.</li> <li>15. Board may refuse pension in certain cases.</li> <li>16. Section 26 of principal Act amended.</li> <li>17. Validation of payments.</li> <li>18. Miscellaneous amendments of principal Act.<br/>Schedule.</li> </ol> |
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1916, No. 1.

AN ACT to amend the War Pensions Act, 1915.

[8th July, 1916.]

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

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| <ol style="list-style-type: none"> <li>1. This Act may be cited as the War Pensions Amendment Act, 1916, and shall be read together with and deemed part of the War Pensions Act, 1915 (hereinafter referred to as the principal Act).</li> <li>2. Section two of the principal Act is hereby amended by adding the following definition:—<br/>“ ‘Wife’ of a member of the Forces includes the widow of a deceased member of the Forces.”</li> <li>3. (1.) Section two of the principal Act is hereby further amended by repealing subsection two thereof.<br/>(2.) Section three of the principal Act is hereby amended by omitting from subsection one the words “ at any time subsequent to his departure from New Zealand.”<br/>(3.) Section two of the Defence Amendment Act, 1915, is hereby repealed.</li> </ol> | <p>Title.</p> <p>Short Title.</p> <p>Section 2 of principal Act amended.</p> <p>Section 2 of principal Act further amended.</p> <p>Section 3 of principal Act amended.</p> <p>Repeal.</p> |
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Act extended to persons engaged on military service in New Zealand.

4. The expression "member of the Forces" as used in the principal Act shall include any person who is, or at any time has been or may hereafter be, engaged on active military service in any capacity within New Zealand in connection with the present war.

Conduct of meetings of War Pensions Board.

5. (1.) Every question before the Board shall be decided by the votes of not less than two members.

(2.) The Chairman shall have a deliberative vote only.

(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.

Repeal.

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

Section 9 of principal Act amended.

6. (1.) Section nine of the principal Act is hereby amended by adding thereto the following words: "Such gratuity may be paid either in a lump sum or in such instalments as the Board thinks fit."

(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."

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.

(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. ADD hereto (3<sup>a</sup>)

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(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.

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.

Repeals.

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

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

“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.

Repeal.

Income and property of applicants not to be taken into consideration except in special cases.

“(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.”

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.”

11. (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.

12. (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.

(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

(b.) To any officers and men engaged or employed on any vessel chartered by the New Zealand Government or otherwise under its control, and used for the transport of troops or for any other purpose directly connected with the carrying-on of the present war, if such officers and men have entered into a contract of service on board such vessel for a period not less than the period of the war; and

(c.) To the dependants of any officers and men referred to in either of the two preceding paragraphs as if such officers and men were members of the New Zealand Naval Forces.

(2.) No pension payable to any officer or man referred to in paragraph (b) of subsection one hereof, or to the dependants of any such officer or man, shall exceed such rates as may be prescribed, and for the purpose of fixing such rates the said officers and men may be graded in such manner as the Governor in Council thinks fit.

(3.) A pension shall not be payable as aforesaid to any officer or man referred to in paragraph (b) of subsection one hereof, or to any dependant of such officer or man, in respect of his death or disablement if compensation under the Workers' Compensation Act, 1908, has been paid to that officer or man, or to such dependant, in respect of the accident (if any) which caused the death or disablement.

(4.) 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.

Pensions to persons  
other than  
dependants.

13. (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.

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

Limitations as to  
grant of pensions.

14. (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.

(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.

(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.

Board may  
refuse pension  
in certain cases.

15. (1.) 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.

(2.) Every person who feels himself aggrieved by the refusal of the Board to grant a pension on either of the grounds mentioned in this section may apply to the Board to submit the matter to a Stipendiary Magistrate for investigation, and thereupon the Board shall, by writing under the hand of the Chairman, submit the matter to a Stipendiary Magistrate accordingly.

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(3.) As soon as conveniently may be after the matter has been so submitted to him, the Magistrate shall make such inquiries with respect to the character or conduct of the applicant as he thinks proper, and for that purpose shall have the same power to require the attendance of witnesses, including the applicant, and the production of evidence, and to take evidence on oath, as if the matter were a proceeding under the Magistrates' Courts Act, 1908.

(4.) On the conclusion of his investigation the Magistrate shall report to the Board the result thereof, and thereupon the Board may confirm its original decision, or may grant a pension subject to such conditions (if any) as it thinks proper.

(5.) Every investigation by a Magistrate acting under this section shall be conducted in private, and in accordance with such regulations (if any) as the Governor by Order in Council may make for that purpose.

16. Section twenty-six of the principal Act is hereby amended by inserting, after the words "persons under disability" in paragraph (e), the words "or to aged, infirm, or improvident persons."

Section 26 of principal Act amended.

17. 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.

Validation of payments.

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

Miscellaneous amendments of principal Act.

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."