

War Pensions Amendment Act 1980

Public Act 1980 No 51
Date of assent 28 November 1980

Contents

| | Page |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Title | 1 |
| 1 Short Title | 2 |
| 2 Increasing rates of certain pensions and allowances in respect of period 9 January 1980 to 31 March 1980 | 2 |
| 3 Increasing rates of certain pensions and allowances in respect of period 1 April 1980 to 22 July 1980 | 2 |
| 4 Increasing rates of certain pensions and allowances, including additional amounts for dependent children, on and after 23 July 1980 | 2 |
| FIRST SCHEDULE | 3 |
| Amendments to Principal Act Increasing Rates of Certain Pensions and Allowances in Respect of Period 9 January 1980 to 31 March 1980 | |
| SECOND SCHEDULE | 4 |
| Amendments to Principal Act Increasing Rates of Certain Pensions and Allowances in Respect of Period 1 April 1980 to 22 July 1980 | |
| THIRD SCHEDULE | 5 |
| NEW FIRST TO SEVENTH, NINTH, ELEVENTH, AND TWELFTH SCHEDULES TO PRINCIPAL ACT (<i>Effective on and after 23 July 1980</i>) | |

An Act to amend the War Pensions Act 1954

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

1 Short Title

This Act may be cited as the War Pensions Amendment Act 1980, and shall be read together with and deemed part of the War Pensions Act 1954 (hereinafter referred to as the principal Act).

2 Increasing rates of certain pensions and allowances in respect of period 9 January 1980 to 31 March 1980

- (1) In respect of the period which commenced on the 9th day of January 1980 and ended with the 31st day of March 1980, the principal Act shall have effect as if each provision of that Act specified in the first column of the First Schedule to this Act had been amended by omitting every expression set out in the second column of that Schedule opposite the reference to that provision, wherever that expression occurs, and substituting in each case the expression set out opposite to it in the third column of that Schedule.
- (2) This section and the First Schedule to this Act shall be deemed to have come into force on the 9th day of January 1980.

3 Increasing rates of certain pensions and allowances in respect of period 1 April 1980 to 22 July 1980

- (1) In respect of the period which commenced on the 1st day of April 1980 and ended with the 22nd day of July 1980, the principal Act shall have effect as if each provision of that Act specified in the first column of the Second Schedule to this Act had been amended by omitting every expression set out in the second column of that Schedule opposite the reference to that provision, wherever that expression occurs, and substituting in each case the expression set out opposite to it in the third column of that Schedule.
- (2) This section and the Second Schedule to this Act shall be deemed to have come into force on the 1st day of April 1980.

4 Increasing rates of certain pensions and allowances, including additional amounts for dependent children, on and after 23 July 1980

- (1) The principal Act is hereby further amended by repealing the First to Seventh, Ninth, Eleventh, and Twelfth Schedules (as substituted by section 3(1) of the War Pensions Amendment Act 1979), and substituting the First to Seventh, Ninth, Eleventh, and Twelfth Schedules set out in the Third Schedule to this Act.
- (2) The War Pensions Amendment Act 1979 is hereby repealed.
- (3) This section and the Third Schedule to this Act shall be deemed to have come into force on the 23rd day of July 1980.

SCHEDULES

FIRST SCHEDULE

Amendments to Principal Act Increasing Rates of Certain Pensions and Allowances in Respect of Period 9 January 1980 to 31 March 1980

Section 2(1)

| Provision Amended | Expressions Omitted | Expressions Substituted |
|--------------------|---------------------|-------------------------|
| | \$ | \$ |
| Third Schedule— | | |
| Clause 1 | 43.44 | 47.35 |
| Fourth Schedule— | | |
| Clause 2(a) | 28.75 | 31.88 |
| Fifth Schedule— | | |
| Clause 2 | 26.90 | 29.20 |
| Sixth Schedule— | | |
| Clause 3(a) | 43.44 | 47.35 |
| Clause 3(b) | 43.44 | 47.35 |
| Clause 3(c)(i) | 43.44 | 47.35 |
| Clause 3(c)(ii) | 41.19 | 45.10 |
| Clause 3(d) | 43.44 | 47.35 |
| Clause 6(a) | 8.69 | 9.47 |
| Seventh Schedule— | | |
| Clause 1(a) | 2,258.88 | 2,462.20 |
| Clause 1(b) | 4,517.76 | 4,924.40 |
| Clause 1(c) | 2,258.88 | 2,462.20 |
| Clause 1(d) | 2,258.88 | 2,462.20 |
| Clause 3 | 4,143.36 | 4,387.24 |
| Clause 4(a) | 451.88 | 492.44 |
| Eleventh Schedule— | | |
| Clause 1(a) | 1,495 | 1,657.76 |
| Clause 3(a) | 28.75 | 31.88 |
| Twelfth Schedule— | | |
| Clause 1(a) | 2,258.88 | 2,462.20 |
| Clause 1(b) | 4,517.76 | 4,924.40 |
| Clause 1(c) | 2,258.88 | 2,462.20 |
| Clause 1(d) | 2,258.88 | 2,462.20 |
| Clause 3 | 4,673.76 | 5,080.40 |
| Clause 4(a) | 451.88 | 492.44 |

SECOND SCHEDULE
Amendments to Principal Act Increasing Rates of Certain Pensions
and Allowances in Respect of Period 1 April 1980 to 22 July 1980

Section 3(1)

| Provision Amended | Expressions Omitted | Expressions Substituted |
|--------------------|---------------------|-------------------------|
| First Schedule— | \$ | \$ |
| Clause 1 | 37.35 | 44.22 |
| Clause 2 | 22.45 | 26.54 |
| Clause 3(a) | 4.15 | 4.92 |
| Clause 3(b) | 4.00 | 4.74 |
| Clause 3(c) | 2.90 | 3.44 |
| Clause 3(d) | 2.90 | 3.44 |
| Second Schedule— | | |
| Clause 1 | 69.20 | 81.92 |
| Third Schedule— | | |
| Clause 1 | 43.44 | 47.35 |
| Fourth Schedule— | | |
| Clause 1 | 27.55 | 32.62 |
| Clause 2(a) | 28.75 | 31.88 |
| Clause 3 | 27.55 | 32.62 |
| Clause 5 | 27.55 | 32.62 |
| Fifth Schedule— | | |
| Clause 2 | 26.90 | 29.20 |
| Sixth Schedule— | | |
| Clause 3(a) | 43.44 | 47.35 |
| Clause 3(b) | 43.44 | 47.35 |
| Clause 3(c)(i) | 43.44 | 47.35 |
| Clause 3(c)(ii) | 41.19 | 45.10 |
| Clause 3(d) | 43.44 | 47.35 |
| Clause 6(a) | 8.69 | 9.47 |
| Seventh Schedule— | | |
| Clause 1(a) | 2,258.88 | 2,462.20 |
| Clause 1(b) | 4,517.76 | 4,924.40 |
| Clause 1(c) | 2,258.88 | 2,462.20 |
| Clause 1(d) | 2,258.88 | 2,462.20 |
| Clause 3 | 4,143.36 | 4,387.24 |
| Clause 4(a) | 451.88 | 492.44 |
| Eleventh Schedule— | | |
| Clause 1(a) | 1,495 | 1,657.76 |
| Clause 3(a) | 28.75 | 31.88 |
| Twelfth Schedule— | | |

| Provision Amended | Expressions Omitted | Expressions Substituted |
|-------------------|---------------------|-------------------------|
| Clause 1(a) | 2,258.88 | 2,462.20 |
| Clause 1(b) | 4,517.76 | 4,924.40 |
| Clause 1(c) | 2,258.88 | 2,462.20 |
| Clause 1(d) | 2,258.88 | 2,462.20 |
| Clause 3 | 4,673.76 | 5,080.40 |
| Clause 4(a) | 451.88 | 492.44 |

THIRD SCHEDULE
NEW FIRST TO SEVENTH, NINTH, ELEVENTH, AND
TWELFTH SCHEDULES TO PRINCIPAL ACT (*Effective on and*
***after 23 July 1980*)**

Section 4(1)

“FIRST SCHEDULE
Maximum Rates of Pensions for Disabled Members

Sections 20, 23, 28, 62, 65

Part I
Members of Forces

1. Under section 20—

| | |
|---------------|-----------------|
| In every case | \$44.22 a week. |
|---------------|-----------------|
2. Under section 23—

| | |
|----------------------------------------------------------------|-----------------|
| In certain cases of severe disablement (additional pension) | \$26.54 a week. |
|----------------------------------------------------------------|-----------------|
3. Under section 28—

Clothing allowance (additional pension) as follows—

| | |
|---------------------------------------|----------------|
| (a) Loss of 2 limbs or parts | \$4.92 a week. |
| (b) Loss of leg or part | \$4.74 a week. |
| (c) Loss of arm or part | \$3.44 a week. |
| (d) Use of mechanical appliance, etc. | \$3.44 a week. |

Part II
Members of Mercantile Marine

4. Under section 62—

The same rates as those specified in Part I of this Schedule.

Part III***Members of Emergency Reserve Corps***

5. Under section 65—
The same rates as those specified in Part I of this Schedule.

“SECOND SCHEDULE**Maximum Rates of Allowances for Services of Attendants for Disabled Members**

Sections 29, 62, 65

Part I***Members of Forces***

1. Under section 29—
In every case \$81.92 a week.

Part II***Members of Mercantile Marine***

2. Under section 62—
The same rate as that specified in Part I of this Schedule.

Part III***Members of Emergency Reserve Corps***

3. Under section 65—
The same rate as that specified in Part I of this Schedule.

“THIRD SCHEDULE**Maximum Rates of Pensions for Wives of Totally Disabled Members**

Sections 30, 62, 65

Part I***Members of Forces***

1. Under section 30—
In every case \$51.23 a week.

4. Under section 32(2) as applied by section 62—
Additional mother's allowance to a widow with dependent child or children—
The same rates as those provided in clause 2 of Part I of this Schedule.

Part III

Members of Emergency Reserve Corps

5. Under section 32(1) as applied by section 65—
To the widow in every case \$32.62 a week.
6. Under section 32(2) as applied by section 65—
Additional mother's allowance to a widow with dependent child or children—
The same rates as those provided in clause 2 of Part I of this Schedule.

“FIFTH SCHEDULE

Maximum Rates of Pensions for Children of Disabled and Deceased Members

Sections 36, 40, 62, 65

Part I

Members of Forces

1. Under section 36—
In ordinary cases \$6 a week.
2. Under section 40—
In certain cases where parents dead, or child not under control of its mother \$31.50 a week.

Part II

Members of Mercantile Marine

3. Under section 62—
The same rates as those specified in Part I of this Schedule.

Part III

Members of Emergency Reserve Corps

4. Under section 65—
The same rates as those specified in Part I of this Schedule.

“SIXTH SCHEDULE**Maximum Rates of Economic Pensions and Income Exemptions**

Sections 59, 60, 62, 65

Part I***Members of Forces***

1. Under section 59—
Income exemption in respect of claimant and husband or wife (if any) \$25 a week.
2. For the purposes of clause 1 of this Schedule, the expression ‘child or children’ includes, if a War Pensions Board thinks fit, a child or children in respect of whom a pension has been continued beyond the age of 16 years under section 43 of this Act.
3. Under section 60—
Economic pension, as follows—
 - (a) To any member of the forces \$51.23 a week.
 - (b) To the widow of a deceased member of the forces \$51.23 a week.
 - (c) To the widowed mother of a deceased member of the forces—
 - (i) Where the claimant was wholly dependent on the member or was the mother of 2 or more sons, being deceased members of the forces \$51.23 a week.
 - (ii) In any other case \$48.98 a week.
 - (d) To any person in receipt of a pension under section 55 or section 56 in respect of his own disablement \$51.23 a week.
 - (e) To any widow in receipt of a pension under section 55 or section 56 in respect of the death of her husband or son The rate of the pension that would be payable to her under paragraph (b) or paragraph (c) of this clause if her husband or son, as the case may be, had been a member of the forces.
 - (f) To any person who is disqualified from receiving a pension under section 56 by reason only that the pension received by him from an overseas Government is not less than the pension that would be payable under Part II of this Act in respect of a member of the New Zealand forces The difference between the rate of the pension paid to the claimant by an overseas Government and the aggregate rate of the pensions that would be payable to the claimant under Parts II and III of this Act if the person in respect of whose disablement or death the overseas pension is paid had been a member of the New Zealand forces.

Part II***Members of Mercantile Marine***

4. Under section 62—
The same rates as those specified in Part I of this Schedule.

Part III**Members of Emergency Reserve Corps**

5. Under section 65—
The same rates as those specified in Part I of this Schedule.

Part IV**General**

- 6.
- (a) The rates specified in clauses 3, 4, and 5 of this Schedule shall be increased by \$10.25 a week in any case where the claimant or pensioner is an unmarried person.
- (b) The rates specified in clauses 3, 4, and 5 of this Schedule may, in the discretion of a War Pensions Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the pensioner has the care of a dependent child or children.

“SEVENTH SCHEDULE**Rates of War Veterans’ Allowances**

Sections 69, 70, 74

1. Under section 69—
- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) To an unmarried veteran | \$2,663.96 a year, diminished by 40c for every complete \$1 of the total annual income of the veteran in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year. |
| (b) To a married male veteran who is qualified to receive an allowance on account of his wife, in respect of himself and his wife | \$5,327.92 a year, diminished by 40c for every complete \$1 of the total annual income of the veteran and his wife (exclusive of any allowance under Part VI of this Act) in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year. |
| (c) To a married veteran whose wife or husband is granted, in her or his own right, a war veteran’s allowance, economic pension, or war service pension, under this Act, or a benefit (other than national superannuation) under Part I of the Social Security Act 1964 | \$2,663.96 a year, diminished by 20c for every complete \$1 of the total annual income of the veteran and his or her spouse in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 40c for every complete \$1 of such income in excess of \$2,080 a year. |
| (d) To any other married veteran | \$2,663.96 a year, diminished by 40c for every complete \$1 of the total annual income of the veteran and the spouse of the veteran in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year. |

Provided that, if the spouse of the veteran is not in receipt of national superannuation under Part I of the Social Security Act 1964, the rate of war veteran's allowance payable to the veteran shall not be less than the rate of the war veteran's allowance that would be payable to a married male veteran under paragraph (b) of this clause, but the rate of allowance payable hereunder shall not exceed \$2,663.96 a year.

2. Under section 70—

Age supplement—

- (a) Where a married male veteran and his wife have both attained the age of 65 years \$156 a year.
- (b) Where a married female veteran has attained the age of 65 years \$78 a year.
- (c) In any other case where the veteran or the wife of a male veteran has attained the age of 65 years \$78 a year.

3. Under section 74—

Special allowance where veteran dies leaving widow or dependent child Not exceeding \$4,893.20 a year.

4. General—

- (a) The rates specified in clause 1 of this Schedule shall be increased by \$533 a year in any case where the person claiming or in receipt of the allowance is an unmarried person.
- (b) The rates specified in clause 1 of this Schedule may, in the discretion of a War Pensions Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the veteran or the wife of the veteran has the care of a dependent child or children.

**“NINTH SCHEDULE
Pensions Payable for Specific Disabilities**

Section 21

| Nature of Disability | Percentage of Full Pension Payable in Cases of Total Disablement |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Total blindness | 100 |
| Incurable insanity | 100 |
| Very severe facial disfigurement | 100 |
| Lower limb amputation through hip joint | 100 |
| Lower limb amputation through upper third of thigh (if without useful stump) | 100 |
| Upper limb amputation (where an artificial arm cannot be fitted with retention of elbow joint function) | 100 |
| Lower limb amputation through upper third of thigh (if with useful stump) | 90 |

| Nature of Disability | Percentage of Full Pension Payable in Cases of Total Disablement |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Permanent loss of speech | 90 |
| Upper limb amputation (where an artificial arm can be fitted with retention of elbow joint function), but not beyond all the metacarpo-phalangeal joints | 90 |
| Lower limb amputation through knee joint or middle or lower third of thigh | 85 |
| Total deafness | 85 |
| Severe facial disfigurement | 80 |
| Lower limb amputation, but not beyond the tarso-metatarsal joint | 75 |
| Loss of 1 eye | 50 |
| Loss of 4 fingers | 50 |
| Loss of 3 fingers | 40 |
| Loss of thumb | 40 |
| Loss of 2 fingers | 25 |
| Loss of index finger of either hand | 20 |

Note to Schedule

For the purposes of this Schedule, ‘loss of’ and ‘amputation of’ include ‘permanent loss of the use of’.

“ELEVENTH SCHEDULE Additional Amounts for Dependent Children

Section 75b

1. To any veteran or serviceman receiving a war veteran’s allowance or a war service pension at the rate payable to an unmarried person—
 - (a) On account of first or only dependent child \$1,818.96 a year.
 - (b) On account of each additional dependent child after the first \$208 a year.
2. To any veteran or serviceman receiving or qualified to receive a war veteran’s allowance or a war service pension in respect of himself and his wife, or the wife of any such veteran or serviceman—

On account of each dependent child \$208 a year.
3. To any person receiving an economic pension at the rate payable to an unmarried person—
 - (a) On account of first or only dependent child \$34.98 a week.
 - (b) On account of each additional dependent child after the first \$4 a week.
4. To any person receiving an economic pension at the rate payable to a married person, or a wife’s pension—

On account of each dependent child \$4 a week.

**“TWELFTH SCHEDULE
Rates of War Service Pensions**

Section 66e, 66f, 66j

1. Under section 66e—
- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) To an unmarried serviceman | \$2,663.96 a year, diminished by 40c for every complete \$1 of the total annual income of the serviceman in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year. |
| (b) To a married male serviceman who is qualified to receive a pension on account of his wife, in respect of himself and his wife. | \$5,327.92 a year, diminished by 40c for every complete \$1 of the total annual income of the serviceman and his wife (exclusive of any pension under Part VA of this Act) in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year. |
| (c) To a married serviceman whose wife or husband is granted in her or his own right, a war service pension, war veteran's allowance, or economic pension under this Act, or a benefit (other than national superannuation) under Part I of the Social Security Act 1964 | \$2,663.96 a year, diminished by 20c for every complete \$1 of the total annual income of the serviceman and his or her spouse in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 40c for every complete \$1 of such income in excess of \$2,080 a year. |
| (d) To any other married serviceman | \$2,663.96 a year, diminished by 40c for every complete \$1 of the total annual income of the serviceman and the spouse of the serviceman in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year: Provided that, if the spouse of the serviceman is not in receipt of national superannuation under Part I of the Social Security Act 1964, the rate of war service pension payable to the serviceman shall not be less than the rate of the war service pension that would be payable to a married male serviceman under paragraph (b) of this clause, but the rate of pension payable hereunder shall not exceed \$2,663.96 a year. |
2. Under section 66f—
- Age supplement—
- | | |
|--------------------------------------------------------------------------------------------------------------|---------------|
| (a) Where a married male serviceman and his wife have both attained the age of 65 years | \$156 a year. |
| (b) Where a married female 'serviceman' has attained the age of 65 years | \$78 a year. |
| (c) In any other case where the serviceman or the wife of a male serviceman has attained the age of 65 years | \$78 a year. |
3. Under section 66j—

Continuation of pension where serviceman dies leaving a widow or dependent child or children A rate not exceeding \$5,483.92 a year, plus additional pension for dependent child or children (if any).

4. General—

- (a) The rates specified in clause 1 of this Schedule shall be increased by \$533 a year in any case where the person claiming or in receipt of the pension is an unmarried person.
- (b) The rates specified in clause 1 of this Schedule may, in the discretion of a War Pensions Board, be increased by the appropriate amount specified in the Eleventh Schedule to this Act if the pensioner or the wife of the pensioner has the care of a dependent child or children.”

This Act is administered in the Department of Social Welfare.