

House of Representatives

Supplementary Order Paper

Tuesday, 22 July 2014

Veterans' Support Bill

Proposed amendments

Hon Michael Woodhouse, in Committee, to move the following amendments:

Clause 2

In *clause 2(1)*, replace “1 July 2014” (page 13, lines 6 and 7) with “the day that is 4 months after the date on which this Act receives the Royal assent”.

In *clause 2(2)*, replace “1 July 2015” (page 13, line 11) with “the day that is 16 months after the date on which this Act receives the Royal assent”.

Clause 4

Delete *clause 4(5)(d)* (page 15, line 14).

In *clause 4(7)(c)*, delete “; and” (page 15, line 29).

Delete *clause 4(7)(d)* (page 15, line 30).

In *clause 4(9)(e)*, replace “loans” (page 16, line 2) with “grants”.

In *clause 4(9)*, after *paragraph (e)* (page 16, after line 2), insert:

- (ea) retirement lump sum (**subpart 6A**); and

Clause 7

In *clause 7*, after the definition of **deputy general manager** (page 19, after line 2), insert:

full-time, in relation to employment and work, means employment for either—

- (a) an average of at least 30 hours per week; or
- (b) a lesser number of hours, if the lesser number of hours is defined as full-time employment in the employment agreement under which the veteran was employed, because of the particular nature of that employment

full-time study has the same meaning as in section 6(1) of the Accident Compensation Act 2001

In *clause 7*, definition of **service-related**, after “contributed to” (page 20, line 7), insert “by”.

In *clause 7*, definition of **treatment provider**, *paragraph (b)*, after “those regulations” (page 20, line 34), insert “, including (but not limited to) whether and, if so, the extent to which members of an occupational group are recognised by the Accident Compensation Corporation as a treatment provider for the purposes of the Accident Compensation Act 2001”.

Clause 9(6)

In *clause 9(6)*, definition of **operational threat**, *paragraph (e)*, delete “New Zealand” (page 21, line 35).

Clause 15

In *clause 15(3)*, replace “principle” (page 28, line 36) with “principles”.

In *clause 15(4)*, replace “principle” (page 29, line 1) with “principles”.

In *clause 15(5)*, replace “principle” (page 29, lines 3 and 5) with “principles” in each place.

In *clause 15(6)*, replace “principle” (page 29, line 6) with “principles”.

In *clause 15(7)*, replace “principle” (page 29, lines 10 and 11) with “principles” in each place.

Clause 15A

In the heading to *clause 15A*, replace “**principle**” (page 29, line 14) with “**principles**”.

In *clause 15A(1)*, replace “principle” (page 29, line 16) with “principles”.

Clause 16

In the heading to *clause 16*, after “**presumed**” (page 32, line 1), insert “**injuries, illnesses, and**”.

Replace *clause 16(1) to (3)* (page 32, lines 3 to 16) with:

- (1) Regulations made under **section 250** on the recommendation of the Minister may specify injuries, illnesses, and conditions that must be treated as service-related if a veteran has—
 - (a) been exposed to specific events during qualifying operational service; or
 - (b) served at specified times in, or during specified periods of, or in specified deployments during, qualifying operational service.
- (2) The Minister must not make a recommendation under **sub-section (1)** without first consulting—
 - (a) relevant medical organisations; and
 - (b) the advisory panel; and
 - (c) any other person or organisation that the Minister considers appropriate to consult.

Cross-heading above clause 17

In the cross-heading above *clause 17*, replace “*principle*” (page 32, line 17) with “*principles*”.

Clause 17

In the heading to *clause 17*, replace “**principle**” (page 32, line 18) with “**principles**”.

In *clause 17(1)*, replace “principle” (page 32, line 21) with “principles”.

In *clause 17(2)*, replace “principle” (page 32, line 25) with “principles”.

In *clause 17(5)*, replace “principle” (page 33, line 3) with “principles”.

In *clause 17(6)(a)*, replace “principle” (page 33, line 7) with “principles”.

In *clause 17(10)*, replace “principle” (page 33, lines 22 and 23) with “principles” in each place.

Clause 17A

In the heading to *clause 17A*, replace “**principle**” (page 33, lines 25 and 26) with “**principles**” in each place.

In *clause 17A(1)*, replace “principle” (page 33, lines 28 to 31) with “principles” in each place.

In *clause 17A(2)(a) and (b)*, replace “principle” (page 34, lines 1, 2, 4, and 5) with “principles” in each place.

In *clause 17A(3)(a) and (b)*, replace “principle” (page 34, lines 9, 10, 12, and 13) with “principles” in each place.

Clause 17B

In the heading to *clause 17B*, replace “**principle**” (page 34, line 15) with “**principles**”.

In *clause 17B(1)*, replace “principle” (page 34, line 17) with “principles”.

Clause 17D

In the heading to *clause 17D*, replace “**principle**” (page 35, line 1) with “**principles**”.

In *clause 17D*, replace “principle” (page 35, lines 2, 3, 6, and 7) with “principles” in each place.

In *clause 17D*, replace “statement or” (page 35, lines 5 and 6) with “statement of”.

Clause 23

In the heading to *clause 23*, replace “**weekly compensation and related amounts**” (page 38, line 25) with “**certain entitlements in relation to average weekly earnings**”.

Replace *clause 23(1)* (page 38, lines 26 to 33) with:

- (1) VANZ must adjust the following in the manner specified in **subsection (2)**:
 - (a) the rate of weekly compensation as calculated under **Part 2 of Schedule 2**:

- (b) the amount of weekly earnings under **clause 49(1) of Schedule 2**.

Clause 24

In the heading to *clause 24*, replace “**lump sum compensation, funeral grant, survivor’s grant, and child care payments**” (page 39, lines 16 and 17) with “**certain entitlements in relation to New Zealand Consumers Price Index**”.

Replace *clause 24(1)* (page 39, lines 18 to 23) with:

- (1) VANZ must adjust the following in the manner specified in **subsection (2)**:
- (a) the rates of disablement pension (**section 48**):
 - (b) the rate of the surviving spouse or partner pension (**section 59**):
 - (c) the rate of the children’s pension (**section 65**):
 - (d) the rate of the dependant’s pension (**section 69**):
 - (e) the rate of the children’s bursary (**section 74**):
 - (f) the lump sum payment for permanent impairment (**section 89**):
 - (g) the maximum amount for motor vehicle grants (**section 141**):
 - (h) the amount of the retirement lump sum payment (**section 141C**):
 - (i) the asset threshold for non-exempt assets (**section 141C**):
 - (j) the maximum amount payable for funeral expenses for a veteran whose death is attributable to qualifying service (**section 143**):
 - (k) the maximum amount payable for funeral expenses for a veteran whose death is not attributable to qualifying service (**section 144**):
 - (l) the lump sum payment to a surviving spouse or partner of a veteran receiving the veteran’s pension (**section 161**):
 - (m) the survivor’s grant (**clause 59 of Schedule 2**):
 - (n) child care payments for children of deceased veterans (**clause 71 of Schedule 2**).
- (1A) VANZ may adjust in the manner specified in **subsection (2)** any costs, amounts, or limits on costs that are not required to be adjusted under **section 23 or subsection (1) of this section**.

In *clause 24(2)*, replace “required by **subsection (1)**” (page 39, line 24) with “under **subsection (1) or (1A)**”.

In *clause 24(2)(a)*, after “Index” (page 39, line 28), insert “or any group or subgroup within the Index”.

In *clause 24(3)(a)*, after “Index” (page 39, line 38), insert “or any group or subgroup within the Index”.

In *clause 24(3)(b)*, after “Index” (page 40, lines 1 and 2), insert “, group, or subgroup”.

Clause 25(1)

In *clause 25(1)(e)*, before “explaining” (page 40, line 28), insert “providing for and”.

In *clause 25(1)(e)*, delete “, under **Part 7**,” (page 40, lines 28 and 29).

Clause 48

Replace *clause 48(2) and (3)* (page 50, lines 18 to 20) with:

- (2) The regulations must set different rates for different levels of whole-person impairment.

Clause 52

Replace *clause 52* (page 52, line 33 to page 53, line 4) with:

52 Rate of weekly income compensation

- (1) Weekly income compensation is payable at the rate that is 80% of the average wage.
- (2) In **subsection (1)**, **average wage** means the average wage, as at 1 April each year, within the meaning of the Social Security Act 1964.

Clause 54

In the heading to *clause 54*, replace “**abates**” (page 54, line 1) with “**reduces**”.

Replace *clause 54(2)* (page 54, lines 6 to 13) with:

- (2) If the veteran undertakes part-time work, VANZ must reduce the amount of weekly income compensation payable to the veteran to ensure that the total of the veteran’s weekly income compensation and earnings does not exceed the average wage.
- (3) In **subsection (2)**, **average wage** has the same meaning as in **section 52(2)**.

Part 3, subpart 5

In *Part 3*, delete *subpart 5* (page 56, line 4 to page 57, line 9).

Clause 65(5)

Delete *clause 65(5)* (page 61, lines 24 and 25).

Clause 74(5)

In *clause 74(5)*, after “Education” (page 66, line 7), insert “Act”.

Clause 93(5)

Delete *clause 93(5)* (page 75, lines 15 to 21).

Part 4, subpart 5

In *Part 4*, delete *subpart 5* (page 77, line 16 to page 78, line 21).

Clause 141

In *clause 141*, insert as *subclauses (2) and (3)* (page 98, after line 10):

- (2) Without limiting **subsection (1)**, if the regulations—
 - (a) specify the number of occasions on which a grant can be made to a veteran, the regulations may specify that a motor vehicle loan under the War Pensions Act 1954 may be taken into account;
 - (b) specify a minimum interval between grants, the regulations may specify that a motor vehicle loan under the War Pensions Act 1954 may be taken into account.
- (3) Despite regulations made for the purposes of this subpart, a veteran—
 - (a) whose total lower body mobility impairment met the criteria for a motor vehicle loan under the War Pensions Act 1954 must be treated as meeting the criteria for total lower body mobility impairment for a motor vehicle grant under this subpart;
 - (b) whose severe lower body mobility impairment met the criteria for a motor vehicle loan under the War Pensions Act 1954 must be treated as meeting the criteria for severe lower body mobility impairment for a motor vehicle grant under this subpart.

Part 5, new subpart 6A

In *Part 5*, after *subpart 6* (page 98, after line 10), insert:

Subpart 6A—Retirement lump sum

141A Retirement lump sum

- (1) A veteran is entitled, on reaching the New Zealand superannuation qualification age, to a retirement lump sum if—
 - (a) the veteran received weekly income compensation under **Part 3** or weekly compensation under **Part 4** over a 10-year period before the date on which he or she reached the New Zealand superannuation qualification age; and
 - (b) an assessment under **section 141B** determines that the value of the veteran's non-exempt assets is less than the applicable asset threshold.
- (2) To avoid doubt,—
 - (a) this section applies only to veterans who reach the New Zealand superannuation qualification age on or after the commencement of this section; and
 - (b) the 10-year period referred to in **subsection (1)** does not have to be a continuous period.
- (3) In this section, **weekly income compensation** includes the veteran's pension, war veteran's allowance, war service pen-

sion, and economic pension payable under the War Pensions Act 1954.

141B Asset assessment

- (1) A veteran who applies for a retirement lump sum must also apply for an asset assessment.
- (2) An application for an asset assessment must be made on a form provided for the purpose by VANZ.
- (3) VANZ must arrange for an asset assessment to be conducted as soon as practicable after receiving an application.
- (4) The value of the veteran's assets is to be assessed as at the date the veteran reached the New Zealand superannuation qualification age.
- (5) An asset assessment must be conducted in accordance with regulations made under **section 250**.

141C Regulations relating to this subpart

- (1) Regulations may be made under **section 250** on the recommendation of the Minister that specify for the purposes of this subpart—
 - (a) the amount of the retirement lump sum payment; and
 - (b) the types of assets to be taken into account in an asset assessment; and
 - (c) what assets are exempt from being taken into account in an assessment; and
 - (d) the asset threshold; and
 - (e) how an asset assessment is to be conducted.
- (2) For the purposes of **subsection (1)(d)**,—
 - (a) more than 1 asset threshold may be specified for different circumstances; and
 - (b) a veteran may be permitted to elect which threshold applies to him or her.

Part 5, subpart 7 heading

In the heading to *subpart 7 of Part 5*, replace “grants” (page 98, line 11) with “expenses”.

Clause 143

In *clause 143(3)*, replace “transferring” (page 98, line 25), with “transporting”.

In *clause 143(5)*, replace “transferring” (page 99, line 3) with “transporting”.

New clause 144AA

After *clause 144* (page 99, after line 26), insert:

144AA Extent to which funeral expenses payable under this subpart and under Accident Compensation Act 2001

- (1) Funeral expenses are payable under this subpart in respect of a veteran in addition to any funeral grant payable under the Accident Compensation Act 2001.
- (2) However, if the funeral expenses payable under this subpart in respect of a veteran are more than a funeral grant payable under the Accident Compensation Act 2001, VANZ is required to pay only the difference.
- (3) In this section, **funeral expenses** does not include the costs referred to in **section 143(3) or (4)**, as the case may be.

Clause 145(1)

In *clause 145(1)*, after the definition of **employment income** (page 102, after line 3), insert:

full-time employment has the same meaning as in section 3(1) of the Social Security Act 1964

Clause 147(1)

In *clause 147(1)(b)*, replace “Social Welfare (Transitional Provisions) Act 1990” (page 104, line 28) with “Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990”.

New clause 147A

Before *clause 148* (page 105, after line 1), insert:

147A Entitlement to veteran’s pension

- (1) A veteran is entitled to a veteran’s pension if—
 - (a) the veteran has qualifying operational service; and
 - (b) the veteran has reached the New Zealand superannuation qualification age and is eligible to receive New Zealand superannuation.
- (2) A person is entitled to a veteran’s pension if—
 - (a) the person has reached the New Zealand superannuation qualification age and is eligible to receive New Zealand superannuation; and
 - (b) the person was, immediately before the commencement of this Part, entitled to receive a veteran’s pension under the War Pensions Act 1954.
- (3) This section is subject to **section 153**.

Clause 148

In the heading to *clause 148*, after “**Entitlement**” (page 105, line 2), insert “**of spouse or partner of veteran**”.

In *clause 148(1)*, replace “A veteran is entitled to a veteran’s pension” (page 105, line 3) with “For the purposes of **subsection (2)(b)**, this subsection applies to a veteran”.

In *clause 148(2)*, replace *paragraph (b)* (page 105, lines 24 and 25) with:

- (b) **subsection (1)** applies to the veteran or the veteran is entitled to a veteran’s pension under **section 150**.

Delete *clause 148(5) and (6)* (page 105, line 38 to page 106, line 9).

Clause 152(2)

In *clause 152(2)*, after “medical practitioner” (page 109, line 24), insert “or nurse practitioner”.

Clause 156

Delete *clause 156* (page 111, lines 6 to 28).

Clause 157(8)

Delete *clause 157(8)* (page 113, lines 28 to 30).

Clause 161(1)

Replace *clause 161(1)* (page 116, lines 14 to 18) with:

- (1) **Subsection (2)** applies on the death of the following:
 - (a) a veteran to whom **section 148(1)** applies and who, on the date of death,—
 - (i) is ordinarily resident in New Zealand; and
 - (ii) is receiving a veteran’s pension; and
 - (b) a veteran who, on the date of death,—
 - (i) is ordinarily resident in New Zealand; and
 - (ii) is receiving a veteran’s pension under **section 150**.

Clause 163

In *clause 163*, replace “Social Welfare (Transitional Provisions) Act 1990” (page 118, lines 1 and 2) with “Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990”.

Clause 168

In *clause 168(a)*, replace “Social Welfare (Transitional Provisions) Act 1990” (page 119, lines 20 and 21) with “Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990”.

Clause 177

In *clause 177(1)(b)*, replace “Social Welfare (Transitional Provisions) Act 1990” (page 125, lines 6 and 7) with “Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990”.

Clause 179

In *clause 179(1)(c)*, replace “Social Welfare (Transitional Provisions) Act 1990” (page 126, line 34 to page 127, line 1) with “Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990”.

Clause 198A

In the heading to *clause 198A*, delete “**New Zealand**” (page 137, line 16).

In *clause 198A*, delete “New Zealand” (page 137, line 19).

Clause 203(2)

In *clause 203(2)*, replace “on the form” (page 140, line 36) with “in the form”.

Clause 206

Delete *clause 206(3)(c)(iii)* (page 142, line 17).

Clause 214

In *clause 214(2)*, delete “in the prescribed form” (page 145, line 2).

After *clause 214(2)* (page 145, after line 2), insert:

- (2A) The notice of appeal must be in writing and made in the form provided for the purpose by VANZ.

Clause 215

In *clause 215(2)*, replace “**section 15**” (page 145, line 24) with “**section 14(b)(iv)**”.

Delete *clause 215(5)(c)* (page 146, line 9).

Clause 247

In *clause 247(5)*, delete “New Zealand” in each place (page 159, lines 9 and 11).

In *clause 247(6)*, delete “New Zealand” (page 159, line 15).

Clause 250

In *clause 250(1)(4) and (4A)*, replace “principle” (page 161, lines 12, 14, and 15) with “principles” in each place.

Delete *clause 250(1)(9)* (page 161, line 23).

Delete *clause 250(1)(10)* (page 161, lines 24 and 25).

Delete *clause 250(1)(11)* (page 161, line 27).

Delete *clause 250(1)(20)* (page 162, line 3).

Delete *clause 250(1)(21)* (page 162, line 5).

After *clause 250(1)(26)* (page 162, after line 14), insert:

- (26A) **section 141C** (retirement lump sum):

In *clause 250(1)(32)*, after “payments to” (page 162, line 26), insert “persons”.

Delete *clause 250(1)(36)* (page 162, line 30).

Delete *clause 250(3)* (page 163, lines 7 to 11).

New clause 250A

Before *clause 251* (page 163, before line 12), insert:

250A Treatment cards

- (1) The Governor-General may, by Order in Council, make regulations providing for treatment cards for veterans.
- (2) The purpose of a treatment card is to enable a veteran to give treatment providers access to information held by VANZ about the service-related injuries, illnesses, or conditions the veteran has and for which VANZ will pay or contribute towards the cost of treatment.
- (3) Without limiting **subsection (1)**, regulations made under that subsection may—
 - (a) specify—
 - (i) the information to be included on a treatment card:
 - (ii) the obligations of a holder of a treatment card:
 - (iii) the conditions under which a treatment card may be used:
 - (iv) what uses of a treatment card are not authorised; and
 - (b) prescribe when a treatment card is to be recalled and when a treatment card may be cancelled; and
 - (c) prescribe when the holder of a treatment card may be exempted from any conditions under which the card may be used.

Clause 251

In the heading to *clause 251*, before “**rehabilitation**” (page 163, line 12), insert “**treatment and**”.

In *clause 251(1)(a) to (c)*, before “rehabilitation” (page 163, lines 17, 19, and 23), insert “treatment and”.

In *clause 251(3)(c) to (e)*, before “rehabilitation” (page 164, lines 5, 7, 8, 9, 12, and 19), insert “treatment and” in each place.

Clause 252

In the heading to *clause 252*, delete “**treatment or**” (page 165, lines 1 and 2).

In *clause 252(1)*, replace “**clauses 3 and**” (page 165, line 3) with “**clause**”.

In *clause 252(3)(a)(v)*, delete “, unless **clause 4(2) of Schedule 2** applies” (page 166, lines 3 and 4).

Clause 253

In the heading to *clause 253*, replace “**lump sum compensation or independence allowance**” (page 166, lines 23 and 24) with “**when conditions stabilise and to assessing whole-person impairment**”.

In *clause 253(1)*, replace “**clause 52 of Schedule 2**” (page 166, lines 28 and 29) with “this Act”.

In *clause 253(2)*, replace “**Part 3 of Schedule 2** to give effect to those provisions” (page 166, lines 32 and 33) with “assessing whole-person impairment”.

New clause 266

After *clause 265* (page 172, after line 32), insert:

266 Review of operation of Act

- (1) As soon as practicable after the second anniversary of the commencement of **Part 3** (Scheme One), the Chief of Defence Force must—
 - (a) review the operation of this Act; and
 - (b) consider whether any amendments to this Act are necessary or desirable; and
 - (c) report his or her findings to the Minister.
- (2) As soon as practicable after receiving the report, the Minister must present a copy of the report to the House of Representatives.

Schedule 1

In *Schedule 1*, heading to *clause 5*, replace “**period 1 July 2014 to 30 June 2015**” (page 177, lines 9 and 10) with “**specified period**”.

In *Schedule 1*, *clause 5(1)*,—

- (a) delete “under **section 49** as a consequence of a claim” (page 177, line 12); and
- (b) replace “the period beginning on 1 July 2014 and ending on the close of 30 June 2015” (page 177, lines 13 and 14) with “the specified period”.

In *Schedule 1*, after *clause 5(5)* (page 177, after line 34), insert:

- (6) In this clause, **specified period** means the period—
 - (a) beginning on the commencement of **Part 3** (Scheme One); and
 - (b) ending on the close of the day before the commencement of **Part 4** (Scheme Two).

In *Schedule 1*, heading to *clause 6*, replace “**1 July 2015**” (page 178, line 2) with “**commencement of Part 4 (Scheme Two)**”.

In *Schedule 1*, replace *clause 6(1)* (page 178, lines 3 and 4) with:

- (1) This clause applies to the allowances and concession referred to in **clause 5(3)** that are payable under **clause 1, 3, or 5(2)**.

In *Schedule 1*, *clause 6(2)*, replace “1 July 2015” (page 178, line 5) with “the commencement of **Part 4** (Scheme Two)”.

In *Schedule 1*, after *clause 6* (page 178, after line 9), insert:

7 Initial rates of veteran’s pension

- (1) The rates of veteran’s pension payable under **Part 6** in the initial period must be equal to the corresponding rates in Schedule 11 as follows:
 - (a) the single living alone rate payable in the initial period is the rate in clause 1(a) of that schedule:

- (b) the single sharing accommodation rate payable in the initial period is the rate in clause 1(b) of that schedule:
 - (c) the relationship rate payable in the initial period is the rate in clause 1(c) of that schedule:
 - (d) the relationship (partner not receiving superannuation or pension) rate payable in the initial period is the rate in clause 2(b) of that schedule:
 - (e) the relationship (partner not receiving superannuation or pension) legacy rate payable in the initial period is the rate in clause 2(a) of that schedule.
- (2) In this clause,—

initial period means the period beginning with the commencement of **Part 6** and ending at the end of the day that is the first occurrence of 31 March following that commencement

Schedule 11 means Schedule 11 of the War Pensions Act 1954, as it was immediately before the commencement of **Part 6** of this Act.

8 Continuation of veteran's pension

A person who is receiving a veteran's pension under the War Pensions Act 1954 immediately before the commencement of **Part 6** of this Act is entitled to continue receiving a veteran's pension under **Part 6** of this Act.

Schedule 2

In the *Schedule 2* heading, replace “s 78” (page 179, line 1) with “ss 2(2)(c), 4(9)(b), 23(1), 24(1)(m), (n), 33A(2), 78A(2), 101(2)(b), 110(4), 111(3)(a), 114(2), (4)(b), 132(2), 144(2)(b)(ii), 144B(1)(a)(ii), 199(1), 250(1)(42), 251(1), 252(1), 253(2)(e), (f), (h)”.

In *Schedule 2*, clause 30, delete “as defined in section 3(1) of the Social Security Act 1964” (page 204, lines 4 and 5).

In *Schedule 2*, clause 30, insert as *subclause (2)* (page 204, after line 5):

- (2) In **subclause (1)**, **average wage** means the average wage, as at 1 July each year, within the meaning of the Social Security Act 1964.

In *Schedule 2*, replace *clause 42(3)* (page 217, lines 14 to 17) with:

- (3) However, the veteran is entitled to weekly compensation at a rate that is not less than 80% of the average wage if the amount calculated under **subclause (2)** is less than 80% of the average wage.

In *Schedule 2*, clause 42(5), replace “the rate of 80% of the average weekly wage” (page 217, line 22) with “a rate that is not less than 80% of the average wage”.

In *Schedule 2*, after *clause 42(5)* (page 217, after line 22), insert:

- (6) In this clause, **average wage** means the average wage, as at 1 July each year, within the meaning of the Social Security Act 1964.

In *Schedule 2*, after *clause 49(1)* (page 222, after line 28), insert:

- (1A) However, if a veteran is receiving weekly compensation at the minimum rate payable under **clause 30, 42(3), or 42(5)**, VANZ must reduce the amount of weekly compensation paid to the veteran to ensure that the total of the veteran's weekly compensation and earnings does not exceed the average wage.
- (1B) In **subclause (1A)**, **average wage** has the same meaning as in **clause 30(2)**.

In *Schedule 2*, *clause 49(2)*, replace "**subclause (2)**" (page 222, lines 29 and 30) with "**subclause (1)**".

In *Schedule 2*, replace *clause 71(2)* (page 236, lines 23 to 32) with:

- (2) The amount of any weekly entitlement to payment for child care per child is set by regulations made under **section 250**, and different amounts may be set according to the number of children of the deceased veteran.

In *Schedule 2*, *clause 71(4)*, replace "specified in" (page 237, line 1) with "set for the purposes of".

Schedule 2: new clause 71A

In *Schedule 2*, after *clause 71* (page 237, after line 3), insert:

71A Extent to which child care payments payable under this Part and under Accident Compensation Act 2001

- (1) Child care payments are not payable under this Part in respect of a deceased veteran's children if child care payments are payable under the Accident Compensation Act 2001 in respect of the children.
- (2) However, child care payments are payable under this Part to the extent that there is a difference between the child care payments payable under this Part and the child care payments payable under the Accident Compensation Act 2001 in respect of deceased claimants under that Act.

Schedule 4

In *Schedule 4, Part 3*, item relating to Health Entitlement Cards Regulations 1993, delete the item relating to regulation 8(1)(a)(vii) (page 248, lines 2 to 4).

In *Schedule 4, Part 3*, item relating to Health Entitlement Cards Regulations 1993, after the item relating to regulation 8(1)(d)(vi) (page 248, after line 19), insert:

After regulation 8(3), insert:

- “(3A) However, subclause (3) does not apply to the spouse or partner of a beneficiary who is eligible for a community services

card in accordance with subclause (1)(a)(vii), unless the beneficiary is a veteran to whom **section 148(1)** of the Veterans' Support Act **2013** applies.”

In *Schedule 4, Part 3*, item relating to Social Security (SuperGold Card) Regulations 2007, replace “**section 148(1)(a)**” (page 249, line 23) with “**section 147A(1)(a)**”.

Explanatory note

This Supplementary Order Paper, which replaces Supplementary Order Paper No 450 and 2 table amendments tabled on 29 May 2014, amends the Veterans' Support Bill. The amendments comprise substantive amendments and technical and drafting amendments. This Supplementary Order Paper differs from Supplementary Order Paper No 450 in that it changes the commencement date of various provisions of the Act, provides for a review of the operation of the Act after 2 years, and makes some further technical and drafting amendments.

Substantive amendments

Clause 2 (commencement)

The commencement date for Scheme One has been moved from 1 July 2014 to the date that is 4 months after the date of Royal assent. The commencement date for Scheme Two has been moved from 1 July 2015 to the date that is 16 months after the date of Royal assent.

New clause 144AA (funeral expenses and funeral grants)

This clause clarifies that funeral expenses payable under this Bill are payable in addition to any funeral grant payable under the Accident Compensation Act 2001. However, this clause provides that if the funeral expenses payable under the Bill are more than the funeral grant payable under the Accident Compensation Act 2001, then only the difference is payable under the Bill.

New clause 147A (entitlement to veteran's pension)

New clause 147A provides for eligibility for the veteran's pension to be extended to all veterans with operational service who are 65 years or older and who are eligible to receive New Zealand superannuation. Every person who is eligible for the veteran's pension is also entitled to a community services card.

The entitlements of veterans who receive the disablement pension, the independence allowance, or a lump sum payment, for whole-person impairment of more than 52%, or who receive the war disablement pension for disablement of more than 70% (as assessed under the War Pensions Act 1954), are not changed. In

addition to the veterans' pension and a community services card, such veterans will be entitled to—

- a lump sum payment on the death of the veteran's spouse or partner, if the spouse or partner is receiving the veteran's pension (*see* below); and
- a lump sum payment for the veteran's spouse or partner or dependent children on the death of the veteran.

As is currently the case in the Bill, the spouse or partner of a veteran who receives the disablement pension, the independence allowance, or a lump sum payment, for whole-person impairment of more than 52%, or who receives the war disablement pension for disablement of more than 70%, will, provided the spouse or partner is 65 years or older and eligible to receive New Zealand superannuation, be entitled to the veteran's pension and a community services card.

New clause 266 (review of operation of Act)

New clause 266 requires the Chief of Defence Force, as soon as practicable after the expiry of the period of 2 years beginning on the commencement of Scheme One, to review the operation of the Act. The Chief of Defence Force must consider whether any amendments to the Act are necessary or desirable and report his or her findings to the Minister. The Minister must present a copy of the report to the House of Representatives.

Technical and drafting amendments

The more significant technical and drafting amendments are as follows:

Clause 7 (definitions)

Definitions of full-time and full-time study have been added to clarify the meaning of those terms. The definition of treatment provider has been amended to clarify that additional meanings of that term can be added by reference to the Accident Corporation Act 2001.

Clause 16 (conclusively presumed conditions)

The wording of this clause has been revised to be more consistent with the meaning of service-related injuries, illnesses, and conditions. The consultation requirements have been recast to be consistent with the consultation requirements in *clause 15F* (presumption in relation to paired organs).

Clauses 23 and 24 (indexation of certain amounts)

These clauses have been revised to clarify which amounts are subject to indexation and which amounts may but are not necessarily required to be indexed.

Clause 25 (purpose of Code of Veterans' and Other Claimants' Rights)

This clause has been amended to require the Code itself to provide for and explain the right to obtain a review of a decision by VANZ under the Code about a complaint.

Part 3, subpart 5 and Part 4, subpart 5 (retirement lump sums)

These subparts are to the same effect. They have been combined and relocated in a new subpart 6A in Part 5, which contains the entitlements common to both Scheme One and Scheme Two. The regulation-making clause (*clause 141C*) has been expanded to provide more detail.

Clause 137 (regulations relating to motor vehicle grants)

This clause has been amended to clarify 2 things. First, the criteria for motor vehicle grants can include reference to assistance given previously by way of motor vehicle loans under the War Pensions Act 1954. Second, the amendments preserve any qualifying level of impairment under that Act for the purposes of meeting impairment criteria specified under this Bill.

Clause 156 (initial rates of veteran's pension)

Clause 156 has been relocated to *Schedule 1* to reflect the transitional nature of that clause.

Clause 157(8) (annual adjustment of rates of veteran's pension)

Clause 157(8) has been deleted. That subclause had carried over publication and procedural requirements from the War Pensions Act 1954 in respect of regulations that increase the rates of veterans' pensions. The requirements were relevant to the War Pensions Act 1954 because the rates pensions were specified in a schedule of that Act, with the consequence that regulations made under that Act had the effect of amending the text of that Act. Under the Bill, the rates will be specified in regulations, so there is no rationale for publication and procedural requirements in addition to the default mechanisms for scrutiny and disallowance that apply generally to regulations.

Clauses 206 and 215 (conduct of reviews and appeals)

Clauses 206(3)(c)(iii) and 215(5)(c) have been deleted because those provisions referred to *clause 15*, which has been replaced, with the principles referred to in *clause 15* relocated to *clause 14* (to which *clauses 206 and 215* already refer).

New clause 250A (treatment cards)

Clause 250(3), which authorises regulations providing for the issue of treatment cards to veterans, has been relocated to a separate clause and expanded to contain more detail of what is contemplated.

Departmental disclosure statement

Veterans' Affairs New Zealand is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. It provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2014&no=480&>.
