

Departmental Disclosure Statement

Veterans' Support Amendment Bill (No 2)

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the New Zealand Defence Force (Veterans' Affairs).

The New Zealand Defence Force (Veterans' Affairs) certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

12 March 2020

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Part One: General Policy Statement

The Veterans' Support Act was passed in 2014 with multi-party support. It replaced the War Pensions Act 1954.

Section 282 of the Veterans' Support Act 2014 required the operation of the Act to be reviewed as soon as practicable after the second anniversary of the commencement of Part 3 (Scheme One). It required consideration of any amendments that are necessary or desirable and required the Minister to present a copy of the report to the House of Representatives.

Professor Ron Paterson was commissioned to undertake the review. He consulted widely with the veterans' community and interested parties and in March 2018 delivered his report entitled "Warrant of fitness - An independent review of the Veterans' Support Act 2014" (the **Paterson Report**). The Paterson report contained 64 recommendations. There is considerable expectation amongst the veterans' community that progress will be made in implementing Paterson report recommendations.

A two-stage approach is being employed to address Paterson report recommendations that have not been implemented administratively. VANZ's Short-Term Improvements Programme (2019/20) which addresses priorities for veterans and will provide immediate improvements in fairness and equity, is implemented by this Bill. The Bill focuses on:

- improving access to services for veterans;
- improving support for veterans' families;
- support for veterans and their families at the end of the veteran's life; and
- removing unfair provisions of the Act.

A Medium-Term Improvements Programme, beginning in late 2020, will address more complex issues and provide sufficient time for a more thorough revision of the Act as required.

The following proposals in this Bill implement recommendations in the Paterson Report:

- giving Veterans' Affairs New Zealand (VANZ) the ability to fund private mental health services until eligibility for public services is established;
- giving VANZ the ability to fund treatment and rehabilitation services when a veteran is imprisoned;
- extending services access to families;
- modernising legislative definitions;
- extending the children's bursary;

- abolishing the five-year restriction on child-care assistance;
- continuing support and services under the veterans' independence programme when a veteran goes into long-term residential care;
- easing access to surviving spouse or partner pension and funeral expenses
- extending grace periods on death;
- improving recognition of psychological illness;
- allowing discretion to consider entitlement after brief absence without leave or minor offending;
- supporting families of imprisoned veteran
- improving decision-making by VANZ.

As well as the proposals which respond directly to the Paterson report, amendments include-

- a proposal for the responsible Minister to have discretion, for reasons of national or operational security, to declare a deployment to be qualifying operational service without the need to publish notice in the *Gazette*; and
- to achieve the spirit and intent of the Paterson report for a more modern definition, the extension of the definition of **child** to include a child for whom the veteran is a guardian, and a grandchild or whāngai child of the veteran, if the veteran has acted as a parent or guardian of the child; and
- a change to align the process for the adjustment and abatement of veterans' pension rates with the process for reviewing the rates of all other veterans' support entitlements.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
Warrant of Fitness: An independent review of the Veterans' Support Act 2014 – Professor Ron Paterson March 2018	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	N/A
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

NZDF (Veterans' Affairs) has analysed the bill, and has not identified any aspects of it that are inconsistent with New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

NZDF (Veterans' Affairs) has analysed the bill, and has not identified any aspects of it that are inconsistent with the principles of the Treaty of Waitangi.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

Advice has been provided to the Attorney-General by the BORA team. This advice will be available on the Ministry of Justice's website at <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/>
<https://www.justice.govt.nz/justice>

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

3.4.1. Was the Ministry of Justice consulted about these provisions?

NO

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

NO

3.5.1. Was the Privacy Commissioner consulted about these provisions?

NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
Much of the policy contained in the bill arose from consultation undertaken during the independent review of the Veterans' Support Act 2014, conducted by Professor Ron Paterson in 2017 and 2018.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
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Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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