

Departmental Disclosure Statement

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| Veterans' Support Bill |
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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.

The primary disclosure statement completed in 2013 contains a full description of the policy intent of the Veteran's Support Bill. It can be found at <http://disclosure.legislation.govt.nz/bill/government/2013/158>.

This additional disclosure statement focuses on the amendments contained in the Government Supplementary Order Paper and was prepared by the New Zealand Defence Force.

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

1 July 2014.

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Part One: General Policy Statement

The Veterans' Support Bill gives effect to the recommendations of the Law Commission in its 2010 report recommending a new support scheme for veterans of military service, replacing the War Pensions Act 1954.

The primary disclosure statement contains a full description of the policy intent of the Veteran's Support Bill.

The Government Supplementary Order Paper contains a number of minor technical drafting amendments and two significant changes. There is one change to the policy relating to the Veteran's Pension eligibility criteria contained in the Veterans' Support Bill. In addition, a provision has been included requiring an operational review of the Act two years after the commencement of the Act.

This additional disclosure statement focuses on the policy change to the Veteran's Pension entitlement and the introduction of the review provision.

Policy change to the Veteran's Pension

The Veteran's Pension is one of a number of common provisions available to veterans of both Schemes. The Government Supplementary Order Paper extends the benefits associated with the Veteran's Pension to a wider group of veterans. The change provides additional support over and above that provided to other New Zealanders who have reached the superannuation age, in recognition of the sacrifice veterans have made in service to New Zealand. The change also enables the legislation the flexibility to better recognise the impact which service-related impairment has on the lives of veterans of operational service.

On reaching superannuation age, all veterans with qualifying operational service will be eligible to apply for a Veteran's Pension. Veteran's Pension entitlements for those veterans will be:

- Veteran's Pension paid at the same rate as, but instead of, New Zealand Superannuation
- Payments are not abated for extended hospitalisation
- A Community Services Card

This recognises the additional impact that service-related injuries, illnesses and conditions have on these veterans.

For veterans with qualifying operational service who are in receipt of a War Disablement Pension (of at least 70% under the War Pensions Act 1954), a disablement pension or a permanent impairment payment (of at least 52% under the new Act), a Veteran's Pension also includes:

- Lump sum payment on death
- Veteran's Pension and a Community Services Card for the spouse/partner

This is a continuation of the current policy set out in the Bill.

Review of the operation of the Act

The Government Supplementary Order Paper requires the Chief of Defence Force to review the operation of the Act two years after commencement. The Act introduces a number of new entitlements and changes to entitlements that were provided under the 1954 Act. These will be evaluated to ensure they are delivering the benefits expected of them. The review will also help to ensure that the administration of the schemes to meet the expectations contained in the general principles section of the Act. The results of the review will be presented to the House of Representatives.

Part Two: Background Material and Policy Information

Published reviews or evaluations

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| 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 |
| <p><i>Towards a New Veterans' Entitlements Scheme: A Discussion Paper on the Review of the War Pensions Act 1954:</i> Law Commission, NZLC IP7, 2008</p> <p><i>A New Support Scheme for Veterans:</i> Law Commission, NZLC Report 115, 2010</p> <p>All reports are available online at www.lawcom.govt.nz.</p> | |

Relevant international treaties

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| 2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty? | NO |
| <p>The amendment to the Veteran's Pension criteria does not affect the response provided in the primary disclosure statement.</p> | |

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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? | NO |
| <p>The amendment to the Veteran's Pension criteria does not affect the response provided in the primary disclosure statement.</p> | |

Regulatory impact analysis

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| 2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill? | NO |
| <p>The amendment to the Veteran's Pension criteria does not affect the response provided in the primary disclosure statement.</p> | |

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| 2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements? | NO |
| <p>The amendment to the Veteran's Pension criteria does not affect the response provided in the primary disclosure statement.</p> | |

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| 2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements? | NO |
| <p>The amendment to the Veteran's Pension criteria does not affect the response provided in the primary disclosure statement.</p> | |

Extent of impact analysis available

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| 2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill? | YES |
| Information on the impact of the amendment to the Veteran's Pension criteria can be found at http://www.veteransaffairs.mil.nz/about/whats-new/Supplementary-Order-Paper-Policy-Intent.html . | |
| 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? | YES |
| (b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth? | NO |
| Information on the impact of the amendment to the Veteran's Pension criteria can be found at http://www.veteransaffairs.mil.nz/about/whats-new/Supplementary-Order-Paper-Policy-Intent.html . | |
| 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 |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

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?

The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

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?

The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

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?

NO

The changes included in the Supplementary Order Paper appear consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

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

The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

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

NO

The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

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

The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

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| 3.5.1. Was the Privacy Commissioner consulted about these provisions? | NO |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

External consultation

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| 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 |
| The Ministry of Social Development and the Ministry of Health was consulted on this policy change. Treasury has been informed. | |
| The Department of Prime Minister and Cabinet has been informed throughout. | |

Other testing of proposals

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| 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? | YES |
| The policy details and operational implications of the amendment to the Veteran's Pension eligibility criteria have been tested in detail by VANZ, in discussion with the Ministry of Social Development and the Ministry of Health. | |

Part Four: Significant Legislative Features

Compulsory acquisition of private property

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| 4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property? | NO |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

Charges in the nature of a tax

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| 4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax? | NO |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

Retrospective effect

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| 4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively? | NO |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

Strict liability or reversal of the usual burden of proof for offences

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| 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 |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

Civil or criminal immunity

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| 4.5. Does this Bill create or amend a civil or criminal immunity for any person? | NO |
| The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement. | |

Significant decision-making powers

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| 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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The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

Powers to make delegated legislation

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| 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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The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

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| 4.8. Does this Bill create or amend any other powers to make delegated legislation? | NO |
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The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

Any other unusual provisions or features

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| 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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The amendment to the Veteran's Pension eligibility criteria does not affect the response provided in the primary disclosure statement.

