



Veterans' Support Amendment Bill

139—1

Report of the Social Services and Community Committee

June 2019

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Gareth Hughes
Chairperson

Veterans' Support Amendment Bill

Recommendation

The Social Services and Community Committee has examined the Veterans' Support Amendment Bill and recommends that it be passed without amendment.

About changes to qualifying operational service

Veterans who are injured or become ill as a result of qualifying operational service are eligible for services and support from Veterans' Affairs. Under the Veterans' Support Act 2014, the criteria for qualifying operational service for veterans were expanded to cover a broad range of operational and environmental threats. The previous legislation (the War Pensions Act 1954) only covered service in war and emergencies.

Section 9 of the Veterans' Support Act authorises the responsible Minister to declare that certain deployments of New Zealand Defence Force personnel are qualifying operational service. The deployments must meet several specified criteria.

We understand that the policy intent of the Veterans' Support Act was that it would provide access to entitlements for all New Zealand veterans who had served in deployments that had been assessed as placing them at risk of serious harm. It was intended that the Minister could declare that a deployment was qualifying operational service before, during, or after the deployment. The Act has been interpreted on this basis. As a result, a number of deployments that were not considered qualifying operational service under the War Pensions Act have been reassessed under the new criteria. Some retrospective declarations have been made to amend dates of qualifying service for existing declarations made under the War Pensions Act. Since 2015, Ministers have made 14 retrospective declarations, affecting about 675 veterans, spouses, and family members.

However, an issue has arisen about whether the drafting of section 9 of the Act allows for retrospective declarations. The bill was developed to address the discrepancy between the Act as drafted and its interpretation in practice.

About the bill as introduced

The Veterans' Support Amendment Bill would amend section 9 of the Veterans' Support Act. It would allow the responsible Minister to make a declaration for deployments that have ended, regardless of whether a deployment began before or after the commencement of the Act. The Minister could also extend the period of a declaration that had been made about a deployment that had ceased, and make a replacement declaration for a deployment that had ended. The bill further provides that no entitlement for qualifying operational service could be lost as a result of a replacement declaration.

The bill would also validate declarations that have already been made under the Act.

Reason for recommending no amendments

We received four submissions on the bill, three of which expressed support for the bill. The fourth submitter supports the intent of the amendment and asks that the bill be extended to allow the Minister to declare any service that took place before 1974 as qualifying operational service. As the bill would not restrict the Minister's ability to retrospectively declare deployments that took place before 1974 as qualifying operational service, we consider that the bill as introduced needs no amendment.

Appendix

Committee procedure

The Veterans' Support Amendment Bill was referred to the committee on 29 May 2019. The closing date for submissions was 3 June 2019. We received and considered four submissions from interested groups and individuals.

We received advice from the New Zealand Defence Force (Veterans' Affairs New Zealand).

Committee members

Gareth Hughes (Chairperson)
Darroch Ball
Anahila Kanongata'a-Suisuiki
Agnes Loheni
Hon Alfred Ngaro
Greg O'Connor
Maureen Pugh
Priyanca Radhakrishnan
Hon Louise Upston

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.