

10 March 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Veterans' Support Amendment Bill

1. We have considered whether the Veterans' Support Amendment Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 22644/6.0). We will provide you with further advice if the final version includes amendments that affect the conclusions of this advice.
3. The Bill amends the Veterans' Support Act 2014 ('the Act'), with a focus on:
 - a. improving access to services for veterans;
 - b. improving support for the families of veterans;
 - c. improving support for veterans and their families at the end of a veteran's life; and
 - d. removing unfair provisions of the Act.
4. Specifically, the Bill supports veterans by:
 - a. widening the ability of Veterans' Affairs New Zealand ('VANZ') to fund specified health services, particularly in recognition of psychological illness entitlements;
 - b. extending the veterans' children's bursary to industry training centres and making it available to children living overseas;
 - c. abolishing the five-year restriction on childcare assistance;
 - d. continuing support and services under the veterans' independence programme when a veteran goes into long-term residential care;
 - e. easing access to the surviving spouse or partner pension and funeral expenses;
 - f. extending grace periods for continuing support payments to veterans' families on death;
 - g. allowing discretion for VANZ to consider veterans' entitlements after brief absence without leave or minor offending;
 - h. allowing the Minister discretion to declare a period of service as qualifying operational service without publishing this decision in the *Gazette*;
 - i. extending the definition of "child" to cover a child for whom a veteran is a guardian or grandparent or whāngai; and
 - j. allowing the rate of veterans' pensions to be set by a notice published by VANZ, which aligns the process with that for setting the rates of all other veterans' support entitlements.

5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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