

TERMS OF REFERENCE FOR THE REVIEW OF THE OPERATION OF THE VETERANS' SUPPORT ACT 2014

Introduction

The Chief of Defence Force has commissioned a review of the operation of the Veterans' Support Act 2014 (the Act) commencing in June 2017.

This review is mandated under section 282 of the Act. This section requires that the Chief of Defence Force initiate a review of the operation of the Act, as soon as practicable, after the second anniversary of the commencement of Scheme One of the Act (this was on 1 December 2014). Section 282 also directs the Minister of Veterans' Affairs to report to the House of Representatives on the outcome of this review.

The objectives and approach for the review are set out in these terms of reference.

Background

The Veterans' Support Act was enacted in 2014 to establish a new support scheme for veterans who are ill or injured as a result of military service. It replaced the existing scheme contained in the War Pensions Act 1954. The new legislation was drafted following a comprehensive review of the previous War Pensions Act 1954 undertaken by the Law Commission.

The Law Commission review found that the War Pensions Act had become outdated and failed to meet the needs of a contemporary veteran community. This community is increasingly characterised by very different demographics and service histories than had been envisaged by the previous Act.

The Veterans' Support Act reflects that shift (yet to be fully realised) in the nature and needs of contemporary veterans. It reflects current knowledge that the risks faced by deployed forces are not only physical, but also psychological and environmental. In addition, it takes into account modern disability management principles by placing an emphasis on treatment and rehabilitation. Furthermore, it provides for greater alignment with the Accident Compensation Scheme.

Objective of review

The purpose of the review is to:

- a. review the operation of the Act;
- b. consider, in light of this, whether any amendments to the Act are necessary or desirable; and

- c. report the findings of the review to the Minister of Veterans' Affairs.

It is anticipated the review will, where needed, consider how the Act has been operationalised through regulations, policies, and procedures intended to give effect to the Act.

More specifically this review will consider:

- issues which have been raised by veterans and stakeholders as the Act has been implemented and on which the Minister has sought advice from the Veterans' Advisory Board. These include:
 - which family/whānau members of veterans are covered by the Act;
 - the support for spouses and partners under the Veterans' Independence Programme; and
 - the ability of deceased veterans' estates to access entitlements;
- any technical barriers to the application of the Act that Veterans' Affairs New Zealand (Veterans' Affairs) has experienced since its commencement, including amendments and clarifications to wording and changes to ensure consistency of terminology; and
- any issues raised in the course of the review which the Reviewer considers may be needed to ensure that the Act and its operation remain fit for purpose as the veteran population and the nature of their experiences change.

Deliverable

The key deliverable is a report, by 15 December 2017, to the Chief of Defence Force presenting the Reviewer's findings and recommendations on what, if any, legislative changes are needed.

A preliminary consultation paper may be prepared to set out the issues identified and examined as part of the review, and propose options for addressing them. The paper would be provided to stakeholders for their consultation and comment.

A draft version of the report will be discussed with the Head of Veterans' Affairs and the Vice Chief of Defence Force before the report is finalised.

The Minister will present the final report to the House of Representatives.

Scope

In scope are:

- recommendations for technical change to:
 - amend wording in the Act so that it is consistent throughout;
 - ensure similar situations are treated consistently;
 - fix errors and omissions;

- re-order sections for consistency across sections of the Act; and
- remove any redundancies;
- recommendations to clarify the intent of particular aspects of the Act where the wording has been interpreted as inconsistent with the purposes of the Act, or where intent is unclear; and
- recommendations to ensure sufficient flexibility for Veterans' Affairs to provide fair and reasonable entitlements, as determined by the Government of the day, for eligible veterans and their families where a veteran has been injured or become ill as a consequence of eligible service.

The following areas are out of scope for the review:

- recommendations that significantly change the purpose and coverage of the Act;
- recommendations that were considered but rejected by the Law Commission review or Parliament during its consideration of the bill and where no further research or evidence is available;
- recommendations on issues which are already covered by any other review, including the policy governing repatriation of remains of service personnel and dependants;
- matters that are linked to but not provided for by the Act, for example, section 15 of the Burial and Cremations Act 1964; and
- operational activities unrelated to the Act, Veterans' Affairs, or the New Zealand Defence Force.

Governance

The final report is a report for the Minister of Veterans' Affairs.

This review will be independent of Veterans' Affairs, but will report to the Vice Chief of Defence Force, on delegation from the Chief of Defence Force, under section 200(2) of the Act.

It is expected that the Reviewer will meet with the Vice Chief of Defence Force during each key stage of the review.

Support for review

Veterans' Affairs will provide secretariat and advisory support for the review.

Veterans' Affairs will provide the Reviewer with all the work undertaken to identify issues with the current operation of the Act. Veterans' Affairs will also be available to provide any other support reasonably required by the Reviewer, so long as the support does not affect the independence of the Reviewer.

The Veterans' Advisory Board may also be a valuable resource for the review, should the Minister of Veterans' Affairs ask the Board to be available.

Methodology

The review will be undertaken by an independent Reviewer contracted by the Vice Chief of Defence Force.

The review will be run in an open and transparent manner and will actively seek input from stakeholders throughout the process. Stakeholders identified include:

- veterans (including currently serving members of the New Zealand Defence Force) and their families;
- Veterans' Advisory Boards and Panels appointed by the Minister;
- Royal New Zealand Returned and Services' Association; New Zealand Korea Veterans' Association; New Zealand Malayan Veterans' Association; Viet Nam Veterans' Association; and No Duff NZ;
- New Zealand Defence Force;
- Veterans' Affairs; and
- Ministries of Health and Social Development; Department of Internal Affairs; the Accident Compensation Corporation; and Ministry of Business, Innovation and Employment (ACC Policy).

The Reviewer will be expected to engage with agreed stakeholders, including meeting with and calling for submissions from stakeholders. The Reviewer is also expected to seek assistance and advice from other experts, where necessary and appropriate.

Key Dates (indicative only)

The dates below provide an indication of when key stages of the review process might occur. The actual timing of key stages will depend on the final scope of the review and the resourcing capacity of the Reviewer and other participants in the review.

Key stages of the review process	Indicative Timing
1. Independent Reviewer appointed by Vice Chief of Defence Force	May 2017
2. Begin review	June 2017
3. Clarify scope/identify issues	June-July 2017

4. Engage with stakeholders/ consultation process	July-September 2017
5. Seek information and prepare advice	June-November 2017
6. Draft report completed	November 2017
7. Final report presented to the Chief of Defence Force	15 December 2017
8. Final report presented to the Minister of Veterans' Affairs	Late December 2017



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