
Funeral Expenses

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Policy

1. Purpose of Funeral Expenses

- 1.1 The purpose of Funeral Expenses is to assist the estate of a deceased New Zealand **veteran** by contributing to the cost of a veteran's funeral, burial and cremation. Under certain criteria, a contribution may also be made to the cost of transporting the veteran's body from hospital to the place of burial or cremation.
- 1.2 This Policy provides guidance to Veterans' Affairs staff on administering Funeral Expenses claims. This policy applies equally to all New Zealand veterans irrespective of their country of residence.

2. Legislative references

- 2.1 The relevant legislation is:
 - sections 7, 11, 152-155, 208, and clause 6 of Schedule 1, of the Veterans' Support Act 2014
 - regulations 40-41 of the Veterans' Support Regulations 2014
 - section 110 of the Policing Act 2008.

3. Eligibility for Funeral Expenses

Veterans with qualifying operational service (Scheme One and Two)

- 3.1 If the veteran had **qualifying operational service**, Funeral Expenses may be paid.

Section 152-153 of the Veterans' Support Act 2014

Veterans with qualifying routine service (Scheme One only)

- 3.2 Where the veteran's service was **qualifying routine service**, Funeral Expenses may be paid if the veteran had a **service-related death**.

- 3.3 Funeral Expenses may also be paid if the veteran:

- at the time of death, was receiving Weekly Income Compensation, Veteran's Pension, New Zealand Superannuation or a Supported Living Payment under the Social Security Act 2018; and
- leaves a spouse or **partner**, or a **child** or children, or **dependants**, who Veterans' Affairs considers will be entitled to a Surviving Spouse or Partner Pension, Children's Pension or Dependant's Pension.

Section 152-154 of the Veterans' Support Act 2014

Eligibility of former members of the New Zealand Police

- 3.4 Former members of the New Zealand Police may have cover from either police legislation or from veteran legislation.

Police legislation

- 3.5 The Police Act 1958 enabled members of the Police to receive a War Disablement Pension and associated allowances under the War Pensions Act 1954 as if they were a **member of the armed forces**. The spouse or partner, children and dependants could also receive entitlements. Coverage was for disablement or death related to employment in the Police prior to 1 April 1974.
- 3.6 The Policing Act 2008 replaced the Police Act on 1 October 2008. Those in receipt of entitlements had cover grandparented. However, no new members of the Police can claim.
- 3.7 The estate of a former police officer, who was in receipt of a War Disablement Pension or Disablement Pension when they died, may claim Funeral Expenses.

Section 110 of the Policing Act 2008

Veteran legislation

- 3.8 The War Pensions Act 1954 enabled coverage of persons who met all of the following criteria:
- undertook qualifying operational service, other than as a member of the armed forces, prior to 1 April 1974
 - were bona fide residents of New Zealand at the commencement of this service
 - were in receipt of pay from the New Zealand Government in respect of this service.
- 3.9 The Veterans' Support Act 2014 replaced the War Pensions Act on 7 December 2014. The coverage pathway was preserved. Some members of the Police meet the above requirements and have cover under the Veterans' Support Act as a veteran.

Section 7, and clause 6 of Schedule 1, of the Veterans' Support Act 2014

4. Eligibility for contribution to transporting a veteran's body from a hospital

- 4.1 Where a veteran dies in hospital, a contribution can be made to transporting their body if they either:
- had undertaken qualifying operational service; or
 - had a service-related death from qualifying routine service.
- 4.2 This contribution may be for transporting the veteran's body from the hospital to either:
- the place of burial or cremation; or
 - the locality from which the veteran was admitted to hospital.
- 4.3 If the veteran died in New Zealand, the hospital must be on Ministry of Health's public/private hospital lists and can't be a residential-care hospital facility. If the

veteran died in a hospital overseas, Veterans' Affairs must determine it to be equivalent to a qualifying New Zealand hospital.

- 4.4 Veterans' Affairs will not reimburse the full costs of transporting a veteran's body:
- back to New Zealand if death occurred in an overseas hospital
 - between countries if death occurred in a hospital located in a country that is not the veteran's country of residence.
- 4.5 In such cases, a contribution may be made up to the maximum amount payable in New Zealand for transporting a veteran's body outside the locality in which the hospital is located.

Section 152-153 of the Veterans' Support Act 2014

Body donor programmes

- 4.6 Veterans' Affairs does not fund transporting a veteran's body to a medical school or body donor programme.

5. Application process

- 5.1 Funeral Expenses claims must be made on the applicable form, which sets out the information and evidence required. The estate must demonstrate the amount of funeral expenses they have paid. Further information/evidence will be requested if needed.
- 5.2 Veterans' Affairs must within 7 **working days** after receiving the application, acknowledge receipt of the application, and must keep the veteran up-to-date on the progress of the application.
- 5.3 The decision on a claim is to be made as soon as practicable after receiving the application.
- 5.4 The decision will be given in writing and will include:
- the reasons for the decision
 - information about the right of review.

Section 11 of the Veterans' Support Act 2014

6. Payment

Maximum amounts

- 6.1 Maximum amounts that Veterans' Affairs may pay are set for:
- funeral costs
 - transport of a veteran's body within same locality
 - transport of a veteran's body to a different locality.
- 6.2 See the Veterans' Affairs website for the maximum amounts that may be paid.

Contribution for transportation of the body

- 6.3 If the burial/cremation place is local to the hospital where the veteran died, we contribute to the reasonable cost of transporting the body there.
- 6.4 The burial/cremation place is deemed local to the hospital if the following road distances total no more than 35km:
- place the transfer vehicle starts from; *to*
 - place the body is uplifted from; *to*
 - place the vehicle initially transfers the body; *to*
 - place the body is taken for the final transfer; *then*
 - the vehicle's return (back to where it started from).
- 6.5 If it's not local to the hospital, we contribute to the lesser of:
- the reasonable cost of transporting the body there from the hospital; or
 - (what would be) the reasonable cost of transporting the body back to where the veteran was living before admission to hospital.
- 6.6 To calculate road distances use:
- *for journey within New Zealand* — maps.aa.com
 - *for journey within Australia* — whereis.com
 - *for journey within other countries* — maps.google.com.

Regulations 40-41 of the Veterans' Support Regulations 2014

7. Taking account of contributions by others

Private insurance

- 7.1 We don't take account of any private funeral insurance the veteran had.

ACC funeral grant

- 7.2 Where ACC has paid a funeral grant, proceed as follows:
- *for funeral costs* — if ACC paid more than the maximum Veterans' Affairs contribution, no payment can be made. If ACC's contribution is less, Veterans' Affairs can pay the difference up to the maximum amount.
 - *for costs of transporting body* — ACC's funeral grant won't affect what we pay.

Section 155 of the Veterans' Support Act 2014

Contributions by other government agencies

- 7.3 As a matter of policy, Veterans' Affairs takes account of any contribution by other government agencies or entities e.g. Ministry of Social Development, New Zealand Defence Force:

- *if the full costs have been met* — no payment will be made
- *if all costs are not met* — either the maximum contribution amount or the residual unpaid costs (whichever's less) will be paid.

Other contributions

- 7.4 No reimbursement can be made (either directly or indirectly such as via an estate) if a third party, such as a non-government organisation, contributes to meeting funeral costs. But if all costs are not met, either the maximum contribution amount or the residual unpaid costs (whichever's less) will be paid.

Section 208 of the Veterans' Support Act 2014

8. Dealing with debt to the funeral director or service

- 8.1 If there's a debt to the funeral director or service, assign the available amount in the following priority order:

1. *any eligible debt to funeral director or service* — pay the funeral director or service directly.
2. *any other eligible funeral costs of the estate* — pay the estate.

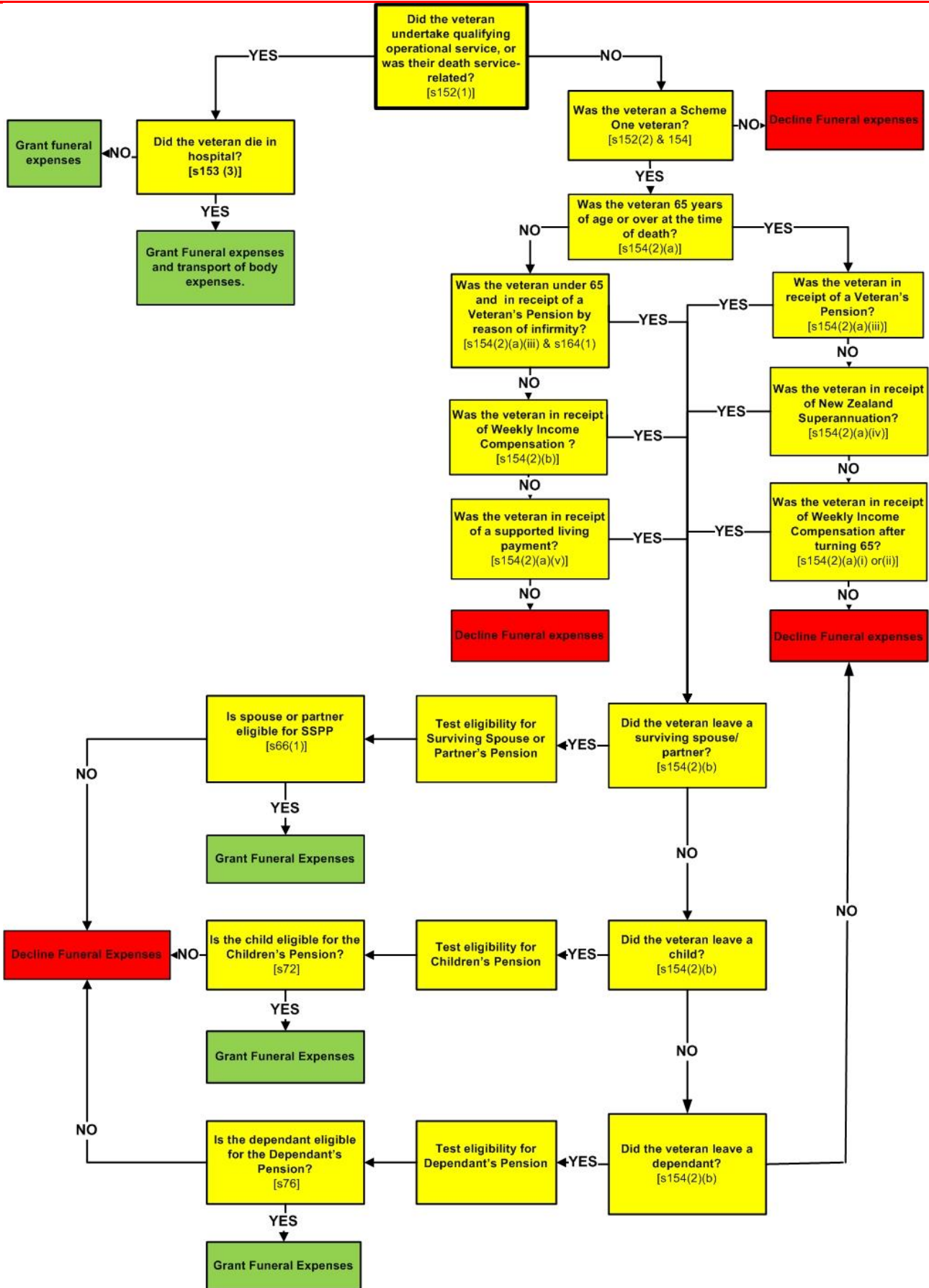
- 8.2 If late payment charges/interest are part of the eligible debt prioritise them (then any remaining eligible costs in the order set out above). They are part of the eligible debt only if they relate to the proper disposal of the body, and where it is found Veterans' Affairs contributed to the late payment charge. They will not be covered if any of the following apply:

- we processed the original claim within a reasonable period of receiving it
- we weren't able to pay it earlier than we did, due to action or inaction of the estate (e.g. delay in supplying information needed for our decision)
- the late payment charges don't relate to the proper disposal of the body.

9. Reviews, appeals and complaints

- 9.1 If a claimant disagrees with a decision on eligibility for Funeral Expenses, see policies on **Reviews** and **Appeals**. If a claimant is dissatisfied with the administration of their claim, see policy on **Complaints**.

Appendix I: Pathway to Funeral Expenses



Glossary

child [section 7]

In relation to a **veteran**—

- (a) means a natural child of the veteran; and
- (b) includes—
 - (i) an adopted child of the veteran; and
 - (ii) a child of whom the veteran is or has been a **guardian**; and
 - (iii) a grandchild or a **whāngai** of the veteran in relation to whom the veteran acts or has acted as a parent or guardian; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran—
 - (i) is or has been the spouse or **partner** of one of the child's parents; and
 - (ii) acts or has acted as a parent of the child

dependant [section 7]

In relation to a veteran, means any of the following persons:

- (a) a person (not being the spouse, partner, or **child** of the veteran) who —
 - (i) is under 18 years of age; and
 - (ii) is wholly or primarily dependent on the veteran for financial support; and
 - (iii) ordinarily resides with the veteran;
- (b) a person (not being the spouse, partner or child of the veteran) who —
 - (i) is 18 years of age or more; and
 - (ii) is under the care of the veteran; and
 - (iii) ordinarily resides with the veteran because the person is unable to live independently of the veteran due to disability, illness or advanced age;
- (c) a person who —
 - (i) is the child of the veteran; and
 - (ii) is 18 years of age or more; and
 - (iii) is under the care of the veteran; and
 - (iv) is unable to live independently of the veteran due to physical or mental infirmity

guardian [section 7]

Has the same meaning as in section 15 of the Care of Children Act 2004

member of the armed forces [section 7]

Means a person who is or has been a member of the New Zealand armed force raised by the Governor-General on behalf of the Sovereign,—

- (a) whether in New Zealand or elsewhere; and
- (b) whether before or after the passing of this Act

partner [section 7]

Means a civil union partner or a de facto partner

qualifying operational service [section 8]

Means—

- (a) service on any deployment treated as a war or emergency for the purposes of the War Pensions Act 1954; or
- (b) service on any deployment declared to be operational service under section 9

qualifying routine service [section 8]

Means service in the armed forces before 1 April 1974 that is not **qualifying operational service**.

qualifying service [section 8]

Means—

- (a) qualifying operational service; and
- (b) **qualifying routine service**.

service-related [section 7]

In relation to an injury, an illness, a condition, or a whole-person impairment, means an injury, an illness, or a whole-person impairment caused by, contributed to by, or aggravated by **qualifying service**

service-related death [section 7]

In relation to Part 3 (Scheme One), means death attributable to qualifying service

veteran [section 7]

Means—

- (a) a **member of the armed forces** who took part in qualifying operational service at the direction of the New Zealand Government; or
- (aa) a member of the armed forces who took part in qualifying routine service before 1 April 1974; or
- (b) a person—
 - (i) who has been—
 - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
 - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and
 - (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
 - (i) section 19 (but only if the person was a member of the forces);
 - (ii) section 55 or 56;
 - (iii) Parts 4 and 5

whāngai [section 7]

Means a child adopted by the veteran in accordance with Māori custom

working day [section 7]

Means a day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (ba) the day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.