

# Survivor's Grant

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# Policy

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## 1. Purpose

- 1.1 The purpose of this document is to provide guidance for the administration of entitlement under the Veterans' Support Act 2014 (the Act) to the Survivor's Grant for the spouse or **partner**, children and **dependants** of a deceased **veteran** who has suffered a **service-related death**. **See also separate paper on Service-related Death.**

## 2. Legislative Reference

- 2.1 The relevant legislation is the Act, sections 31, 83, 84, 86(2) and clauses 52 and 53 of Part 4, Schedule 2, and Regulation 16A of the Veterans' support Regulations 2014.

## 3. Eligibility for Survivor's Grant

- 3.1 The Survivor's Grant is applicable only to the spouse or partner, children and dependants of a deceased veteran with qualifying operational service that occurred after 1 April 1974.

- 3.2 For the purposes of this policy any child of a veteran who is born within 12 months after the veteran suffers a service-related death is deemed to be:

- Dependent on the veteran at the date of the veteran's death; and
- Under the care of the surviving parent of the child on that date.

*Clause 52 of Part 4, Schedule 2 of the Veterans' Support Act 2014*

- 3.3 Veterans' Affairs will pay a Survivor's Grant to the following persons who are related as specified to a deceased veteran who suffered a service-related death:

- A surviving spouse or partner of the deceased veteran (but if there is more than one surviving spouse or partner the grant will be divided equally among them)
- Each child of the deceased veteran who has not yet turned 18 years of age
- Any other dependant of the deceased veteran.

*Clause 53(1) of Part 4, Schedule 2 of the Veterans' Support Act 2014*

- 3.4 The surviving spouse or partner, children or dependants of the deceased veteran are not entitled to a Survivor's Grant if they are entitled to a survivor's grant under the Accident Compensation Act 2001, though Veterans' Affairs will

pay the difference between any survivor's grant available from ACC under their Act and the grant available under the Veterans' Support Act 2014.

*Clause 53(2) of Part 4, Schedule 2 of the Veterans' Support Act 2014*

## 4. Applications for Survivor's Grant

- 4.1 Application for a Survivor's Grant must be made on the appropriate application form provided by Veterans' Affairs by the surviving spouse or partner of the deceased veteran, or by the child or dependant of the deceased veteran or by a person able to act on behalf of such individuals (e.g. a caregiver for a child under 16 years of age).

## 5. Payments of Survivor's Grant

- 5.1 On receipt and approval of the signed application by a Decision Officer, Veterans' Affairs will make payments of the Survivor's Grant to the surviving spouse or partner, children or dependants of the deceased veteran.
- 5.2 **Go to separate paper on Rates and Allowances for the rates of the Survivor's Grant.**
- 5.3 The rates of the Survivor's Grant will be CPI adjusted annually.

*Section 31 and Clause 53(3) of Part 4, Schedule 2 of the Veterans' Support Act 2014 and Regulation 16A of the Veterans' Support Regulations 2014*

## 6. Living Overseas

- 6.1 The policy on the Survivor's Grant applies equally to the surviving spouses or partners, children and dependants of all veterans who suffered service-related death, irrespective of their country of residence.
- 6.2 Overseas entitlements do not affect the payment of New Zealand entitlements. However, other countries may view New Zealand entitlement payments or grants as income which could impact on payments received from those countries. Recipients may also be required to pay tax on grants received. Veterans' Affairs is to advise recipients of the need to contact the appropriate local agency to ascertain what, if any, impact the receipt of the Survivor's Grant will have at the time the entitlement is granted.

## 7. Reviews, Appeals and Complaints

- 7.1 **For questions about eligibility see separate policies on Reviews and Appeals. For questions about Veterans' Affairs' administration of the entitlement see separate policy on Complaints.**

## **8. Resolution of claims after death**

- 8.1 In the event of the death of a claimant for the Survivor's Grant the claim would not be continued and the claimant's estate should be advised that no Survivor's Grant can be paid.

## Glossary

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### **child** [section 7]

In relation to a veteran:

- (a) means a natural child of the veteran; and
- (b) includes an adopted child of the veteran; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran:
  - (i) is or was the spouse or partner of one of the child's parents; and
  - (ii) 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.

### **partner** [section 7]

Means a civil union partner or a de facto partner.

### **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]

Means death attributable to qualifying service and

- (i) the death of a person who, at the time of the person's death, was taking part in qualifying operational service;
- (ii) the death of a person within 10 years after the person took part in qualifying operational service from a service-related illness or injury;
- (iii) the death of a person more than 10 years after the person took part in qualifying operational service from an accepted late-onset condition.

### **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

- (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