

# Funeral Expenses

Version 7.0

April 2019

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# Policy

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## 1. Purpose

- 1.1 The purpose of this document is to provide guidance on administering entitlement to Funeral Expenses under the Veterans' Support Act 2014 (the Act).

## 2. Legislative Reference

- 2.1 The relevant legislation is:
- the Act, sections 7, 152 – 155, and 208, and clause 6 of Schedule 1
  - the Veterans' Support Regulations 2014, regulations 40 – 41
  - the Police Act 1958, section 42, and the Policing Act 2008, section 110.

## 3. Purpose of Funeral Expenses

- 3.1 The purpose of Funeral Expenses is to assist the next-of-kin or estate of a deceased **veteran** by paying or contributing to the cost of the veteran's funeral and burial and cremation, and, under certain criteria, the cost of transporting the veteran's body to the place of burial or cremation.

*Subpart 8, Part 5 of the Veterans' Support Act 2014*

## 4. Eligibility for Funeral Expenses for a veteran whose death is attributable to qualifying service

- 4.1 Veterans' Affairs may pay all or part of the expenses of the funeral and burial or cremation of a veteran whose death is **attributable** to **qualifying service**. This includes veterans living overseas.

*Sections 152(1) and 153 of the Veterans' Support Act 2014*

- 4.2 If a veteran, whose death is due to qualifying service, dies in hospital, Veterans' Affairs may also pay or contribute to the cost of transporting the body in the following circumstances:
- If the burial or cremation is to take place *within* the locality of the hospital the veteran died in, then Veterans' Affairs is responsible for the reasonable cost of transporting the body to the place of burial or cremation.
  - If the burial or cremation of the body is to take place *outside* the locality of the hospital the veteran died in, then Veterans' Affairs is responsible for the lesser of either:

- the reasonable cost of transporting the body to the place of burial or cremation; or
- an amount equivalent to the reasonable cost of transporting the body back to where the veteran had been living, before being admitted to hospital.

*Section 153 (3)(4)(5) of the Veterans' Support Act 2014*

4.3 "Within the locality" will be taken to mean a total road distance of 35 kilometres calculated using AA maps at aa.co.nz and including:

- where the transfer vehicle originated from, to:
- the uplifting of the body, to:
- where the vehicle initially transferred the body, then;
- where the body was taken for the final transfer, and;
- the vehicle returning back to where it originated from.

4.4 "Hospital" will be taken to mean a hospital that is listed on the Ministry of Health's lists of public and private hospitals. It does not include a residential care hospital facility.

## **5. Eligibility for Funeral Expenses for a veteran whose death is not attributable to qualifying service**

5.1 If the veteran's death was not due to qualifying service, Veterans' Affairs may pay all or part of the expenses of the funeral and burial and cremation if:

- at the time of death the veteran was receiving either Weekly Income Compensation; Weekly Compensation; Veterans' Pension; New Zealand Superannuation; or a Supported Living Payment under the Social Security Act 1964; and
- the veteran leaves a spouse, **partner**, **children** or **dependants** who are found to be eligible for a Surviving Spouse or Partner Pension, Children's Pension or Dependant's Pension under Scheme One or Survivor's Grant or Weekly Compensation under Scheme Two.

*Sections 152(2) and 154 of the Veterans' Support Act 2014*

## **6. Families of veterans with service in the New Zealand Police**

6.1 Families of former police officers with service in the New Zealand Police between 1958 and 1972 who were receiving a War Disablement Pension or

- 6.2 Disablement Pension can apply for this entitlement.

*Section 42 of the Police Act 1958, section 110 of the Policing Act 2008 and section 7 and Schedule 1 clause 6 of the Veterans' Support Act 2014*

## **7. Applications for Funeral Expenses**

- 7.1 The next-of-kin or estate may apply to receive Funeral Expenses on behalf of the deceased veteran, so long as they provide Veterans' Affairs with the correct, signed, application form and supporting evidence. Funeral Expenses can only be paid once if the eligibility criteria are found to have been met. The next-of-kin or estate must demonstrate the amount of funeral expenses they have paid (see 8.5 below if there are funeral expenses outstanding).

## **8. Delayed Application for Funeral Expenses**

- 8.1 In circumstances where a delay in notification of the death of a veteran has impacted on the date an application is made for Funeral Expenses, a Decision Officer may apply the Death Verification information advised to us by the Department of Internal Affairs, in place of a Death Certificate, for decision-making purposes.

## **9. Reimbursement of Funeral Expenses and cost of transportation of the veteran's body**

### **Private insurance**

- 9.1 In reimbursing funeral expenses Veterans' Affairs does not take into account any private insurance that the veteran may have had in place to cover his/her funeral costs.

### **When ACC has provided a funeral grant**

- 9.2 The next-of-kin or estate may still be entitled to Funeral Expenses from Veterans' Affairs if ACC has paid a funeral grant provided not all of the costs of the funeral have been met. If the maximum amount of Funeral Expenses paid by Veterans' Affairs is more than the ACC funeral grant, the maximum Veterans' Affairs will pay is the difference between the ACC funeral grant and the maximum Funeral Expenses payable. When calculating what Veterans' Affairs may pay no account is to be taken of the separate contribution that may be made towards the cost of transporting the body of a veteran whose death is due to qualifying service.

*Section 155 of the Veterans' Support Act 2014*

### **Contributions from other government agencies**

- 9.3 As a matter of policy Veterans' Affairs will take into account any contribution made by another government agency, such as the New Zealand Defence Force (NZDF) or the Ministry of Social Development (MSD), towards meeting the funeral expenses. Veterans' Affairs will pay the lesser of either the maximum Funeral Expenses or the residual unpaid funeral expenses. If the full

costs of the funeral expenses have been met no Funeral Expenses will be paid.

### **Payments by third parties such as non-government organisations**

- 9.4 Veterans' Affairs will not reimburse a third party (e.g. a non-government organisation) which covers or contributes to a veteran's funeral expenses and costs of transporting the veteran's body. Veterans' Affairs will also not provide funds to the veteran's next-of-kin or estate to repay such a third party. In such circumstances, Veterans' Affairs will, however, pay to the veteran's next-of-kin or estate residual unpaid funeral expenses if there are any, up to the maximum Funeral Expenses amount.

*Section 208 of the Veterans' Support Act 2014 (entitlements paid to claimant only)*

### **Payment of outstanding funeral expenses**

- 9.5 If a debt for funeral expenses is outstanding, Veterans' Affairs will first use any Funeral Expenses payable to meet the outstanding debt by paying the funeral director or funeral service directly. Any remaining amount of Funeral Expenses is then available to reimburse the next-of-kin or estate for their contribution.
- 9.6 Funeral expenses may include funeral service late payment charges (including interest). These expenses relate, though indirectly, to the proper disposal of the body.
- 9.7 In deciding whether Veterans' Affairs should pay or contribute to such costs, it must be determined whether the late payment charge was caused by a delay by Veterans' Affairs or by the deceased veteran's estate or next-of-kin.
- 9.8 Veterans' Affairs will not pay late payment charges if the:
- delay in payment of funeral expenses was caused by the deceased's next-of-kin or estate (for example, the time taken to provide necessary information to Veterans' Affairs to make a decision about a Funeral Expenses claim); or
  - charges do not relate to the proper disposal of the body.
- 9.9 Consideration is also to be given to the timing and proximity between the dates Veterans' Affairs received the claim and late payment occurred. Veterans' Affairs has 30 working days in which to determine a claim. Veterans' Affairs will not normally pay or contribute to late payment charges if a claim is determined within this period.
- 9.10 If it is found that Veterans' Affairs contributed to the late payment charge, Veterans' Affairs will use the remaining Funeral Expenses to pay, in this order:
- late payment charges as described in 9.6 above;
  - the remaining balance of eligible Funeral Expenses not exceeding the maximum amount of Funeral Expenses (to be paid to the funeral director or service);

- eligible costs already paid by the next-of-kin or estate, up to the amount remaining after the funeral service is paid (to be reimbursed directly to the next-of-kin or estate).

### Rates

9.11 Entitlement to Funeral Expenses will be determined by a Decision Officer. Calculation of the amount that will be paid will be done by Business Services.

9.12 Go to our website for the maximum amount payable:

- towards the expenses of the funeral and burial of a veteran
- for transporting an eligible veteran's body from the hospital in which he or she died to the place of the veteran's burial or cremation (when the place is within the locality of the hospital and when it is outside the locality)

*Part 3, Regulations 40 and 41 of the Veterans' Support Regulations 2014*

9.13 The maximum amounts for transporting the veteran's body apply whether the veteran's body is transferred by land, air or sea and whether or not the body is transferred by funeral directors or by the veteran's family.

## 10. Veterans living overseas

10.1 The Funeral Expenses policy applies equally to all New Zealand veterans irrespective of their country of residence.

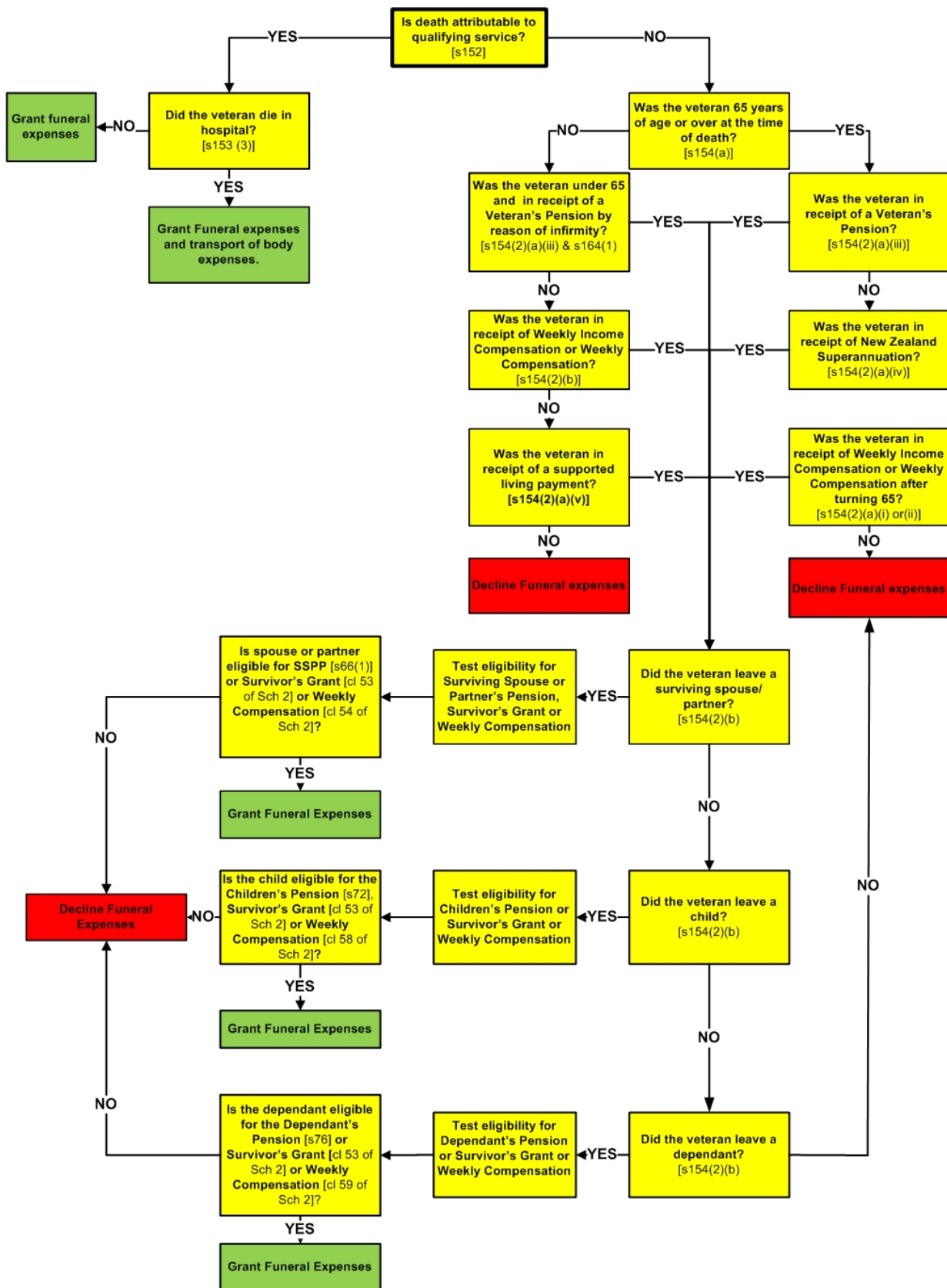
10.2 For road distance calculations for transporting the remains of the veteran who was resident in Australia to the place of burial or cremation Veterans' Affairs will use whereis.com. For road distance calculations in other countries Veterans' Affairs will use Google Maps.

10.3 Veterans' Affairs will not reimburse the full costs of transporting back to New Zealand the remains of a veteran who lived overseas and died in hospital of a service-related illness. Veterans' Affairs may, however, contribute the equivalent of the maximum amount payable in New Zealand for transporting a veteran's body outside the locality in which the hospital is located in New Zealand, or other amount as Veterans' Affairs considers appropriate.

## 11. Reviews, Appeals and Complaints

11.1 If a claimant disagrees about a decision concerning eligibility for an entitlement or service **go to separate policies on Reviews and Appeals**. If a claimant is concerned about Veterans' Affairs' administration of an entitlement or service **go to separate policy on Complaints**.

# Appendix I: Pathway to Funeral Expenses





## Glossary

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### **attributable** [policy]

Means: caused by, or contributed to by, qualifying service.

### **qualifying service** [section 8]

Means:

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

### **Review Officer** [section 7]

Means a member or a contractor of the Defence Force appointed by the general manager (or by the Chief of Defence Force if section 219(2)(b) applies) to conduct reviews under subpart 2 of Part 7 of the Veterans' Support Act 2014.

### **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