

Children's Bursary

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Policy

1. Purpose

- 1.1 This Policy provides guidance on administering entitlement to Children's Bursary under the Veterans' Support Act 2014 (the Act).

2. Legislative Reference

- 2.1 The relevant legislation is:
- the Act, sections 7, 11, 38, 39, 81 to 82, 206, 208, and 209, clauses 6 and 11 of Schedule 1
 - the Veterans' Support Regulations 2014, regulation 26
 - the Police Act 1958, section 42
 - the Policing Act 2008, section 110.

3. Eligibility for Children's Bursary

- 3.1 The Children's Bursary is a Scheme One entitlement. It applies to children of veterans with qualifying service performed

- before 1 April 1974; or
- before 31 March 1975, in connection with the civilian surgical team based at Qui Nhon Provincial State Hospital, Binh Dinh province, Viet Nam; or
- before 21 April 1975, in connection with 41 Squadron RNZAF in Viet Nam.

Section 38 of the Veterans' Support Act 2014

- 3.2 The Children's Bursary could also be granted to the children of Scheme Two veterans who were eligible on or after 7 December 2014 and prior to 7 December 2015 but not prior to or after this period. To receive a Children's Bursary a claim would need to have been made within the period beginning 7 December 2014 and ending 6 December 2015.

Section 39 of the Veterans' Support Act 2014

- 3.3 A **child** is entitled to a children's bursary if he or she:
- is studying full-time at **secondary school**; or
 - is studying at least part-time at a **tertiary education organisation** within New Zealand; and
 - is entitled to a Children's Pension (**Go to separate paper on Children's Pension**); or

- is the child of a **veteran** who is receiving Weekly Income Compensation or the Veteran's Pension.

Sections 81(1) & (2) and (5) of the Veteran's Support Act 2014

- is the child of a police officer with service in the New Zealand Police between 1958 and 1972 receiving a War Disablement Pension or Disablement Pension.

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

- 3.4 Separation of the veteran from the child's other parent (whether or not the child is the veteran's natural child) does not affect the child's eligibility to the Children's Bursary.
- 3.5 For the purposes of this policy, "full-time study" at a tertiary education organisation means a course of study recognised and confirmed as full-time by the place of education that administers it. "Part-time" study is where the education organisation the child is attending confirms that the course the child is undertaking is "part-time".
- 3.6 The applicant must inform Veterans' Affairs of the details of their course of study and confirm whether the course is full-time or part-time.
- 3.7 Veterans' Affairs may if necessary confirm with tertiary education providers that the course meets the equivalent full-time study (EFTS) rating. (Full-time study for a year must be at least 0.8 EFTS. For courses less than a year, the full-time EFTS rating will depend on the length of course).
- 3.8 **See section 6 for children residing overseas.**

4. Cessation of Children's Bursary

- 4.1 Eligibility to a Children's Bursary ceases at the end of the year in which the child completes his/her studies or when a child reaches 23 years of age, whichever occurs sooner.

Section 81(3) of the Veterans' Support Act 2014

- 4.2 Eligibility will also end if:
- the child ceases study
 - the child dies
 - if the child is imprisoned
 - the veteran is no longer receiving the Veteran's Pension, Weekly Income Compensation; or the Disablement Pension, or their level of impairment drops below the required threshold.

- 4.3 Provided the eligibility criteria are met, a Children's Bursary can be granted again on application. However, a child of a Scheme Two veteran cannot have their Children's Bursary re-instated once eligibility is lost.

Sections 28 and 29 and 81(2) of the Veterans' Support Act 2014

5. Overpayments

- 5.1 Veteran Affairs can recover debt from Children's Bursary recipients if:

- an amount paid to a person exceeds the amount they are entitled
- an amount was paid to a person with no entitlement to it.

- 5.2 Veterans' Affairs can recover the debt:

- by way of proceedings
- by deducting the debt incrementally from future Children's Bursary payments to that person.

Section 206 of the Veterans' Support Act 2014

6. Living Overseas

- 6.1 Under the Veteran's Support Act 2014 the Children's Bursary will apply to children residing and undertaking study that is equivalent to study in New Zealand described in section 3 of this policy.

Section 81(5) of the Veterans' Support Act 2014

7. Rates of Children's Bursary

- 7.1 The amount of Children's Bursary paid depends on whether the child attends secondary school full-time or a tertiary institution part-time or full-time. Children of veterans in receipt of a Veteran's Pension receive a higher payment than other eligible children.

- 7.2 Children's Bursary payments are subject to annual CPI (all groups excluding cigarettes and other tobacco products until 2017) adjustment.

- 7.3 **See Veterans' Affairs website for the Children's Bursary rates.**

- 7.4 A Children's Bursary is paid annually in the year in which a child is entitled to the bursary.

Regulation 26 of the Veterans' Support Regulations 2014

- 7.5 If the child starts part-time study but changes to full-time study within the same year, Veterans' Affairs may pay the difference between the part-time and full-time study rates.

8. Applications for Children's Bursary

- 8.1 Applications for the Children's Bursary should be made on the appropriate application form.
- 8.2 Veterans' Affairs must within 7 **working days** after receiving the application, acknowledge receipt of the application, and must keep the claimant up-to-date on the progress of the application
- 8.3 Veterans' Affairs will make a decision on a claim as soon as practicable after receipt of the application.
- 8.4 Veterans' Affairs will give notice of its decision on a claim in writing, providing:
- the reasons for the decision, and
 - information about the claimant's right of review.

Section 11 of the Veterans' Support Act 2014

- 8.5 A child receiving the Children's Bursary must provide annual confirmation on the form provided by Veterans' Affairs that they are still completing approved study. This is necessary to ensure that a child's entitlement is regularly assessed and bursary payments are only made to eligible children.

9. Recipients of Children's Bursary payments

- 9.1 The child of the veteran is the recipient of the Children's Bursary entitlement.
- 9.2 The veteran who the child's entitlement is based on does not need to be aware the bursary is being paid. The release of any personal information about the child should occur only in accordance with the **Privacy Act 1993**.

Recipients under 16

- 9.3 If a recipient of the Children's Bursary is under 16 Veterans' Affairs will make the payment to a person who is caring for the claimant.
- 9.4 If Veterans' Affairs considers that it would not be appropriate to make the payment to the claimant's carer they can pay another person or trustees they consider will apply the payment for the education of the recipient.

Section 209 of the Veterans' Support Act 2014

Application of money paid to a nominated person for recipients under 16

- 9.5 After a nominated person has been accepted, Veterans' Affairs is not obliged to confirm how the bursary payments are being applied.

Section 209 of the Veterans' Support Act 2014

Recipient 16 or over

- 9.6 When a recipient of the Children's Bursary reaches 16 the Children's Bursary payment is made directly to them.

Sections 208 and 209 of the Veterans' Support Act 2014

Recipients 16 and over and mentally or physically infirm

- 9.7 Once a recipient who is mentally or physically infirm turns 16 Veterans' Affairs can pay the Children's Bursary to a guardian or third party if they supply evidence of their legal entitlement to act on behalf of the recipient.
- 9.8 See paragraphs 5.24 to 5.29 of the policy on *Children's Pension* for details of the evidence required from each category of recipient of Children's Bursary payments.

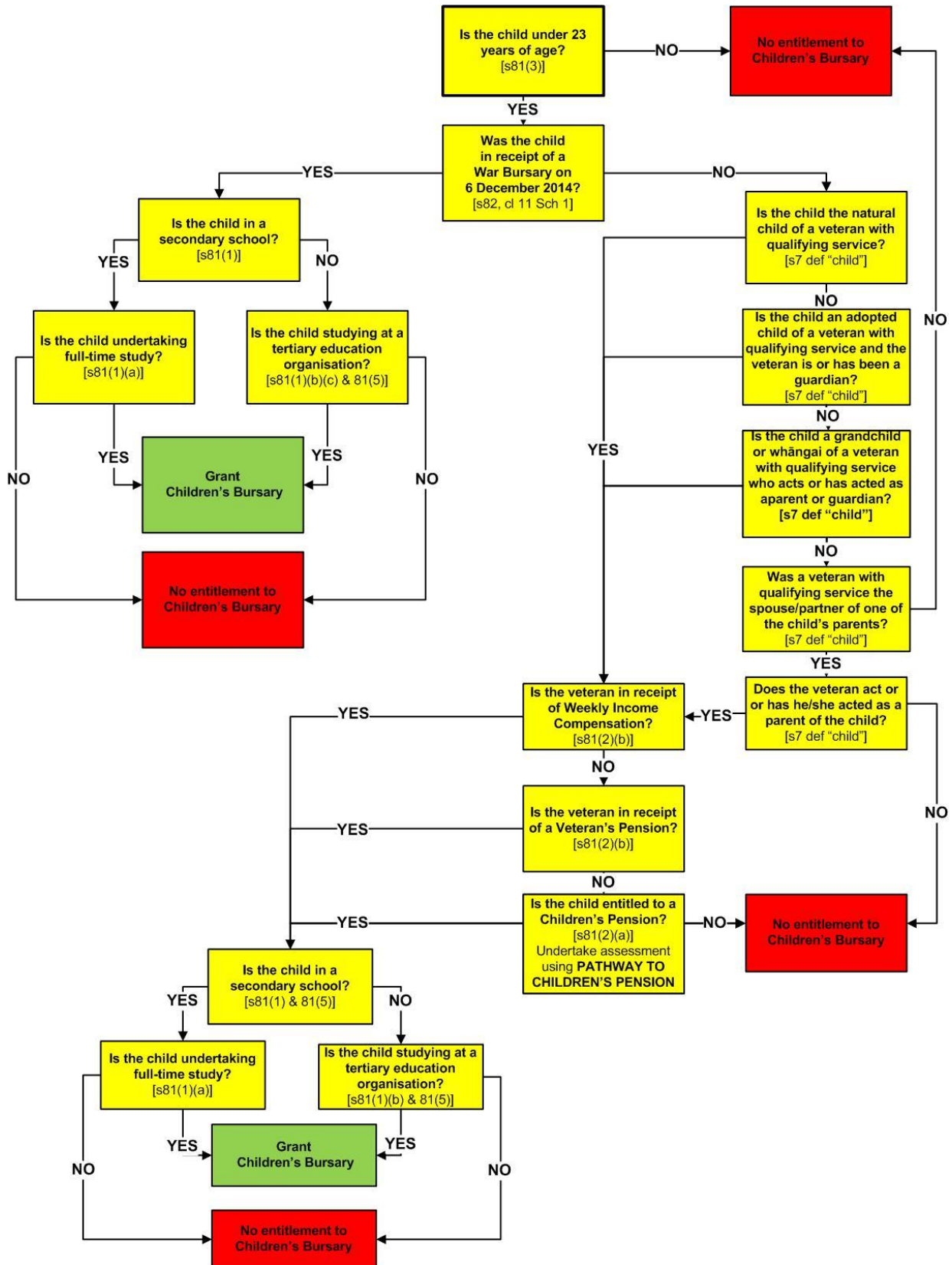
10. Reviews, Appeals and Complaints

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

11. Transitional Arrangements

- 11.1 Every child who was entitled to a War Bursary under the War Pensions Act 1954 immediately before the commencement of the Veterans' Support Act 2014 retains that entitlement.

Appendix 1: Scheme One Pathway to Children's Bursary



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.

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 in 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.

secondary school [section 81(5)]

Has the same meaning as in the Education and Training Act 2020. Secondary school is defined in section 10(1) of the Education and Training Act 2020 to mean:

A school that offers education to students in any of years 9 to 13.

tertiary education organisation [section 81(5)]

Has the same meaning as in the Education and Training Act 2020. It also includes equivalent tertiary education organisations outside New Zealand. *Tertiary education organisation* is defined in section 10(1) of the Education and Training Act 2020 to mean:

- (a) a tertiary education provider;
- (b) a workforce development council;
- (c) an individual or body that—

- (i) provides tertiary education-related services; and
- (ii) is identified as a tertiary education organisation by the Minister by notice in the *Gazette*.

Section 10(1) of the Education and Training Act 2020 defines the term *tertiary education provider* as any of the following:

- (a) an institution;
- (b) a registered establishment;
- (c) a government training establishment;
- (d) any other person or body that provides, or proposes to provide, tertiary education and that is funded through non-departmental output classes from Vote Education.

institution means–

- (a) *New Zealand Institute of Skills and Technology (including as the case requires, its subsidiaries that provide education or training or both):*
- (b) *a university:*
- (d) *a wānanga.*

registered establishment means–

a private training establishment that has been granted registration by New Zealand Qualifications Authority under subpart 5 of Part 4 and whose registration has not been cancelled.

government training establishment means–

- (a) *a Crown Entity (within the meaning of section 10(1) of the Crown Entities Act 2004) for the time being approved by the Minister for the purposes of this definition; or*
- (b) *a department (within the meaning of the Public Finance Act 1989) for the time being approve by the Minister for the purposes of this definition; or*
- (c) *the New Zealand Defence Force; or*
- (d) *the New Zealand Police.*

workplace development council means–

a workforce development council established under section 363 of the Education and Training Act 2020. The functions of workforce development councils are set out under section 366 of the Education and Training Act 2020. Amongst other things, these councils develop and maintain training schemes and packages and assessments based on the needs of specified industries and provide the Tertiary Education Commission with brokerage and advisory services about its overall investment in vocational education and training and the mix of education and training needed for one or more specified industries covered by the workforce development council. Training apprenticeships developed by them are therefore covered under the Children’s Bursary.

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, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.