



Te Tira Ahu Ika A Whiro

**VETERANS'  
AFFAIRS**

New Zealand

**Policy**

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# **Social Rehabilitation Transport for Independence**

**Version 5.0  
February 2021**

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# Policy

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## 1. Purpose

- 1.1 This policy provides guidance on administering eligibility for social rehabilitation related transport for independence under the Veterans' Support Act 2014. It should be read together with the separate papers on:
- *Rehabilitation Services Eligibility*
  - *Rehabilitation Section of Your Plans*
  - *Social Rehabilitation.*
- 1.2 Any enquiry from a veteran about a Motor Vehicle Grant should be treated as an enquiry about Transport for Independence.

## 2. Legislative Reference

- 2.1 The relevant legislation is the Veterans' Support Act 2014 (the Act), sections 115, 120-124 and 212, and clauses 7, 15 and 16 of Part 1 of Schedule 2.

## 3. Purpose of Transport for Independence

- 3.1 Transport for independence is provided to help restore a **veteran's** independence as far as practicable, particularly in their ability to access and use transport safely and to get to work. The assistance is not designed to provide funding for a veteran who cannot afford a new **motor vehicle**, but to help a veteran who is impaired from travelling independently.
- 3.2 For the purposes of this policy, a "motor vehicle" includes a "motorcycle" as defined in section 2(1) of the Land Transport Act 1998 (see glossary), but does not include a moped or mobility device. Note, however, that certain exclusions may apply under section 168A of the Land Transport Act 1998 depending on the maximum power of the vehicle (see glossary for these).
- 3.3 Transport for independence may include assistance with the cost of:
- modifying a vehicle (i.e. adding or removing features of a vehicle so that the veteran can, as applicable
    - gain access to the vehicle and have freedom and safety of movement while in it
    - safely drive or operate a vehicle
    - travel safely as a passenger
    - transport essential mobility equipment

(In some instances - usually because of a condition or specification of the veteran's existing vehicle - it may not be suitable to modify a vehicle. In these cases the needs assessment report should say why)

- purchasing a vehicle (only if it is more cost effective than other options and the veteran's limitations are unlikely to improve)
- driver's licence retraining, for a veteran who previously had a driver's licence and who now needs to drive a modified vehicle
- escorted travel by vehicle
- travelling by taxi
- travelling by public transport.

(The last three forms of assistance may be assisted by the Veterans' Independence Programme and, in the case of taxis, in conjunction with the subsidised Total Mobility Scheme operated by Regional Councils **Go to separate paper on Veterans' Independence Programme**).

## 4. Eligibility for Transport for Independence

4.1 Go to section 4 of separate paper on *Eligibility for Rehabilitation Services*.

## 5. Applications for Transport for Independence

5.1 The provision of transport for independence will be decided on the basis of needs assessments undertaken at the time of a veteran's application for an entitlement or for rehabilitation services (**see section 6 of the separate paper on *Rehabilitation Services Eligibility***).

## 6. Needs Assessment

6.1 In deciding whether to provide or contribute to the cost of transport for independence, Veterans' Affairs will, on the basis of a specialised needs assessment, consider:

- any **rehabilitation outcome** that would be achieved by providing it
- the cost, and the relevant benefit, of the transport for independence service for which the veteran has made a claim, considering all the options for transport for independence to achieve the rehabilitation outcome (in some cases a combination of options may be the most cost-effective with assistance being given under the Veterans' Independence Programme. Pain management and treatment may also be an option)
- the nature and extent of the veteran's **impairment**

- the difficulties faced by the veteran, without provision of the transport for independence service, in doing the following in relation to the transport he/she used before the **accepted disability**:
  - driving or operating the vehicle
  - gaining access to the vehicle
  - enjoying freedom and safety of movement in the vehicle
  - travelling as a passenger in the vehicle
  - transporting any essential mobility equipment in the vehicle
- the veteran's need for a motor vehicle or for vehicle modifications (does the veteran need the motor vehicle for getting to work, where does the veteran live, how often will the veteran use the vehicle and at what times?)
- alternative means of transport available to the veteran
- the effect that modifications, or purchase, of a vehicle will have on the likelihood of the veteran obtaining and retaining employment
- the existing vehicle or vehicles owned or used by the veteran
- whether the veteran's current vehicle is still in good condition and meets the veteran's needs
- whether the current vehicle can be modified to meet the veteran's needs
- the cost and condition of the motor vehicle or the modifications
- the suitability of the motor vehicle or the modifications
- whether the motor vehicle or modifications comply with or are exempted from applicable laws for the country the veteran intends to drive it in, such as vehicle registration and warrant of fitness
- whether the veteran will be able to drive the vehicle safely
- whether the veteran has a medical certificate that indicates he or she is capable of operating the vehicle
- whether the veteran will be legally permitted to drive the motor vehicle in the country in which the veteran intends to operate the vehicle (including whether the veteran holds or will be able to hold a valid driver's license)
- whether the veteran has or is able to get comprehensive motor vehicle insurance for the motor vehicle
- whether and when the limitations caused by the veteran's injury or illness are expected to improve (if they are expected to improve)

Veterans' Affairs may consider short-term options such as funded transport. Veterans' Affairs may need medical confirmation if the veteran's limitations are permanent)

- any plans and quotes an appropriately qualified person provides for proposed modifications to, or for the purchase of, a vehicle.

*Clauses 7, 15 and 16, Part 1 of Schedule 2 of the Veterans' Support Act 2014*

6.2 The vehicle must be supplied by a reputable approved motor vehicle supplier.

## **7. Reimbursement**

7.1 As a matter of policy, Veterans' Affairs has decided that the maximum grant that Veterans' Affairs may make towards the purchase of a new vehicle is NZ\$20,000 (not CPI adjustable).

7.2 The maximum grant towards modifying a vehicle is NZ\$5,000 (not CPI adjustable) for e.g. controls or fittings, wheelchair hoist.

7.3 Veterans' Affairs will not consider a new grant towards a vehicle or modifications of a vehicle until five years have elapsed since the previous grant.

7.4 Veterans' Affairs will determine whether the maximum grant or a lesser amount for a new motor vehicle is required according to:

- the type of vehicle the type of vehicle previously owned and the vehicle the veteran now seeks to purchase
- the value of any other vehicle owned by the veteran, and the amount received from the sale of that vehicle.

*Clause 16(3), Part 1 of Schedule 2 of the Veterans' Support Act 2014*

7.5 The applicant must provide evidence of purchase.

## **8. What transport for independence does not cover**

8.1 Transport for independence does not cover "ancillary" services such as:

- travel that the veteran needs to undertake to access or receive treatment, rehabilitation or undertake associated assessments
- travel for escorts and support people associated with the above services or in relation to attendance at hearings of the Veterans' Entitlements Appeal Board
- transport required to obtain certain types of vocational and social rehabilitation
- help with accommodation for veterans, escorts and/or a support person.

**(See separate paper on Travel for Assessment, Treatment and Rehabilitation for detail of coverage of these aspects).**

8.2 Veterans' Affairs is not required to:

- purchase, or contribute to the purchase of, a motor vehicle if the veteran or a person proposing to transport the veteran:
  - owns or part owns or has the use of a vehicle that may be modified in order to assist in restoring the veteran's independence; or
  - disposed of a vehicle, after the veteran's injury or illness, that may have been able to be modified in order to assist in restoring the veteran's independence
- meet the cost of removing any vehicle modifications no longer required or for restoring any vehicle to its former state
- contribute to the cost of replacing a vehicle, unless the replacement is necessary for the veteran to maintain independence
- contribute to a replacement modified vehicle if the veteran's need for a replacement arises because the veteran:
  - has not maintained or insured the existing vehicle; or
  - has, without reasonable excuse, disposed of the existing vehicle.

8.3 Veterans' Affairs is not responsible for:

- ensuring that the veteran pays any person that sells the vehicle or undertakes the modifications; or for paying that person directly, if the veteran does not pay
- any loss of resale value resulting from modifications to any vehicle.

*Clause 16(2), Part 1 of Schedule 2 of the Veterans' Support Act 2014*

8.4 Veterans' Affairs will not purchase a business vehicle for a veteran, but may pay for or contribute towards the modification of a vehicle that a veteran is using for work.

## **9. Veterans' Affairs Obligations with regard to Motor Vehicle Payments**

9.1 With regard to payments, Veterans' Affairs must:

- make payments for the purchase of, or modification to, a vehicle to the veteran, unless the veteran requests otherwise, and

- make the payment by way of an outright grant.

9.2 Veterans' Affairs is not entitled to recover any payment made to the veteran if:

- the veteran no longer requires the vehicle modifications; or
- the vehicle is disposed of or destroyed.

*Clause 16(4)(5), Part 1 of Schedule 2 of the Veterans' Support Act 2014*

## 10 Veterans Living Overseas

10.1 The social rehabilitation transport for independence policy applies equally to all New Zealand veterans, irrespective of their country of residence.

## 11 Reviews, Appeals and Complaints

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



## Glossary

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### **accepted disability** [policy definition]

Means an injury, illness or condition that Veterans' Affairs accepts as being service-related.

### **guardian** [section 7]

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

### **home** [section 7]

- (a) means residential premises in which the veteran lives and that are owned, rented, or otherwise lawfully occupied by the veteran or the veteran's parent, guardian, spouse or partner; and
- (b) includes residential premises in which the veteran proposes to live after they are built and that will be owned, rented, or otherwise lawfully occupied by the veteran or the veteran's parent, guardian, spouse, or partner; and
- (c) includes any other premises in which the veteran lives and for which the veteran is solely responsible for home maintenance; but
- (d) does not include any hotel or motel, or any hospital, hostel, rest home, or other institution.

### **impairment** [section 7]

Means a loss or abnormality of psychological, physiological, or anatomical function or structure.

### **independence** [clause 7 Schedule 2]

Includes the capacity to function in the following areas:

- (a) communication
- (b) domestic activities
- (c) educational participation
- (d) financial management
- (e) health care
- (f) hygiene care
- (g) mobility
- (h) motivation
- (i) safety management
- (j) sexuality
- (k) cognitive tasks of daily living, such as orientation, planning, and task completion
- (l) use of transport.

### **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.

### **motor vehicle** [section 2(1) of the Land Transport Act 1998]

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include—
  - (i) a vehicle running on rails; or

- (ii) [Repealed]
- (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for test of vehicle tyres; or
- (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation or entertainment to which the public does not have access with motor vehicles; or
- (vi) a pedestrian-controlled machine; or
- (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
- (viii) a mobility device.

**motor vehicle** [section 146]

- (a) includes a mobility device as defined in section 2(1) of the Land Transport Act 1998; but
- (b) does not include a vehicle that the director has declared is not a motor vehicle under section 168A of the Land Transport Act 1998.

**motorcycle** [section 2(1) of the Land Transport Act 1998]

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but
- (c) does not include a moped.

**Agency may declare that vehicle is a mobility device or is not a motor vehicle**  
[section 168A of the Land Transport Act]

- (1) If a vehicle or type of vehicle is powered solely by a motor that has a maximum power output not exceeding 1 500 W, the Agency may, by notice in the *Gazette*, declare that the vehicle or type of vehicle is a mobility device.
- (2) If a vehicle or type of vehicle is propelled by a motor that has maximum power output not exceeding 300 W, the Agency may, by notice in the *Gazette*, declare that the vehicle or type of vehicle is not a motor vehicle.
- (3) If a vehicle or type of vehicle is propelled by a motor that has a maximum power output or a maximum output greater than 300 W but not exceeding 600 W, the Agency may, by notice in the *Gazette*, declare that the vehicle or type of vehicle is not a motor vehicle.
- (4) If the Agency makes a declaration under subsection (3), the Agency may—
  - (a) impose conditions with respect to—
    - (i) the operation of the vehicle or type of vehicle; and
    - (ii) the equipment required on the vehicle or type of vehicle; and
  - (b) specify those conditions in the notice.
- (5) A notice given under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that 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.

**rehabilitation outcome** [clause 7 Schedule 2]

Means,—

- (a) before an individual rehabilitation plan is agreed, a rehabilitation goal, objective, or result determined by Veterans' Affairs
- (b) if an individual rehabilitation plan is agreed, a goal, objective, or result specified in the plan.

**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.

**transport for independence** [clause 7 Schedule 2]

- (a) means assistance with the cost of, for example—
  - (i) escorted travel by vehicle:
  - (ii) modifying a vehicle:
  - (iii) purchasing a vehicle:
  - (iv) travelling by public transport:
  - (v) travelling by taxi; and
- (b) includes driver licence retraining, for a veteran who previously had a driver licence.

**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.