

**Weekly
Compensation for
Spouse, Partner,
Child and
Dependant**

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1. Purpose

- 1.1 This Policy provides guidance for administering Weekly Compensation for the **spouse, partner, child and dependant** of a Scheme Two **veteran** whose death was related to their Scheme Two **qualifying operational service**.

2. Legislative Reference

- 2.1 The applicable legislation is:

- sections 7 and 14, and clauses 52, 54 to 63 of Schedule 2 of the Veterans' Support Act 2014.

3. Eligibility

- 3.1 Weekly Compensation may be paid to a spouse, partner, child and dependant of a Scheme Two veteran who suffers a **service-related death** resulting from qualifying operational service after 1 April 1974 (except qualifying operational service in Viet Nam covered under Scheme One).

Eligible spouse or partner

- 3.2 Weekly Compensation may be paid to the surviving spouse or partner (claimant) of a Scheme Two veteran who suffers a service-related death resulting from Scheme Two qualifying operational service. See next section for circumstances that exclude payment.

Sections 7 and 14, and clause 54(1) of Schedule 2 of the Veterans' Support Act 2014

Spouse or partner after injury or start of illness

- 3.3 A spouse or partner is entitled to Weekly Compensation if they became the veteran's spouse or partner after the date of the veteran's service-related injury or illness, and if they remain the spouse or partner at the date of the veteran's service-related death.

Clause 63(1) of Schedule 2 of the Veterans' Support Act 2014

- 3.4 See next section for circumstances that **exclude** payment to a person who became a spouse or partner after the veteran's injury or start of illness.

Eligible children

- 3.5 Weekly Compensation may be paid to a **child** of a Scheme Two veteran who suffers a service-related death resulting from Scheme Two qualifying operational service.

Sections 7 and 14, and clause 52 and 58 of Schedule 2 of the Veterans' Support Act 2014

Eligible dependants

- 3.6 Weekly Compensation may be paid to a **dependant** of a Scheme Two veteran who suffers a service-related death resulting from Scheme Two qualifying operational service.

Claimants who became dependant after the veteran's injury or illness

- 3.7 Veterans' Affairs will pay Weekly Compensation to a person who:
- becomes the dependant of the veteran after the date on which the veteran suffered the service-related injury or illness; and
 - is a dependant of the veteran at the date of the veteran's service-related death.

Clause 63(1) of Schedule 2 of the Veterans' Support Act 2014

- 3.8 See next section for circumstances that exclude payment to a dependant after the date on which the veteran suffered the service-related injury or illness.

4. Circumstances that exclude or limit entitlement

Spouse or partner after separation

- 4.1 A spouse or partner is not entitled to Weekly Compensation if immediately before the veteran's death they were:

- living apart from the veteran, or was not in a relationship in the nature of marriage, and
- not contributing to the veteran's day-to-day welfare;

unless this occurred because of health, imprisonment or work obligations.

Clause 54(2) and (3) of Schedule 2 of the Veterans' Support Act 2014

Spouse, partner or dependant after injury or start of illness

- 4.2 A person who became a veteran's spouse, partner or dependant after the veteran's injury or start of illness is not entitled to Weekly Compensation if Veterans' Affairs believes, on reasonable grounds, that the main purpose of the relationship was to qualify for entitlements.

Clause 63(3) of Schedule 2 of the Veterans' Support Act 2014

Disqualifying circumstances

- 4.3 A claim for Weekly Compensation for Spouse, Partner, Child and Dependant may be excluded if, when the veteran died, they were:

- a deserter
- absent without leave
- was committing an offence.

Section 28(a) & (b) of the Veterans' Support Act 2014

- 4.4 Veterans' Affairs may, however grant Weekly Compensation if it is satisfied on reasonable grounds that exclusion for the above reasons would be unfair to

the claimant (e.g. because the desertion or absence of the veteran without leave was brief, or the offence was minor in nature).

Section 28(1A) of the Veterans' Support Act 2014

4.5 A claim for Weekly Compensation may also be excluded if the veteran's death was predominantly caused by any one of the following:

- use of alcohol or tobacco products
- misuse of illegal or prescription drugs
- contracting of a sexually transmitted disease.

Section 28(1)(d) of the Veterans' Support Act 2014

4.6 Veterans' Affairs may, however, grant Weekly Compensation if satisfied on reasonable grounds that:

- the veteran's death was due to a psychological condition that was attributed to or aggravated by the experience of the veteran during qualifying operational service, or
- the injury or illness leading to the veteran's death was itself a psychological condition (for example, alcohol use disorder) that was attributed to or aggravated by the experiences of the veteran during qualifying operational service, or
- in the case of a sexually transmitted disease, the disease resulted from being sexually assaulted.

Section 28(2) of the Veterans' Support Act 2014

4.7 Claims in relation to a veteran's death that is wholly or substantially due to the ageing process will be declined.

Section 28(4) of the Veterans' Support Act 2014

End of Life Choice

4.8 Veterans' Affairs will not exclude Weekly compensation where the veteran had a terminal condition related to Scheme Two qualifying operational service, was not suffering from any form of mental disorder or mental illness and ended their life through assisted dying in accordance with **sections 5 and 6 of the End of Life Choice Act 2019**.

5. Start of entitlement

5.1 Weekly Compensation for a surviving spouse, partner, child and dependant begins on whichever is the latest of:

- 7 December 2015
- the date the veteran died
- the date the veteran's qualifying operational service was declared.

6. Duration of Weekly Compensation

6.1 Weekly Compensation lasts for a spouse, partner, child and dependant as follows:

Relationship to veteran	Duration	Other factors
Spouse or partner	For latest of five years, or until the spouse or partner no longer cares for a child under 18 or a dependant of the veteran.	Does not stop because a spouse or partner remarries, enters a civil union, or starts a new relationship.
<i>Clause 54(7) of Schedule 2 of the Veterans' Support Act 2014</i>		
Child	Until the child turns 18, or 23 if they are studying full-time	
<i>Clause 58(7) of Schedule 2 of the Veterans' Support Act 2014</i>		
Dependant	Until the dependant earns over the minimum rate of Weekly Compensation, or reaches the NZ Superannuation age (with some exceptions).	
<i>Clause 59(5) of Schedule 2 of the Veterans' Support Act 2014</i>		

6.2 The length of time that Weekly Compensation can be received may be affected by factors relating to the timing of the veteran's death relative to the commencement of Scheme Two. Three scenarios below illustrate this. In each scenario the veteran had no children or dependants.

Scenario 1

Veteran dies on 1 November 2020. The spouse applies shortly thereafter for Weekly Compensation and receives five years of payments from 1 November 2020.

Scenario 2

Veteran dies on 6 December 2013. Spouse applies for Weekly Compensation on 7 December 2015, the day Scheme Two came into force. Spouse is only entitled to the residual three years of payments rather than five years from the date of their application.

Scenario 3

Veteran died in 2008. By the time Scheme Two commenced in December 2015 more than five years had passed, so the spouse is not eligible to receive Weekly Compensation.

Applications by spouse or partner made after entitlement ceases

- 6.3 A claim by the spouse or partner for Weekly Compensation must be made before the period of entitlement ceases. Thus, if, for example, a spouse or partner, who does not have any children or dependants, applies for Weekly Compensation six years after the veteran's, they are not eligible to receive Weekly Compensation. Similarly, if at the time of application, 10 years have passed since the veteran's death and the youngest child is 17 but not in the care of the spouse, they are not eligible to receive Weekly Compensation.

Clause 54(7), Schedule 2 of the Veterans' Support Act 2014.

What does a child being in the care of the spouse mean?

- 6.4 A child being "being in the care" of the spouse involves:
- the spouse providing day to day care for the child
 - the spouse contributing to the child's development (intellectually, emotionally, physically, socially, culturally)
 - the spouse making important life decisions for the child as important matters affecting the child such as name, medical treatment, place of residence, education
 - usually it will involve the child residing with the spouse who will also provide food and other support.
- 6.5 Where the child does not live with the spouse (for example, if at boarding school) the spouse will be paying school fees, so will be providing financial support and other support to the child.
- 6.6 If the child is working full time and lives on their own away from the spouse it is likely that the child is not in the spouse's care. Equally, if the child is married or living with a partner away from the spouse and family home, they are not in her care.
- 6.7 In borderline or unclear situations staff should ask the claimant:
- do you have custody of the child? (Natural parents have custody and also are natural guardians)
 - is the child residing with you? Is absent for times, are they usually resident with you?
 - are you financially responsible for the child or provide other support (and what support)?

Relationship with New Zealand Superannuation

- 6.8 Dependants approaching 65 are treated in a similar way as veterans receiving Weekly Compensation.

End dates for Weekly Compensation for dependants (unless stopped earlier)

Start of entitlement	End date (unless stopped earlier)
Has been entitled for 24 months or	When the dependent reaches 65 years

longer immediately before reaching 65 years of age.	of age.
Has been entitled less than 24 months before reaching 65 years of age.	24 months after start of entitlement.
First became entitled on or after reaching NZ superannuation age.	24 months after start of entitlement.

6.9 Entitlement to Weekly Compensation ends when the duration criteria above are no longer met. Entitlement also ends on the date of death of the surviving spouse, partner, child or dependant.

6.10 Veterans' Affairs will stop Weekly Compensation payments as soon as it is advised of the death of the recipient and will not seek to recover any debt associated with overpayments that occur within the first 28 days following the death.

Entitlement ends when in prison

6.11 Any claimant who is a **prisoner** in any **prison** is not entitled to receive Weekly Compensation.

Section 29 of the Veterans' Support Act 2014

7. Rate of Weekly Compensation

7.1 Surviving spouses and partners, children and dependants are paid a proportion of the Weekly Compensation that the veteran would have been entitled to at the end of 5 weeks incapacity, had they lived but been totally incapacitated. The total combined amount paid to the spouse, partner, child and dependant can be no more than the rate of Weekly Compensation that the veteran would have been entitled to receive.

Clauses 54(4), 58(2) and 59(2) of Schedule 2 of the Veterans' Support Act 2014

7.2 The rate of Weekly Compensation that the veteran would have received had they lived is 100% of the veteran's five week rate for the first year after incapacity. For years after the first year of incapacity, Weekly Compensation is paid at 85% of the veteran's five week rate. If either rate is below the minimum Weekly Compensation payment rate then the minimum rate is used.

7.3 The date of incapacity is considered to be the date of the veteran's death if the veteran was able to work full-time prior to their date of death. If the veteran was unable to work full-time prior to their death as the result of suffering a service-related injury or illness, the date of incapacity is the date from which the veteran had been unable to work full-time.

7.4 The table below entitled *Summary of Weekly Compensation for Surviving Spouse, Partner, Child and Dependand* sets out the proportions of Weekly Compensation paid to the spouse, partner, child and dependant based on the date of the veteran's incapacity.

7.5 Special rules apply to this rate if the veteran would have received payments from ACC. See the [Relationship with ACC](#).

Clause 54(4), 58(2) and 59(2) of Schedule 2 of the Veterans' Support Act 2014

Summary of Weekly Compensation for Surviving Spouse, Partner, Child and Dependant

Relationship to veteran	Percentage of the rate of Weekly Compensation the veteran would have been entitled to had they not died
Spouse or partner	60% of 100% for the first year after incapacity 60% of 85% for years after the first year after incapacity
<i>Clause 54 of Schedule 2 of the Veterans' Support Act 2014</i>	
Child	For the first year after incapacity – of 100%: <ul style="list-style-type: none"> • 20% for one child, or 20% shared equally between children; • 80% if the veteran's surviving spouse or partner dies For years after the first year after incapacity – of 85%: <ul style="list-style-type: none"> • 20% for one child, or 20% shared equally between children <i>80% if the veteran's surviving spouse or partner dies</i>
<i>Clause 58 of Schedule 2 of the Veterans' Support Act 2014</i>	
Dependant	20% of 100% for the first year after incapacity 20% of 85% for years after the first year after incapacity
<i>Clause 59 of Schedule 2 of the Veterans' Support Act 2014</i>	

7.6 The amount of payment of Weekly Compensation will be affected by whether the veteran was receiving Weekly Compensation before they died and for how long. Three scenarios below illustrate this.

[Scenario 1](#)

The veteran is not a client of Veterans' Affairs when they were killed in action. The spouse applies for Weekly Compensation shortly thereafter and is paid at 60% of 100% of the rate of Weekly Compensation the veteran would have received had they not died. The spouse's Weekly Compensation is paid from the day of the veteran's death. On the first anniversary of the veteran's death the rate of Weekly Compensation the spouse receives changes to 60% of 85% of the rate of Weekly Compensation the veteran would have received.

[Scenario 2](#)

The veteran received Weekly Compensation for over a year and then died. The spouse is granted Weekly Compensation paid at 60% of 85% because the first year of incapacity had already occurred before the veteran's death.

Scenario 3

The veteran received Weekly Compensation for four months and then died. The spouse is granted 60% of 100% for the remaining eight months of the first year of incapacity, then goes on to receive 60% of 85%.

8. Rate of payment

- 8.1 The rates of Weekly Compensation paid to the spouse, partner, child and dependant are based on the five week rate.

Payment does not cease because of the age the veteran would have reached

- 8.2 Weekly Compensation to a surviving spouse, partner, child and dependant must not stop because of the age that the veteran would have reached if they had not died (including if the veteran would have reached 65 and their Weekly Compensation would have ceased).

Clause 54(6)(c) of Schedule 2 of the Veterans' Support Act 2014

Surviving spouse or partner has option to receive one or more aggregated payments

- 8.3 A surviving spouse or partner may choose to convert their entitlement from fortnightly payments into one or more combined payments.

Clause 55 of Schedule 2 of the Veterans' Support Act 2014

Totals provided by Veterans' Affairs

- 8.4 Veterans' Affairs must provide the spouse or partner with actuarial calculations of the options the spouse or partner specifies.
- 8.5 Veterans' Affairs will obtain the relevant actuarial calculations from an appropriately qualified actuary.
- 8.6 The spouse or partner must not elect to receive two or more payments unless the payments are to be made at 6-monthly intervals (at minimum).

Notice in writing

- 8.7 Once a spouse or partner has considered the calculations they may choose to convert their entitlement by giving Veterans' Affairs notice in writing.

Clause 55 of Schedule 2 of the Veterans' Support Act 2014

9. Relationship with Accident Compensation

- 9.1 The five week rate is the rate Veterans' Affairs would be paying a veteran if they had lived and been receiving Weekly Compensation. This rate takes into account ACC deductions.
- 9.2 If a spouse, partner, child, or dependant is receiving ACC compensation for accidental death, Veterans' Affairs will pay the difference between the ACC payment rate (60% of 80% of the veteran's earnings) and the Veterans' Affairs

payment rate (60% of 100% of the veteran's earnings for the first year of incapacity, or 85% of earnings for years after the first year).

9.3 In both instances the family receive the same total rate.

Example – payments for the first year following the veteran's death

9.4 A veteran's five week earning rate is \$1000.

The family is not receiving ACC compensation

9.5 If the veteran would not have received ACC, their families would receive a percentage of their total earnings. The spouse or partner receives a weekly rate of \$600 (60%) and children or dependants receive \$200 per week (20%).

Spouse or partner total weekly rate = \$600

Children or dependant's total weekly rate = \$200

The family receives ACC compensation

9.6 If the spouse or partner is receiving compensation from ACC, they can receive 60% of 80% of the veterans earnings (60% of \$800 = \$480). Veterans' Affairs will find 60% of the veteran's total earnings (60% of 1000 = \$600), deduct the ACC rate, and pay the difference (\$600 - \$480 = \$120).

9.7 If a child or dependant is receiving compensation from ACC, Veterans' Affairs will take the same approach. A child or dependant can receive 20% of 80% of the veteran's earnings from ACC (20% of \$800 = \$160). Veterans' Affairs will find 20% of the veteran's total earnings (20% of \$1000 = \$200), deduct the ACC rate, and pay the difference (\$200 - \$160 = \$40).

10. Application Requirements

Application timeline

10.1 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

10.2 Veterans' Affairs will make a decision on a claim as soon as practicable after receipt of the application.

10.3 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

Overseas applicants

10.4 Spouses or partners, children or dependants living overseas can apply for Weekly Compensation.

11. Evidence

11.1 Evidence of the veteran's service-related death or the claimant's relationship to the veteran is not required if:

- Veterans' Affairs has already determined the veteran's death was service-related or confirmed the relationship to the veteran for another service or entitlement; or
- this information has already been submitted to Veterans' Affairs for another entitlement.

Evidence of service-related death

11.2 Claimants must provide:

- a certified copy of the late veteran's death certificate
- a medical certificate completed by a medical practitioner setting out the details of the conditions the veteran had prior to their death.

Spouses

11.3 Spouses of the veteran must provide a certified copy of the marriage or civil union certificate.

Partners

11.4 De facto partners must provide a statutory declaration stating the duration and nature of the relationship.

11.5 Veterans' Affairs may require supporting documentation, such as home ownership documents, joint bank account statements or joint utilities that show the claimant was financially interdependent with the veteran.

Children

For an applicant under 16

11.6 An application made by a person on behalf of a child under 16 must provide:

- certified evidence that they are responsible for the child, including any of the following:
 - court custody documents
 - adoption papers
 - guardianship order
 - declarations from spouse or partner
 - statements from an independent third party, e.g. GP
- certified evidence of the child's relationship to the veteran and age (any one of the following):
 - full birth certificate
 - adoptive birth certificate

guardianship order

- a bank account number.

For an applicant over 16

11.7 An application for a child over 16 must provide:

- certified evidence of their relationship to the veteran and age (any one of the following):
 - full birth certificate
 - adoptive birth certificate
 - guardianship order
 - declaration
- a bank account number
- a stepchild must provide a statutory declaration that the veteran acted as a parent of the child and was the spouse or partner of the child's mother or father.

For an applicant 18 or more undertaking full-time study

11.8 Applicants must declare their course of study in writing to Veterans' Affairs and confirm the course is full-time.

11.9 Before a recipient turns 18, and each subsequent year until age 23, they must notify Veterans' Affairs if they intend to continue in full-time study, and confirm their bank account number.

Dependants

Applicants under 16

11.10 An application made on behalf of a person under 16 must provide:

- certified evidence that the person ordinarily resided with the veteran and was primarily financially dependent on the veteran before they died, and of the person's age (a full birth certificate)
- a bank account number.

11.11 Veterans' Affairs reserves the right to seek further information confirming the veteran's and dependant's living arrangements and the veteran's financial support of the dependant.

Applicants over 16 and under 18

Dependent on the veteran for financial support and ordinarily resides with the veteran

11.12 An application (from the person or their legal representative) must provide:

- certified evidence that the person ordinarily resided with the veteran and was primarily financially dependent on the veteran before they died, and of the person's age (a full birth certificate)

- a bank account number.

11.13 Veterans' Affairs reserves the right to seek further information confirming the veteran and dependant's living arrangements and the veteran's financial support of the dependant.

11.14 Before a recipient turns 18 they must provide evidence that they meet the definition of a dependant who is 18 years of age or more (i.e. under the care of the veteran; and ordinarily resides with the veteran because they are unable to live independently of the veteran due to disability, illness, or advanced age).

For an applicant 18 or more and not the spouse, partner or child of the veteran

11.15 An application by, or on behalf of a person 18 or more, who is not the spouse, partner or child of the veteran (paragraph (b) definition of dependant section 7 of the Act), must provide certified evidence that the person:

- was under the care of the veteran, and
- ordinarily resided with the veteran because they were unable to live independently of the veteran due to disability, illness, or advanced age.

11.16 Veterans' Affairs reserves the right to seek further confirmation that the veteran was caring for the person, and why the person was unable to live independently of the veteran.

11.17 Veterans' Affairs will accept medical certificates from a **medical practitioner** as confirmation of the person's inability to live independently due to disability, illness or advanced age.

11.18 If the person suffers from a non-permanent impairment, the continuation of the impairment must be confirmed by Veterans' Affairs annually at minimum.

11.19 The person, carer or nominated person must be advised they have a duty to inform Veterans' Affairs if medical circumstances relating to the recipient's impairment changes.

For an applicant 18 or more, the child of the veteran

11.20 An applicant by, or on behalf of a person 18 or more, who is the child of the veteran (paragraph (c) of definition of dependant section 7 of the Act) must provide:

- certified evidence of the person's relationship to the veteran and age (any one of the following):
 - full birth certificate
 - adoptive birth certificate
 - guardianship order
 - declaration
- a bank account number
- medical evidence of the person's mental or physical infirmity

- a stepchild must provide a statutory declaration that the veteran acted as a parent of the child and was the spouse or partner of the child's mother or father.

11.21 Veterans' Affairs reserves the right to seek further confirmation that the veteran was caring for the dependant and that the dependant is unable to live independently of the veteran due to physical or mental infirmity.

11.22 Veterans' Affairs can pay Weekly Compensation to a **guardian** or third party if they supply evidence of their legal entitlement to act on behalf of the recipient, such as:

- personal or property order issued under the Protection of Personal and Property Rights Act 1988; or
- welfare guardian order; or
- power of attorney.

Evidence of dependence after a veteran has died

11.23 Veterans' Affairs will consider the dependant's circumstances from the months preceding the veteran's death to determine whether the applicant was a dependant.

11.24 The type of evidence required to establish entitlement may depend on the timing of the application.

12. Community Services Card

12.1 No eligibility for the Community Services Card arises from being granted Weekly Compensation for Spouse, Partner, Child and Dependant.

13. Reviews and Appeals

13.1 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**.

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 a 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.

End of Life Choice Act 2019 [sections 5 and 6]

5. Meaning of person who is eligible for assisted dying or eligible person

- (1) In this Act, **person who is eligible for assisted dying or eligible person** means a person who—
 - (a) is 18 years or over; and
 - (b) is—
 - (i) a person who has New Zealand citizenship as provided in the Citizenship Act 1977; or
 - (ii) a permanent resident as defined in section 4 of the Immigration Act 2009; and
 - (c) suffers from a terminal illness that is likely to end the person's life within 6 months; and
 - (d) is in an advanced state of irreversible decline in physical capability; and
 - (e) experiences unbearable suffering that cannot be relieved in a manner that the person considers tolerable; and
 - (f) is competent to make an informed decision about assisted dying.

- (2) A person is not a person who is eligible for assisted dying or an eligible person by reason only that the person—
- (a) is suffering from any form of mental disorder or mental illness; or
 - (b) has a disability of any kind; or
 - (c) is of advanced age.

6. Meaning of competent to make an informed decision about assisted dying

In this Act, a person is **competent to make an informed decision about assisted dying** if the person is able to—

- (a) understand information about the nature of assisted dying that is relevant to the decision; and
- (b) retain that information as part of the process of making the decision; and
- (c) use or weigh that information as part of the process of making the decision; and
- (d) communicate the decision in some way.

guardian [section 7]

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

health practitioner [section 7]

Has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003.

medical practitioner [section 7]

Means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

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.

prison [section 29]

Means—

- (a) a prison within the meaning of section 3(1) of the Corrections Act 2004; or
[which under that Act reads as follows:
(a) means a prison established or deemed to be established under section 32;
and
(b) to avoid doubt, includes any land or building declared to be a prison.]
Note these relate to Corrections prisons and Police jails.

- (b) a service prison within the meaning of section 2(1) of the Armed Forces Discipline Act 1971; or
[which under that Act reads as follows:
Means a building or part of a building set aside under this Act as a service prison.

(c) an overseas prison.

prisoner [section 29(3)]

Means,—

(a) for a prison referred to in **paragraph (a)** of the definition of prison, a prisoner within the meaning of section (3)(1) of the Corrections Act 2004; or

[prisoner under that Act reads as follows:

Means any person for the time being in the legal custody under this Act of the following persons:

(a) the chief executive:

(b) the Commissioner of Police.

(b) for a prison referred to in **paragraph (b)** of that definition, a service prisoner within the meaning of section 2(1) of the Armed Forces Discipline Act 1971; or

[service prisoner under that Act reads as follows:

Means a person under a sentence that includes imprisonment imposed under this Act by the Court Martial].

(c) for a prison referred to in **paragraph (c)** of that definition, a person for the time being in legal custody in that prison.

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.

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]

(a) in relation to Part 3 (Scheme One), means death attributable to qualifying service; and

(b) in relation to Part 4 (Scheme Two), means—

(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
- (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.