

# Recommendations from the Paterson Report

Update on recommendations as of April 2021.

## More focus on the needs of veterans

### Recommendations

#### Recommendation 1

The Act is amended so Veterans' Affairs has more flexibility to meet individual and family needs, including:

- a. the ability to offer a range of treatments, rehabilitation approaches and supports; and
- b. discretion to offer more or different services and culturally appropriate support.

**Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

#### Recommendation 2

Veterans' Affairs is given funding to establish a flexible fund so that it can develop and offer programmes, services and supports in addition to those provided through the Act.

**Status — Closed**

Veterans' Affairs has been able to achieve the same result by greater flexibility of practice and policy, and amendments to legislation.

#### Recommendation 3

The treatment and rehabilitation provisions of the Act are made consistent and flexible, to ensure that early intervention and an appropriate continuum of care can be delivered.

**Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

#### Recommendation 4

Flexible early intervention support is made available to veterans in emergency, acute or otherwise serious situations, before the presence of a service-related condition is confirmed.

**Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

#### Recommendation 5

Veterans' Affairs takes a holistic and integrated approach to meeting veterans' needs, including providing wrap-around support to the greatest extent possible.

**Status — Closed**

Addressed through changes to VA policy and practice.

#### Recommendation 6

Veterans' Affairs is enabled to provide integrated packages of care where a veteran has high and complex needs.

#### **Status — Closed**

Addressed through changes to VA policy and practice.

### **Recommendation 7**

Veterans' Affairs is mandated and resourced to be the single point of contact for veteran-focused services and supports for those veterans with the highest and most complex needs.

#### **Status — Open**

## **Strengthen support for families**

### **Recommendations**

#### **Recommendation 8**

Veterans' Affairs consults family members about their needs and how they could best be met in preparation for service development and legislative changes.

#### **Status — Closed**

Addressed through changes to VA policy and practice.

#### **Recommendation 9**

New family supports are funded, at least initially, through the flexible fund established outside the Act (see recommendation 2 above).

#### **Status — Closed**

Veterans' Affairs has been able to achieve the same result through greater flexibility of practice and policy, and amendments to legislation.

#### **Recommendation 10**

The Act is changed to explicitly provide for consideration of families' needs and practical, flexible support for family members (either through a new addition to the Act or amendment of existing provisions).

#### **Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

#### **Recommendation 11**

Families are included in, or offered, separate needs assessments and rehabilitation/support plans.

#### **Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

#### **Recommendation 12**

Carer relief and other support for family carers is implemented as a matter of priority.

#### **Status — Open**

#### **Recommendation 13**

Counselling is made available to veterans' family members for needs related in any way to the veteran's service, although limits may apply.

## Status — Closed

Addressed in 2020 amendments to the Veterans' Support Act 2014.

# Surviving Spouse or Partner Pension

## Recommendation 14

Eligibility for the surviving spouse or partner pension is simplified by extending it either to all surviving spouses or partners of Scheme One veterans, or to all surviving spouses or partners of Scheme One veterans with qualifying operational service, and retaining existing eligibility criteria for veterans with routine service.

## Status — Closed

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## Recommendation 15

The surviving spouse or partner pension is available to the surviving spouse or partner for the remainder of his or her life (it currently ends two years after remarriage/ repartnering)

## Status — Closed

A decision was taken not to proceed.

# Children and dependants

## Recommendation 16

The definition of “child” in Part 1 of the Act is amended to better reflect the contemporary family unit in New Zealand, either by an expanded definition or by adding a sub-clause to the existing definition, to include any other dependent child who is being maintained, including financially, as part of a veteran’s family.

## Status — Closed

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## Recommendation 17

The children’s bursary is extended to:

- a. children of Scheme Two veterans
- b. a broader range of unpaid study or training, such as vocational training
- c. children of veterans living overseas.

## Status — Closed

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## Recommendation 18

Consideration is given to:

- a. extending the children’s bursary to primary school children
- b. allowing postponing use of the bursary in order to take a short break from studying, or alternatively, extending the bursary to people up to 25

bursary to people up to 25.

#### **Part a status — Closed**

A decision was taken not to proceed, given that primary education in New Zealand is provided free of charge.

#### **Part b status — Closed**

A more flexible policy has been adopted to ensure that students do not lose the bursary where they take a short break from studying.

### **Recommendation 19**

Childcare payments under Scheme Two are available until a child turns 14.

#### **Status — Closed**

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## **Entitlements on death**

### **Recommendation 20**

Eligibility for the funeral grant is aligned with simplified criteria for accessing the surviving spouse or partner pension (see recommendation 14 above).

#### **Status — Closed**

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

### **Recommendation 21**

The funeral grant for veterans is increased so it is at least equal to ACC's funeral grant for death from a covered injury, and that its value is maintained over time, including through CPI-adjusted increases.

#### **Status — Closed**

Consideration was given to increasing the rate of the VS Funeral Expense in 2020, but was not deemed a sufficient priority in the Covid-19 recovery period.

### **Recommendation 22**

The Act is amended to make it clear that periodic entitlements continue for 28 days after a recipient's death in those sections of the Act where there is currently no such provision.

#### **Status — Closed**

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

### **Recommendation 23**

Veterans' Affairs considers whether the Act should explicitly allow estates to progress to determination a claim or review lodged by a now deceased applicant.

#### **Status — Closed**

A decision was taken that it would not be appropriate to progress claims or reviews once the veteran who could benefit from an accepted claim has died. However, applications for terminal lump sums are currently progressed to determination and payment following death of the applicant.

## **Enhance independence support**

### **Recommendations**

## **Recommendation 24**

The Act is amended so partners and spouses are eligible to access Veteran's Independence Programme services after a veteran dies or goes into rest home or hospital care.

**Status — Closed**

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## **Recommendation 25**

Veterans' Affairs:

- a. decides whether to extend services to a partner or spouse on the basis of their needs, taking into account tasks a veteran used to perform and did not claim for
- b. helps a partner or spouse, when necessary, to find alternative funders of these services.

**Status — Closed**

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## **Recommendation 26**

The purpose of the Veterans' Independence Programme is expanded so veterans can receive help to "live independently in their own home and participate in their community".

**Status — Closed**

Addressed through changes to VA policy and practice.

## **Recommendation 27**

The definition of "home" in the Act is updated to allow for a wider range of living arrangements.

**Status — Closed**

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## **Recommendation 28**

Veterans' Affairs consults veterans and their families about the range of services that would most help them maintain their independence and participation in the community, in order to determine the areas of greatest need.

**Status — Closed**

Addressed through changes to VA policy and practice.

## **Recommendation 29**

Veterans' Affairs expands the range of support services to enable independent living, and ensures a flexible, individually tailored approach to providing these services.

**Status — Closed**

Addressed through changes to VA policy and practice.

## **Recommendation 30**

The travel allowance and travel concession are combined into a single grant covering travel for both errands and social activities.

**Status — Open**

This matter is part of a review of VA processes.

# **A fairer, clearer Act**

# Recommendations

## Recommendation 31

Veterans' Affairs writes a plain English guide to the Act for veterans.

### Status — Closed

VA now uses plain English in all of the guidance it provides to veterans on entitlements under the Act, including in policy documents and website material.

## Recommendation 32

The Act is streamlined and simplified by:

- combining common provisions
- removing sections that don't need to be in the legislation or regulations
- making a number of clarificatory and technical amendments
- providing more flexibility and discretion for Veterans' Affairs, so it can meet the needs of current and future veterans and families
- allowing for current and future digital technologies.

### Status — Open

Consideration of further possible amendments to the Act continues.

## Recommendation 33

Section 205 of the Act is amended to make clear Veterans' Affairs can at any time reconsider a decision about an application made under the Act if it has made an error or significant new information comes to light that is likely to materially affect the decision.

### Status — Closed

Addressed in the 2020 amendments to the Veterans' Support Act 2014.

## Recommendation 34

Section 3(a) of the Act is amended to include families and to read: "the rehabilitation of and support for veterans and their families, where a veteran has been injured or become ill as a result of being placed in harm's way in the service of New Zealand".

### Status — Closed

While the purpose section of the Veterans' Support Act 2014 has not been amended as recommended, other amendments to the Act now make provision for support of families, including family needs relating to veteran rehabilitation.

## Recommendation 35

Veterans' Affairs reminds staff of the spirit of the Code of Veterans' and Other Claimants' Rights.

### Status — Closed

Addressed through changes to VA policy and practice.

## Recommendation 36

A new statutory principle recognising a moral duty of care to veterans is included in the Act.

### Status — Open

## Recommendation 37

Section 28(2) of the Act is amended by adding a further exception, (c), to cover situations where Veterans' Affairs is

satisfied on reasonable grounds that it would be unjust to exclude cover solely because the claimant was briefly absent without leave or committing a minor offence.

**Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

**Recommendation 38**

Section 28(2)(b) of the Act is amended to read: "the illness, injury or death was due to or is a psychological condition that was attributed to or aggravated by the experiences of the veteran during qualifying operational service".

**Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

**Recommendation 39**

Section 29 of the Act is revised to clarify that dependants of a veteran are not, by virtue only of the veteran's imprisonment, to be denied any entitlements for which they would otherwise qualify.

**Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

## **Improving the system**

### **Structure and people**

**Recommendation 40**

The Government considers either ring-fencing Veterans' Affairs' budget or establishing a separate funding vote for Veterans' Affairs.

**Status — Deferred**

**Recommendation 41**

The Defence Force gives greater priority to veterans' issues and providing adequate support infrastructure for Veterans' Affairs.

**Status — Closed**

This will require ongoing monitoring.

**Recommendation 42**

Veterans' Affairs is resourced so that it has the operational capability and capacity to carry out the job it was set up to do.

**Status — Closed**

Funding for infrastructure investment was made in Budget 2019.

**Recommendation 43**

Veterans' Affairs continues to build skills related to veterans' needs, including:

- a. investigating inclusion of a question about military service on general practice registration databases
- b. general practitioner and specialist training
- c. training for its own staff
- d. more Māori/cultural support.

**Status — Closed**

Addressed through changes to VA policy and practice.

## Processes, policies and information

### **Recommendation 44**

Veterans' Affairs and the Defence Force work to establish a register of all veterans, their service, their deployments, environmental and other risks they may have been exposed to, and any service-related conditions.

#### **Status — Open**

NZDF is leading this work.

### **Recommendation 45**

Veterans are identified and offered effective transition support when leaving the Defence Force for civilian life.

#### **Status — Closed**

This work is led by NZDF.

### **Recommendation 46**

Veterans' Affairs improves its outreach communication and public information about veterans' support, for veterans and the community, including the development of:

- a. information (such as a brochure and/or video) on the appeals process
- b. easily accessible information for veterans living, or considering living, overseas.

#### **Status — Closed**

Addressed through changes to VA policy and practice.

### **Recommendation 47**

Veterans' Affairs explores the use of modern technologies, including online applications, setting up a "My Account", and using mobile phones and social media to communicate with veterans.

#### **Status — Closed**

Capital was allocated in Budget 2019 for Veterans' Affairs to upgrade its current platform as a precursor to online services, and Veterans' Affairs is exploring better use of modern technologies.

### **Recommendation 48**

Veterans' Affairs investigates advocacy models and the infrastructure needed to build a professional, well-trained advocacy workforce.

#### **Status — Open**

### **Recommendation 49**

The 30-working-day limit for decisions is removed from the Act, and Veterans' Affairs is required to make decisions as quickly as reasonably practicable, and to keep veterans informed about progress with decisions.

#### **Status — Closed**

Addressed in 2020 amendments to the Veterans' Support Act 2014.

### **Recommendation 50**

Veterans' Affairs is resourced to complete implementation of its information technology system.

#### **Status — Closed**

Capital was allocated in Budget 2019 for Veterans' Affairs to upgrade its current platform.

### **Recommendation 51**

Veterans' Affairs reviews its policies, processes and practices, to ensure that they align with a generous application of the principles under the Act, consistent with the flexibility and discretion permitted by the Act



principles under the Act, consistent with the flexibility and discretion permitted by the Act.

**Status — Closed**

Addressed through changes to VA policy and practice.

**Recommendation 52**

Veterans' Affairs reviews its operational policy covering overseas travel.

**Status — Closed**

Addressed through changes to VA policy and practice.

**Recommendation 53**

Section 59(2), which requires veterans living overseas to pay the costs of assessing their ability to work full-time, is removed from the Veterans' Support Act.

**Status — Closed**

Addressed through changes to VA policy and practice.

**Recommendation 54**

Veterans' Affairs reviews its information-sharing and relationship arrangements with the Defence Force and ACC, progresses information-sharing arrangements with IRD for the purposes of weekly compensation and broader tax issues, and explores ways to share information with health practitioners.

**Status — Closed**

Addressed through changes to VA policy and practice.

**Rationalising statutory bodies**

**Recommendation 55**

Veterans' Affairs reaches an agreement with Australia's Department of Veterans' Affairs so New Zealand can adopt each new Statement of Principles in full as soon as it becomes aware that the statement has been introduced or amended in Australia.

**Status — Open**

**Recommendation 56**

Veterans' Affairs seeks agreement from the Australian Government Repatriation Medical Authority for a nominated medical practitioner to attend its meetings to help ensure New Zealand can keep up to date with, and contribute to, the authority's review and adoption of Statements of Principles.

**Status — Closed**

Addressed through changes to VA policy and practice.

**Recommendation 57**

The Veterans' Medical Research Trust Fund grant process is transferred from the Veterans' Health Advisory Panel to the Health Research Council, subject to agreement with the council and arrangements to ensure members of the relevant subcommittee have expertise in veterans' health and health research.

**Status — Closed**

A decision has been taken not to proceed.

**Recommendation 58**

The functions of the Veterans' Advisory Board and the Veterans' Health Advisory Panel are merged into a single new advisory board.

**Status — Closed**

A decision has been taken not to proceed.

## **Recommendation 59**

Hearings of the Veterans' Entitlements Appeal Board are not delayed, appellants can access educational resources and advocacy support, and appeal decisions are well publicised.

**Status — Closed**

Addressed through changes to VA policy and practice.

## **Review the level of support**

### **Recommendation 60**

Veterans' Affairs reviews entitlements, supports, and services under the Act to ensure they offer an extra margin of support compared with those provided by ACC or other agencies.

**Status — Deferred**

Potential future consideration.

### **Recommendation 61**

Veterans' Affairs reviews the adequacy of financial support for veterans and their families and that this work consider whether:

- a. all serving and former serving personnel should be eligible for a veteran's pension in recognition of their service to New Zealand
- b. the veteran's pension should be higher than New Zealand Superannuation payments
- c. the eligibility age for the veteran's pension should be lower than 65
- d. the impairment threshold for a spouse or partner's eligibility for a veteran's pension should be removed
- e. there is enough support for spouses and partners who are under 65 at the time of a veteran's death when they are unable to work because of ill health or disability.

**Status — Deferred**

Potential future consideration.

### **Recommendation 62**

Veterans' Affairs and the Ministry of Social Development work to improve the application process for the Veteran's Pension so qualifying veterans can make an informed choice about whether to receive New Zealand Superannuation or the Veteran's Pension.

**Status — Closed**

Addressed through changes to VA policy and practice.

## **Rethinking eligibility**

### **Recommendation**

#### **Recommendation 63**

The Government undertakes further work on who is a veteran and how New Zealand wants to recognise their service.

**Status — Open**

The Veterans' Advisory Board has considered the matter and report to the Minister — the report is under consideration.

## **Future reviews**

### **Recommendation**

## **Recommendation 64**

A further review of the Act, and its operation, takes place within five years of this report, or if statutory amendments are made in response to this report, the first review takes place within five years of the date when the changes come into effect.

### **Status — Deferred**

The will require a decision in 2025 which is five years after the 2020 amendment to the Veterans' Support Act 2014.

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Last Modified: 22 April

2021