

VETERANS' AFFAIRS BILL

AS REPORTED FROM THE GOVERNMENT ADMINISTRATION
COMMITTEE

COMMENTARY

Recommendation

The Government Administration Committee has examined the Veterans' Affairs Bill and recommends that it be passed with the amendments shown in the bill.

Conduct of the examination

The Veterans' Affairs Bill is a Government bill and was introduced into the House on 20 May 1999. It was subsequently referred to the Government Administration Committee following its second reading on 1 June 1999 with a specified report date of 14 June 1999. This gave the committee an inadequate amount of time in which to consider the bill properly. Also, an adjournment occurred during the first week of our scheduled consideration of the bill. We, therefore, and with some urgency, sought the leave of the House for an extension of time and were granted until 25 June 1999. This still allowed us very little time to conduct an adequate examination of the bill but did allow us to report to the House before the proposed legislation is due to come into force on 1 July 1999.

Despite being in a position to allow only 10 working days for people to make submissions on the bill, we received eight submissions and a number of supplementary submissions. We thank those submitters for reacting so quickly to the call for submissions and the quality of the submissions prepared. We met on 3, 8, 17, 23 and 24 June 1999 to consider and hear evidence on the bill. We spent one hour and 57 minutes hearing evidence and one hour and 48 minutes considering the bill, and in total spent three hours and 45 minutes examining the proposed legislation. Advice was received from the State Services Commission, the Department of Social Welfare, and the Department of Work and Income. This commentary discusses the major issues and amendments we considered when examining the bill.

Background

The Government's functions and services for war veterans are currently spread across the public sector. They are purchased by four different Ministers from four different government departments. In recent years, the New Zealand Returned Services Association (NZRSA) and other veterans' organisations have argued that the number of departments dealing with veterans leads to confusion for veterans, resulting in a service that does not meet their individual needs, and called for the creation of a Ministry of Veterans' Affairs. The establishment of the Office of Veterans' Affairs (the office) within the New Zealand Defence Force is intended to give veterans a single point of access to many of the services which they use. The office will go some of the way towards meeting veterans' demands.

On 2 July 1998 during hearings for the 1998/99 Estimates we asked the Minister of State Services and the State Services Commissioner if the Government had any plans to establish a Ministry of Veterans' Affairs and were told that there were no plans to establish any such department. Our understanding at the time was that the Government was intending to set up a "one stop shop" for veterans within the Department of Social Welfare. We heard no more about this matter until the Government's intention to establish the office was announced in April 1999. Total appropriations sought in the 1999 Budget for Vote Veterans' Affairs in 1999/2000 amount to \$191.662 million for both the office and payment of pensions.

Purpose

The bill's purpose is to provide for the transfer of statutory functions and staff to the New Zealand Defence Force to allow the Office of Veterans' Affairs to be established. All eight submissions supported the bill. The bill does not establish the office. The establishment of the office is an administrative matter and does not require legislation because it is wholly within another department.

Integration of various functions and services

The bill will enable the integration of the following functions and services:

- Veterans' pension, war disablement pension, operational policy, National Review Office, Office of Secretary for War Pensions, rehabilitation assistance, and War Pension Medical Research Trust responsibilities from the Department of Work and Income
- Policy advice on war pensions and policy advice related aspects of veterans' pensions from the Department of Social Welfare
- Supply of plaques and headstones for deceased ex-service persons in services' cemeteries and public cemeteries, and maintenance of services' cemeteries from the Department of Internal Affairs
- Access point for information on the issuing of medals from the New Zealand Defence Force.

Some of us are concerned that the department to which the functions are being transferred is not a core public service department, bearing in mind that a "one stop shop" was originally intended to be located within a public service department, and that the office is to be located within the New Zealand Defence Force.

Health care and other welfare aspects excluded

Some of us are concerned that the provision of general health care services, accident rehabilitation insurance, superannuation, and other forms of welfare payments are excluded, although these services are also delivered to veterans. The veterans' administrations in Australia, Canada, and the United States all

provide health care services to veterans and their dependants. Some of us would have preferred all relevant services provided to and used by veterans and their dependants to be provided by a single agency.

The Government argues that New Zealand does not have the population base to support separate veterans' medical facilities. It also argues that some services such as health care "have no distinguishing criteria to separate the veterans from other groups within the wider population". In such instances veterans should use the same services available to the general public. Some submissions and some of us strongly dispute this assertion. Many veterans have unique health problems directly stemming from their participation in the military. Moreover there is a more general principle involved. If veterans are to have a "one stop shop" or single point of access, should not the resultant agency respond to all their needs and requirements rather than those deemed appropriate by the Government of the day.

Definition of "veterans' affairs" too narrow

We were concerned that the definition of "veterans' affairs" contained in clause 2 of the bill as introduced is too narrow, and considered whether it should be widened. We heard submissions which called for the definition to be expanded. For instance, the NZRSA believed that the definition does not specifically provide for the office to look into policy issues such as compensation for veterans. For example, the Prime Minister announced that the Report from the Advisory Committee on the Health of Veterans' Children (Reeves Report) should be referred to the office. The NZRSA was concerned that the definition of "veterans' affairs" in the bill may preclude this.

Many veterans believe that their health has been adversely affected by their participation in military activity that was not properly administered or controlled by the relevant authorities in New Zealand and abroad. They wanted the definition widened to cover the receipt and research of compensation claims for matters such as Agent Orange, Operation Grapple, and the treatment of prisoners of war in concentration camps.

While we support the office having a wider role than envisaged in the bill we are unable to change the definition in the way submitters desire. The definition does not prescribe all the functions of the office, but is required to describe the functions being transferred from various departments that are not prescribed elsewhere in statute. We note the veterans policy function concerning veterans' affairs of the Department of Social Welfare will be transferred to the office. The Minister advised us that the bill is a first step and the office will eventually have a wider range of functions than those suggested by the bill. We look forward to additions being made to the range of functions exercised by the office and the new functions being communicated to all interested parties.

Definition of "responsible Minister"

The other definition in clause 2 of particular interest is "responsible Minister". This is a generic definition in line with current drafting practice, rather than naming a specific portfolio. The recently introduced Appropriation (1999/2000 Estimates) Bill, in establishing the new Vote Veterans' Affairs, foreshadowed a new Ministerial appointment. During consideration of the bill we were advised that the Rt Hon Don McKinnon was appointed the inaugural Minister of Veterans' Affairs. Whether a Minister is to be inside or outside Cabinet is a matter for the Prime Minister to determine. We welcome the fact that the new Minister is inside Cabinet, given the importance of the portfolio to a large number of New Zealanders.

Staff transfers

Clause 3 of the bill is concerned with the transfer of employees from public service departments to the New Zealand Defence Force. These provisions are required because the New Zealand Defence Force is outside the scope of the State Sector Act 1988 and therefore the transfer of employees cannot occur under section 61A of that Act. Section 61A of the Defence Act 1990 provides for the appointment of members of the Civil Staff of the New Zealand Defence Force. The bill treats the transferred employees as being appointed under this provision. We recommend a minor amendment to clause 3.

Clauses 4 to 6 of the bill protect the employment conditions and existing benefits that accrue to the transferred employees. Clause 7 makes provision for avoidance of “technical redundancy”.

Amendments to other Acts and other provisions

Part 2 of the bill is concerned with amendments to other Acts, transitional provisions and the continuation of existing proceedings. The bill amends the following Acts:

- War Pensions Act 1954
- Social Welfare (Transitional Provisions) Act 1990
- Defence Act 1990
- Rehabilitation Act Repeal Act 1991.

Clause 8 refers to the schedule of consequential amendments. Clause 9 provides that existing proceedings under the War Pensions Act 1954 or any other enactment in relation to “veterans’ affairs” are to be continued and completed by the Minister, chief executive of the department and the Secretary for War Pensions. This clause specifically ensures that those appeals before the War Pensions Appeal Board and claims before a War Pensions Claims Panel are unaffected.

Clause 10 saves the appointments to specific boards and panels under the War Pensions Act. This provision means that the individual members of the panels do not require reappointment merely because the administration of the War Pensions Act is transferring to another agency.

Clause 11 ensures that regulations, rules, orders, etc., related to veterans’ affairs continue. Examples of the documents to which this clause applies are the contracts for the provision of bronze grave plaques and maintenance contracts for services’ cemeteries.

Concerns about claims panels

In its submissions the NZRSA raised some concerns about claims panels once the legislation comes into force, in particular the effect of the Schedule where it amends the War Pensions Act. Claims panels receive applications for war pensions and review the pensions of veterans and their dependants. There are currently 23 geographically based claims panels operating in New Zealand under section 15 of the War Pensions Act excluding Wellington and Lower Hutt. The Department of Work and Income has administered the Act since the department was established in October 1998.

Each panel comprises two members, one from the NZRSA and one from the Department of Work and Income. At present three panels, in Greymouth, Levin and Gisborne are in abeyance, with their workload being handled by other nearby panels. Most panels meet for one day or half-a-day each month, however, some can meet for up to four days. The workloads of panels vary greatly. In the

1998/99 year panels considered between 21 and 211 applications and reviews each.

Future number of claims panels

The NZRSA was concerned about the future number of claims panels. The bill as introduced provides for the Secretary for War Pensions (the Secretary) to “establish” claims panels. The NZRSA was also concerned about the recent statement the Secretary made on the future number of claims panels, in particular that the Secretary “will determine the number of claims panels”. The NZRSA believed that there was a plan to reduce the number of claims panels. The Secretary has advised that the statement was made during one of her regular meetings with the NZRSA where the establishment of the office, the number of claims panels and their workloads were discussed.

We have considered the NZRSA’s concerns. Firstly, the word “establish” is not required. It is more important for the Secretary to maintain a sufficient number of panels. We recommend that the Schedule be amended accordingly. Secondly, we note that some panels meet for less than half-a-day per month. Costs are associated with each meeting and it is important to ensure that their time is used effectively. There is a need for flexibility to reflect both the number of claims to be processed and to achieve sound decision-making. The solution that has worked to date is for panels to go into abeyance and their workload to be processed by nearby panels. The incumbent Secretary for War Pensions is conscious of the need to process applications in a timely manner. The number of claims panels is an issue that may require further investigation.

We consider that the Secretary should consult with the NZRSA before changing the number of claims panels and recommend that the bill be amended accordingly. However, the responsibility for the decision on the number and location of claims panels must rest with the Secretary because of the implications for budget, performance monitoring and accountability for the administration of the War Pensions Act.

Membership of claims panels

Some submissions questioned the membership of claims panels and suggested that veterans’ organisations other than the NZRSA should have representation on them. In addition, one submission suggested that other veterans’ organisations should have representation on the War Pensions Appeal Board. It was suggested that the NZRSA is comprised predominantly of veterans from World War II. The submission argued that claimants from other conflicts such as Vietnam should have their claims considered by veterans from the same theatre of conflict. Many of these veterans may belong to other veterans’ organisations.

We note that many veterans belong to more than one veterans’ organisation. Just because a person is a member of the NZRSA does not mean they do not belong to other veterans’ organisations. In addition, while the membership of the NZRSA comprises many veterans who served in the Second World War, it also includes a significant number of veterans of other conflicts, operations and emergencies. However, in response to the concerns raised in submissions we have a number of suggestions and recommendations.

Firstly, we encourage the NZRSA to consult with other veterans’ organisations when deciding on nominations for appointments to claims panels or the War Pensions Appeals Board. Secondly, we recommend that the Schedule be amended to provide for a claims panel under the War Pensions Act to allow a person nominated by a claimant to participate as the claimant’s advocate. We recommend that this provision should come into force on 1 October 1999.

Thirdly, we note that the Secretary is intending to provide for specialist claims panels. For example, one of the 23 panels could hear Operation Grapple applications. Another panel could be given responsibility for considering claims related to service in Vietnam. We support the Secretary's initiative provided the interests of claimants such as accessibility to panels are safeguarded.

Provision of services to veterans in other jurisdictions

During the course of our examination of the bill we received and studied information about how and what services are provided to veterans and their dependants in other jurisdictions. We looked at the international context to assist with our consideration of the bill and what is right for the situation in New Zealand.

Australia

Australia has a long history of caring for its veterans through designated government agencies. The Department of Repatriation was established in 1918 with a charter to repatriate those returning from the First World War by administering a system of public housing and health care for returning servicemen. It was the forerunner of the modern Department of Veterans' Affairs. Today in Australia the Veterans' Affairs portfolio is made up of a number of agencies responsible for carrying out Government policy and implementing programs to fulfil the nation's obligations to war veterans and their dependants. The Veterans' Affairs portfolio has a budget of \$A7.6 billion over the next financial year growing to \$A8.2 billion by 2000-2003 (1999 Budget). The agencies involved are the:

- Repatriation Commission
- Department of Veterans' Affairs
- Office of Australian War Graves
- Veterans' Children Education Boards
- Veterans' Review Board
- Australian War Memorial
- Repatriation Medical Review Council
- Specialist Medical Review Council.

The Repatriation Commission is responsible under the Veterans' Entitlements Act 1986 for granting of pensions, allowances and other benefits, providing treatment and other services through its hospitals and institutions or through community facilities, providing advice to the Minister on matters relating to the Act's operation and, subject to the Minister's control, generally administering the Act.

The Department of Veteran's Affairs provides administrative support to the Repatriation Commission in discharging its responsibilities to veterans and other entitled persons and also administers the Defence Services Homes Act 1918 under which subsidised loans for housing and housing-related benefits are provided to eligible persons.

United States

The United States Department of Veterans' Affairs was established in March 1989, with Cabinet rank, succeeding the Veterans' Administration established in 1930 and assuming responsibility for providing federal benefits to veterans, dependants and survivors of deceased veterans. Headed by the Secretary of Veterans' Affairs, the department is the second largest of the 14 Cabinet departments and operates nationwide programs of health care, assistance services and national cemeteries. The department estimates that approximately 70 million

Americans are potentially eligible for departmental benefits and services. The department's appropriation for the 1998 fiscal year was \$US40.4 billion. Fifty-three percent of funds were to be spent on direct payments such as compensation, pensions and education benefits, and 42 percent of funds were to be spent on health care.

Canada

Canada has long recognised the hardship, suffering and sacrifice made by veterans, certain civilians and their families in Canada's war and peacekeeping efforts. Veterans' Affairs Canada exists to serve these people. Since 1944 the department's overall role has been to lead in the development, co-ordination and administration of federal policies and programs that provide veterans, qualified civilians and their dependants with financial, material and physical support. Benefits and services are delivered in the areas of health care, pensions, economic support, management of property contracts, legal aid and appeals.

Conclusion

We welcome the legislation as it facilitates progress towards satisfying the demands of veterans and fulfilling our country's historic and ongoing obligation to the service men and women who have served the nation so well. We welcome the long awaited establishment of the Office of Veterans' Affairs. Some of us are disappointed that the Government has taken so long to act. A significant number of veterans would have preferred the creation of a stand-alone department. The NZRSA has long called for a Ministry of Veterans' Affairs to be established and sees the present legislation as merely the first step towards a stand-alone department. We are pleased to see the issue of veterans' affairs on the political agenda and with the actions being taken to address the needs of veterans.

We are very concerned about the amount of time given to the committee to conduct its examination of the legislation. Standing Orders provide for select committees to have six months under normal circumstances in which to examine and report on proposed legislation. The legislation sent to the committee concerns an important issue of public policy and involves approximately \$200 million of public expenditure per annum. Despite this we were given less than three weeks to consider the bill.

Sending legislation to a select committee raises certain expectations among the public. This legislation, in particular, is of major significance to a large number of New Zealanders. Very tight deadlines for reporting to the House constrains committees and does not allow them to observe essential processes and procedures in a proper way, such as the calling for and hearing of submissions. We consider that the House should pay closer attention to the consequences of it prescribing extremely truncated report deadlines. If very tight deadlines continue to be imposed on committees the fairness and probity of the committee system will be called into question. Finally, we would like to take the opportunity to thank the Minister of Veterans' Affairs for his personal attendance at the select committee and the valuable assistance he gave us which helped to facilitate our expeditious consideration of the bill.

KEY TO SYMBOLS USED IN REPRINTED BILL

AS REPORTED FROM A SELECT COMMITTEE

Struck Out (Unanimous)

Subject to this Act,

Text struck out unanimously

New (Unanimous)

Subject to this Act,

Text inserted unanimously

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Rt Hon Don McKinnon

VETERANS' AFFAIRS

ANALYSIS

Title	PART 2
1. Short Title and commencement	AMENDMENTS TO OTHER ACTS, AND TRANSITIONAL AND SAVINGS PROVISIONS
PART 1	
PRELIMINARY PROVISIONS AND PROVISIONS RELATING TO TRANSFER OF STAFF	8. Amendments to other Acts
2. Interpretation	9. Continuation of existing proceedings
3. Transfer of employees	10. Saving of appointments
4. Protection of terms and conditions of employment on transfer	11. Amendments to references in docu- ments to Minister in Charge of War Pensions, Secretary for War Pensions, and Department
5. Employment to be continuous	
6. Membership of Government Superan- nuation Fund	
7. Transfer not sufficient to entitle employee to redundancy or severance payment	

SCHEDULE

Enactments Amended

A BILL INTITULED

An Act—

- 5 (a) To enable the integration of the Crown's functions relating to veterans' affairs; and
- (b) To facilitate the transfer to the New Zealand Defence Force of the administration of the War Pensions Act 1954 and of related functions under certain other enactments; and
- 10 (c) To amend related enactments and to provide for related matters

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Veterans' Affairs Act 1999.

(2) This Act comes into force on 1 July 1999.

PART 1

PRELIMINARY PROVISIONS AND PROVISIONS RELATING TO
TRANSFER OF STAFF

- 2. Interpretation**—In this Act, unless the context otherwise requires,— 5
- “Chief of Defence Force” means the Chief of Defence Force appointed under section 8 of the Defence Act 1990:
- “Defence Force” means the New Zealand Defence Force (as defined in section 2 (1) of the Defence Act 1990): 10
- “Department” means the Department (as defined in section 2 (1) of the War Pensions Act 1954):
- “Responsible Minister” means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of the War Pensions Act 1954: 15
- “Secretary” means the Secretary for War Pensions appointed for the purposes of the War Pensions Act 1954:
- “Transferred employee” means a person who, before or on or after the commencement of this Act, agrees— 20
- (a) To transfer to the Defence Force from a department of the Public Service listed in the First Schedule of the State Sector Act 1988; and
- (b) To carry out in the Defence Force, on or after the commencement of this Act, duties relating wholly or partly to veterans' affairs: 25
- “Veterans' affairs” means—
- (a) The administration of pensions and allowances under the War Pensions Act 1954 and veterans' pensions under the Social Welfare (Transitional Provisions) Act 1990: 30
- (b) The supply of plaques and headstones for deceased ex-service persons and the maintenance of services' cemeteries: 35
- (c) The issue of medals for ex-service persons by the Defence Force:
- (d) Functions and duties related or incidental to any of the above matters.
- 3. Transfer of employees**—(1) On taking up his or her duties in the Defence Force, a transferred employee (including the person designated by the Chief of Defence Force as the Secretary for War Pensions) *(is deemed to be employed in)* must 40

be treated as being appointed to the Civil Staff of the Defence Force under section 61A of the Defence Act 1990.

5 (2) The transfer of a transferred employee to the Defence Force is subject to any relevant transfer provisions of the employment contract applying to that employee.

(3) This section applies despite section 61A of the State Sector Act 1988.

4. Protection of terms and conditions of employment on transfer—

10 (1) The employment of a transferred employee in the Defence Force must be on terms and conditions no less favourable to the transferred employee than those applying to the employee at the date of transfer.

(2) Any unexpired collective employment contract that covers a transferred employee continues, as from the date of transfer, to apply on the same terms—

(a) As if it were a contract that had been made in respect of the Defence Force; and

(b) As if it were binding both on that employee and on the Chief of Defence Force.

20 (3) **Subsections (1) and (2)** cease to apply to a transferred employee if the terms and conditions of employment that apply under the employment contract applying to the employee at the date of the transfer are varied by agreement between the employee and the Chief of Defence Force.

25 (4) **Subsection (1)** ceases to apply to a transferred employee who, after the transfer, receives any subsequent appointment within the Defence Force.

5. Employment to be continuous—For the purposes of any provisions of a transferred employee's employment contract relating to continuity of service, that employee's transfer to the Defence Force is insufficient by itself to break his or her employment.

6. Membership of Government Superannuation Fund—

35 If a transferred employee was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 immediately before the date of his or her transfer to the Defence Force,—

40 (a) That person must be treated for the purposes of that Act as being employed in the Government service for so long as the person continues to be employed by the Defence Force; and

- (b) That Act applies to the person in all respects as if the person's service with the Defence Force is Government service.

7. Transfer not sufficient to entitle employee to redundancy or severance payment—No transferred employee is entitled to receive any compensation for redundancy or any severance payment because—

- (a) The position held by that employee immediately before the transfer has ceased to exist; or
- (b) He or she has ceased by virtue of that transfer to be an employee of a department under the State Sector Act 1988.

PART 2

AMENDMENTS TO OTHER ACTS, AND TRANSITIONAL AND SAVINGS PROVISIONS

8. Amendments to other Acts—The Acts specified in the Schedule are amended in the manner set out in that schedule.

9. Continuation of existing proceedings—(1) If, before the commencement of this Act, the Minister in Charge of War Pensions or any other Minister had, in relation to the War Pensions Act 1954 or any other enactment relating to veterans' affairs, initiated or become a party to any proceedings, the proceedings may be continued, completed, and enforced by or against the person who is for the time being the responsible Minister under that Act.

(2) If, before the commencement of this Act, the chief executive of the department responsible for the administration of the War Pensions Act 1954 had, in relation to that Act or any other enactment relating to veterans' affairs, initiated or become a party to any proceedings, the proceedings may be continued, completed, and enforced by or against the Chief of Defence Force.

(3) If, before the commencement of this Act, the Secretary for War Pensions had, in relation to the administration of the War Pensions Act 1954 or any other enactment relating to veterans' affairs, initiated or become a party to any proceedings, the proceedings may be continued, completed, and enforced by or against the officer or employee of the Defence Force who is for the time being the Secretary for War Pensions.

(4) Nothing in this Act affects any—

- (a) Appeal that was, immediately before the commencement of this Act, pending or in progress before a War Pensions Appeal Board; or
- 5 (b) Claim that was, immediately before the commencement of this Act, pending or in progress before a War Pensions Claims Panel.

10. Saving of appointments—Nothing in this Act affects the appointment of any person under the War Pensions Act 1954 as a member of—

- 10 (a) A War Pensions Appeal Board; or
- (b) The War Pensions Advisory Board; or
- (c) A War Pensions Claims Panel.

11. Amendments to references in documents to Minister in Charge of War Pensions, Secretary for War Pensions, and Department—Unless the context otherwise requires, in any regulation, rule, order, agreement, deed, instrument, application, notice, direction, contract, lease, or other document in force at the commencement of this Act, provisions relating to veterans' affairs are to be read subject to the following provisions:

- 20 (a) Every reference to the Minister in Charge of War Pensions is a reference to the responsible Minister;
 - (b) Every reference to the chief executive of the Department is a reference to the Chief of Defence Force;
 - 25 (c) Every reference to the Department is a reference to the Defence Force;
 - (d) Every reference to the Secretary for War Pensions appointed under the State Sector Act 1988 is a reference to the officer or employee of the Defence Force who is for the time being the Secretary for War Pensions;
 - 30 (e) Every reference to the chief executive of the Department of Internal Affairs or to that department is a reference to the Chief of Defence Force.
-

Section 8

SCHEDULE
ENACTMENTS AMENDED

Enactment	Amendment
<p>1954, No. 54—The War Pensions Act 1954 (R.S. Vol. 15, p. 725)</p>	<p style="text-align: center;"><i>New (Unanimous)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By repealing the definition of the term “claims panel” in section 2 (1), and substituting the following definition: “‘Claims panel’ means a war pensions claims panel maintained by the Secretary under section 15 (1):”.</p> </div> <p>By repealing the definition of the term “Department” in section 2 (1), and substituting the following definition: “‘Department’ means, subject to any enactment, the New Zealand Defence Force (as defined in section 2 (1) of the Defence Act 1990):”.</p> <p>By repealing the definition of the term “Minister” in section 2 (1), and substituting the following definitions: “‘Minister’ means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act: “‘Official or employee of the Department’ includes a member of the New Zealand Defence Force:”.</p> <p>By repealing subsection (1) of section 4, and substituting the following subsection: “(1) For the purposes of this Act, a person must be appointed under section 61A of the Defence Act 1990 as the Secretary for War Pensions.”</p> <p>By omitting from section 4A (1) (a) the expression “66A,”.</p> <p>By inserting in section 4A, after subsection (1), the following subsection: “(1A) The Secretary may from time to time, either generally or particularly, delegate in writing to the chief executive of any department of the Public Service listed in the First Schedule of the State</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1954, No. 54—The War Pensions Act 1954 (R.S. Vol. 15, p. 725)—<i>continued</i></p>	<p>Sector Act 1988 such of the Secretary's powers, functions, and discretions under this Act as the Secretary determines, including the power of delegation conferred by this subsection.”</p> <p>By repealing subsection (1) of section 5, and substituting the following subsection:</p> <p>“(1) A Deputy Secretary for War Pensions may from time to time be appointed under section 61A of the Defence Act 1990 and, subject to the control of the Secretary, the Deputy Secretary has and may exercise all the powers, duties, and functions of the Secretary.”</p> <p style="text-align: center;"><i>New (Unanimous)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 5A (3)(b) and section 5E (2) the word “Dominion” wherever it appears, and substituting in each case the word “National”.</p> </div> <p style="text-align: center;"><i>Struck Out (Unanimous)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By repealing subsections (1) and (2) of section 15, and substituting the following subsections:</p> <p>“(1) The Secretary must establish a sufficient number of war pensions claims panels.</p> <p>“(2) Each claims panel consists of—</p> <p>“(a) A person who—</p> <p style="padding-left: 2em;">“(i) Is an official or employee of the Department and is appointed from time to time by the Secretary; or</p> <p style="padding-left: 2em;">“(ii) Is an official or employee of a department of the public service listed in the First Schedule of the State Sector Act 1988</p> </div>

SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1954, No. 54—The War Pensions Act 1954 (R.S. Vol. 15, p. 725)—<i>continued</i></p>	<p style="text-align: center;"><i>Struck Out (Unanimous)</i></p> <div style="border: 1px solid black; padding: 10px;"> <p>and is appointed from time to time by the chief executive of that department after consultation with the Secretary; and</p> <p>“(b) A person appointed from time to time by the Secretary on the nomination of the Dominion Executive Committee of the New Zealand Returned Services' Association (Incorporated).”</p> </div> <p style="text-align: center;"><i>New (Unanimous)</i></p> <div style="border: 1px solid black; padding: 10px;"> <p>By repealing subsections (1) and (2) of section 15, and substituting the following subsections:</p> <p>“(1) The Secretary must maintain a sufficient number of war pensions claims panels.</p> <p>“(1A) Despite subsection (1), the Secretary may not alter the number of claims panels unless the Secretary has consulted with the National Executive Committee of the New Zealand Returned Services' Association (Incorporated).</p> <p>“(2) Each claims panel consists of—</p> <p>“(a) A person who—</p> <p style="padding-left: 20px;">“(i) Is an official or employee of the Department and is appointed from time to time by the Secretary; or</p> <p style="padding-left: 20px;">“(ii) Is an official or employee of a department of the public service listed in the First Schedule of the State Sector Act 1988 and is appointed from time to time by the chief executive of</p> </div>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1954, No. 54—The War Pensions Act 1954 (R.S. Vol. 15, p. 725)—<i>continued</i></p>	<p style="text-align: center;"><i>New (Unanimous)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>that department after consultation with the Secretary; and</p> <p>“(b) A person appointed from time to time by the Secretary on the nomination of the National Executive Committee of the New Zealand Returned Services' Association (Incorporated).</p> <p>“(2A) A claims panel may, on or after 1 October 1999, allow a person nominated by a claimant to participate as the claimant's advocate in the consideration of the claim by the panel, if the members of the panel consider that the person nominated is sufficiently qualified, by reason of their training and experience, to participate in the consideration of the claim.</p> <p>“(2B) A person who is allowed under subsection (2A) to participate as the claimant's advocate in the consideration of a claim is not a member of the claims panel, and is not part of the panel for the purposes of section 15B (2) to (4).”</p> </div> <p>By repealing section 16A (1)(a).</p> <p>By omitting from section 16A (1)(b) the expression “66B, 66D to 66K, 68 to 78C, 81 to 83”, and substituting the expression “76 to 78A, 81, 83”.</p> <p>By repealing section 38.</p>
<p>1990, No. 26—The Social Welfare (Transitional Provisions) Act 1990 (R.S. Vol. 32, p. 883)</p>	<p>By inserting, after section 2, the following sections:</p> <p>“2A. Administration of veterans' pensions—(1) Sections 8 to 13 are administered in the New Zealand Defence Force (as defined in section 2 (1) of the Defence Act 1990).</p> <p>“(2) In sections 8 to 13, and in the application of any other provision of this</p>

SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1990, No. 26—The Social Welfare (Transitional Provisions) Act 1990 (R.S. Vol. 32, p. 883)—<i>continued</i></p>	<p>Act or the Social Security Act 1964 relating to veterans' pensions or the payment of veterans' pensions, references to the 'chief executive' and 'department' are to be read, respectively, as references to the Secretary and the New Zealand Defence Force.</p> <p>“(3) Nothing in subsection (2) requires the Secretary to issue a separate code of conduct under section 11B of the Social Security Act 1964 for the purposes of the administration of sections 8 to 13.</p> <p>“(4) In relation to the making of any requirement under section 11 of the Social Security Act 1964 relating to a veteran's pension, the code of conduct issued under section 11B of that Act by the chief executive of the department for the time being responsible for administration of that Act applies—</p> <p>“(a) To the Secretary as if the Secretary were the chief executive of the department; and</p> <p>“(b) To every officer or employee of the New Zealand Defence Force engaged in the administration of veterans' pensions as if they were officials or employees of the department.</p> <p>“2B. Delegation of Secretary's powers—(1) The Secretary may from time to time, either generally or particularly, delegate to the chief executive of the department for the time being responsible for the administration of this Act any of the Secretary's powers, functions, and discretions under—</p> <p>“(a) Sections 8 to 13; and</p> <p>“(b) Any other provision of this Act or the Social Security Act 1964 that relates to the payment of veterans' pensions.</p>

SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1990, No. 26—The Social Welfare (Transitional Provisions) Act 1990 (R.S. Vol. 32, p. 883)— <i>continued</i>	“(2) The provisions of sections 41 and 42 of the State Sector Act 1988 apply to every delegation made under subsection (1) as if the delegation were made under section 41 of that Act.”
1990, No. 28—The Defence Act 1990	<p>By adding to section 25 (1)(b)(iii) the expression “; and”.</p> <p>By adding to section 25 (1) the following paragraph:</p> <p>“(c) Be responsible to the appropriate Minister for—</p> <p>“(i) The carrying out of those functions and duties of the Defence Force (including those imposed by any enactment or by the policies of the Government) that relate to that Minister’s portfolio; and</p> <p>“(ii) The tendering of advice to that Minister on any matter relating to that Minister’s portfolio.”</p>
1991, No. 80—The Rehabilitation Act Repeal Act 1991	By omitting from section 3 the words “Director-General of Social Welfare”, and substituting the words “Secretary for War Pensions”.