

HON MEKA WHAITIRI, MINISTER FOR VETERANS

Veterans' Support Amendment Regulations 2022

April 2022

This publication provides a paper seeking authorisation for submission to the Executive Council of the Veterans' Support Amendment Regulations 2022.

The pack comprises the following documents:

- March 2022 Cabinet Legislation Committee Minute of Decision *Veterans' Support Amendment Regulations 2022* [LEG-22-MIN-0025]; and
- the associated Cabinet Paper *Veterans' Support Amendment Regulations 2022* [LEG-22-SUB-0025].

This pack has been released on the New Zealand Defence Force website, available at: www.nzdf.mil.nz/nzdf/search-our-libraries/documents/?document-type=Official+information&sort=relevance.

The draft Amendment Regulations have been withheld in full in accordance with:

- section 9(2)(g)(i) of the OIA: *to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty; and*
- section 9(2)(h) of the OIA: *to maintain legal professional privilege.*



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Veterans' Support Amendment Regulations 2022

Portfolio **Veterans**

On 10 March 2022, the Cabinet Legislation Committee:

- 1 **noted** that in February 2022, the Cabinet Social Wellbeing Committee agreed to amend the Veterans' Support Regulations 2014 to change the CPI indexation measure used to adjust veteran support entitlements on 1 April 2022, and annually thereafter, from the CPI (All Groups excluding cigarettes and other tobacco products) to the CPI (All Groups) [CAB-22-MIN-0004];
- 2 **noted** that the Veterans' Support Amendment Regulations 2022 will give effect to the decision referred to in paragraph 1 above;
- 3 **noted** that a waiver of the 28-day rule is sought:
 - 3.1 so that the regulations can come into force on 1 April 2022, in accordance with the decision referred to in paragraph 1; and
 - 3.2 on the grounds that doing so will maintain alignment with the indexation measure that will be used to adjust New Zealand Superannuation, the Veteran's Pension and other rates and thresholds of social assistance from 1 April 2022, and this is expected to have little or no effect on entitlement recipients;
- 4 **agreed** to waive the 28-day rule so that the Veterans' Support Amendment Regulations 2022 come into force on 1 April 2022;
- 5 **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2022.

Rebecca Davies
Committee Secretary

Attendance: (see over)

Present:

Hon Chris Hipkins (Chair)
Hon Dr Megan Woods
Hon Carmel Sepuloni
Hon Andrew Little
Hon Poto Williams
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Meka Whaitiri
Hon Phil Twyford
Kieran McAnulty, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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VETERANS' SUPPORT AMENDMENT REGULATIONS 2022

Proposal

1. I seek the Cabinet Legislation Committee's (LEG) approval to submit the Veterans' Support Amendment Regulations 2022 (Amendment Regulations) to the Executive Council.
2. The Amendment Regulations will change the Consumer Price Indexation (CPI) measure used to annually adjust (on 1 April each year) veteran support entitlements from 1 April 2022. This maintains alignment with the indexation measure that will be used to adjust New Zealand Superannuation, the Veteran's Pension and other rates and thresholds of social assistance from 1 April 2022.

Policy

3. Prior to 2010, adjustments to rates and thresholds of social assistance which were indexed to the CPI were made based on the CPI (All Groups). In 2010, Cabinet agreed to introduce a series of increases in tobacco excise tax, as part of the Government's commitment to Smokefree Aotearoa 2025. In order to prevent increases in tobacco excise tax flowing through to increases to rates and thresholds of social assistance, Cabinet agreed to use the CPI (excluding cigarette and other tobacco products) for the 2011, 2012, and 2013 adjustments [CAB Min (10) 13/24]. In 2011, the Government agreed that this adjustment to the CPI measure used be extended until 2017. In 2017, Cabinet agreed that this would extend until 2021 [CAB-16-MIN-0189]. Adjustments made using the CPI will revert to using the CPI (All Groups) as there have been no further tobacco excise increases, and these Cabinet decisions have expired.
4. On 9 February 2022, the Cabinet Social Wellbeing Committee considered and agreed to amend from 1 April 2022 the Veterans' Support Regulations 2014 to change the indexation measure used to annually adjust veteran support entitlements from CPI (All Groups excluding cigarettes and other tobacco products) to CPI (All Groups) [CAB-22-MIN-0004].

Timing and 28-Day Rule

5. Subject to Cabinet's approval, I propose that Cabinet refer the Amendment Regulations to the Executive Council on 14 March 2022.
6. A waiver of the 28-day rule is sought on the grounds that early commencement is needed to give effect to the Cabinet Social Wellbeing Committee's decision of 9 February 2022 that the CPI indexation measure used to adjust veteran support entitlements on 1 April 2022 is CPI (All Groups). This is expected to have little or no effect on entitlement recipients.

Compliance

7. The Amendment Regulations comply with:
 - a. the principles of the Treaty of Waitangi;
 - b. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;

- c. the principles and guidelines set out in the Privacy Act 2020;
- d. relevant international standards and obligations; and
- e. the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

8. The change in the CPI measure complies with these principles, standards, and guidelines. Authority for the Amendment Regulations is provided by sections 31 and 265 of the Veterans' Support Act 2014.

Regulations Review Committee

9. Officials consider that there are no grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

10. The Veterans' Support Amendment Regulations 2022 have been certified by Parliamentary Counsel as being in order for submission to Cabinet.

Impact Analysis

11. The proposal to amend the Veterans' Support Regulations 2014 did not require a Regulatory Impact Statement on the basis that there would be no, or only minor, impacts on businesses, individuals, and not-for-profit entities [CAB-22-MIN-0004].

Publicity

12. Veterans' Affairs will provide information on the changes to the indexation formula on its website.

Proactive Release

13. I intend to release this paper in full apart from any legally privileged material or other redactions required under the Official Information Act (1982).

Consultation

14. The Ministry of Social Development and the Treasury have been consulted in the preparation of these Amendment Regulations.

Recommendations

15. I recommend that the Cabinet Legislation Committee:

1. **Note** that on 9 February 2022 the Cabinet Social Wellbeing Committee agreed to amend the Veterans' Support Regulations 2014 to change the CPI indexation measure used to adjust veteran support entitlements on 1 April 2022, and annually thereafter, from the CPI (All Groups excluding cigarettes and other tobacco products) to the CPI (All Groups) [CAB-22-MIN-0004].
2. **Note** that the Veterans' Support Amendment Regulations 2022 will give effect to the Cabinet Social Wellbeing Committee's decision of 9 February 2022 to change the CPI indexation measure used to adjust veteran support entitlements on 1 April 2022, and annually thereafter, from the CPI (All Groups excluding cigarettes and other tobacco products) to the CPI (All Groups).

3. **Note** that a waiver of the 28-day rule is sought:
 - 3.1 so that the regulations can come into force on 1 April 2022, in accordance with the Cabinet Social Wellbeing Committee's decision of 9 February; and
 - 3.2 on the grounds that doing so will maintain alignment with the indexation measure that will be used to adjust New Zealand Superannuation, the Veteran's Pension and other rates and thresholds of social assistance from 1 April 2022. This is expected to have little or no effect on entitlement recipients.
4. **Agree** to waive the 28-day rule so that the Veterans' Support Amendment Regulations 2022 come into force on 1 April 2022.
5. **Authorise** submitting to the Executive Council on 14 March 2022, the Veterans' Support Amendment Regulations 2022.

Authorised for lodgement

Hon Meka Whaitiri
Minister for Veterans

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