

**Reprint
as at 7 December 2014**



Veterans' Affairs Act 1999

Public Act 1999 No 76

Date of assent 1 July 1999

Commencement see section 1(2)

Veterans' Affairs Act 1999: repealed, on 7 December 2014, by section 276 of the Veterans' Support Act 2014 (2014 No 56).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by Veterans' Affairs New Zealand.

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An Act—

- (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**
- (c) to amend related enactments and to provide for related matters**

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,—

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)

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

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—

- (a) to transfer to the Defence Force from a department of the Public Service listed in Schedule 1 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

veterans' affairs means—

- (a) the administration of pensions and allowances under the War Pensions Act 1954;
- (b) the supply of plaques and headstones for deceased ex-service persons and the maintenance of services' cemeteries;
- (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.

Section 2 **veterans affairs** paragraph (a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

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

- (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.
- (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.
- (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

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,—

- (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
- (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—

- (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:

- (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;
- (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;

- (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.

Schedule
Enactments amended

s 8

Defence Act 1990 (1990 No 28)

Amendment(s) incorporated in the Act(s).

Rehabilitation Act Repeal Act 1991 (1991 No 80)

Amendment(s) incorporated in the Act(s).

Social Welfare (Transitional Provisions) Act 1990 (1990 No 26)

(RS Vol 32, p 883)

Amendment(s) incorporated in the Act(s).

War Pensions Act 1954 (1954 No 54) (RS Vol 15, p 725)

Amendment(s) incorporated in the Act(s).

Reprints notes

1 *General*

This is a reprint of the Veterans' Affairs Act 1999 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Veterans' Support Act 2014 (2014 No 56): section 276

War Pensions Amendment Act 2003 (2003 No 18): section 12(1)
