

MINISTER FOR VETERANS

Proposed Legislation to Recognise Veterans in New Zealand

April 2025

This paper seeks authorisation to submit the Veterans' Support Amendment Regulations 2025 to the Executive Council.

The pack comprises the following documents:

- March 2025 Cabinet Social Outcomes Committee Minute of Decision: *Proposed Legislation to Recognise Veterans in New Zealand* [SOU-25-MIN-0016]; and
- The associated Cabinet Paper: *Proposed Legislation to Recognise Veterans in New Zealand*.

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.

No information has been withheld.



Cabinet Social Outcomes 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.

Proposed Legislation to Recognise Veterans in New Zealand

Portfolio **Veterans**

On 5 March 2025, the Cabinet Social Outcomes Committee:

- 1 **noted** that the legal definition of “veteran” in New Zealand, in the Veterans’ Support Act 2014 (the Act), excludes a number of those who have served in the New Zealand Defence Force (NZDF) but who do not meet the criteria of the definition within the Act;
- 2 **noted** that there is concern among many who have served that they are being denied recognition because they are not legally considered veterans according to the definition in the Act;
- 3 **agreed** to the drafting of a Veterans’ Recognition Bill that would enable statutory recognition as veterans for a broader group of personnel who have served in the New Zealand armed forces;
- 4 **agreed** that the Veterans Recognition Bill should include the following key elements:
 - 4.1 a definition of veterans, to include service personnel whose service qualified them to receive a medal and who have since left the NZDF;
 - 4.2 a statement that a covenant relationship exists between those who served in the NZDF and the New Zealand people, closely modelled on that within the Australian Veterans’ Recognition (Putting Veterans and Their Families First) Act 2019;
- 5 **agreed** that the proposed Veterans’ Recognition Bill would not extend eligibility to the entitlements available under the Act to a broader group than those who currently have eligibility under the Act;
- 6 **invited** the Minister for Veterans to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions above;
- 7 **noted** that other opportunities exist to improve the recognition of New Zealand veterans in ways that do not require Crown funding, including:
 - 7.1 the establishment of an annual Veterans Recognition Awards ceremony;
 - 7.2 the establishment of a national Veterans Recognition Day, which would not be a public holiday;

7.3 partnering with businesses to expand the range of concessions offered to veterans.

Tom Kelly
Committee Secretary

Present:

Rt Hon Winston Peters
Hon David Seymour
Hon Nicola Willis
Hon Simeon Brown
Hon Erica Stanford
Hon Louise Upston (Chair)
Hon Mark Mitchell
Hon Tama Potaka
Hon Nicole McKee
Hon Casey Costello
Hon Chris Penk
Hon Penny Simmonds
Hon Nicola Grigg
Hon Scott Simpson
Hon Karen Chhour

Officials present from:

Officials Committee for SOU
Minister for Veterans' Office
Veterans' Affairs New Zealand

Proactively Released by the Minister for Veterans

PROPOSED LEGISLATION TO RECOGNISE VETERANS IN NEW ZEALAND

Proposal

1. This paper seeks Cabinet approval to begin drafting a new bill – the Veterans' Recognition Bill – to provide intangible recognition for those who have served in the New Zealand Defence Force (NZDF) and are not currently recognised.
2. This paper also notes other work underway to improve the recognition of Kiwi veterans.

Relation to Government priorities

3. This proposal relates to commitments made by coalition partners to support veterans.

Executive Summary

4. The current legal definition of "veteran" in New Zealand is more limited than the use of the term in everyday language.
5. The definition in section 7 of the Veterans' Support Act 2014 does not cover everyone who has served in the New Zealand Defence Force (NZDF). This is appropriate in terms of support available in that legislation. It is based on the premise that that Act should support those who are specifically sent by the Government into situations that put them at significant risk of harm. Only those who meet the terms of the "veteran" definition in that Act can receive the associated entitlements.
6. Many who have served in the NZDF, however, tend to see the term "veteran" itself as a positive form of recognition for what is often long and honourable service, albeit service which does not meet the criteria in the Veterans' Support Act. They understandably resent feeling that they are being denied the intangible recognition of being considered veterans in any official way.
7. I do not propose to extend the entitlements in the Veterans' Support Act to a broader group of veterans, however. That would require a review of the basis of that legislation, namely that support should be targeted to those who have served in dangerous situations and become ill or injured as a result. In addition, the financial cost of extending entitlements would be significant.
8. This paper requests that the Cabinet agrees to deal with the primary concern of many who have served – that they are being denied the recognition of being officially known as "veterans" – through a legislative response that would recognise a greater number of those who have served.
9. If Cabinet agrees to these proposals, it is proposed that a draft bill be brought to LEG for approval to introduce in Q3 2025.

Background

10. The Law Commission had been tasked in 2007 with reviewing the War Pensions Act 1954 and identifying a more appropriate support scheme to replace it.

11. It considered that exposure to significant risk of harm on behalf of the state should be the defining factor in creating a Government obligation. Modernised legislation was duly passed in 2014, with cross party agreement. It provided (and continues to provide) additional support, not for all who have served but for those who were placed in harm's way by their service.

12. This support – namely, treatment and rehabilitation for those who have injuries or illnesses caused or aggravated by their qualifying service – is delivered through Veterans' Affairs (VA) to those defined under the Act as "veterans", namely persons with "qualifying operational service".

13. While that rationale for targeting support remains valid, in my view a broader range of Kiwis who have served their country in the NZDF deserve some intangible recognition for their service. Officially recognising more ex-NZDF personnel as "veterans" represents a costless, yet meaningful and relatively straightforward, way to achieve this.

Veterans' recognition – international comparison

14. Other nations differ in how they define "veterans" for the purpose of intangible recognition, as well as in relation to entitlements associated with service. The definitions used overseas tend to be much broader than is currently the case in New Zealand; this is a point of contention among our ex-service personnel.

15. Australia currently defines a veteran as a person who has served, or is serving, as a member of the Permanent Forces or as a member of the Reserves. In the UK a veteran is anyone who has served for at least one day in the UK Armed Forces (Regular or Reserve) who has seen duty on legally defined military operations. In Canada, it is any member of the Canadian Armed Forces who successfully underwent basic training and is honourably discharged. In the United States a veteran is a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonourable.

Proposal for a new Veterans' Recognition Act

16. I propose that new legislation be introduced: a Veterans' Recognition Bill. This would be based on an Australian equivalent, a piece of legislation that simply focuses on recognising veterans: the Veterans' Recognition (Putting Veterans and Their Families First) Act 2019.

17. Such new legislation for New Zealand would offer symbolic recognition of honourable service, rather than tangible entitlements. As such, the new Act would result in no changes to the Veterans' Support Act.

18. Following public consultation during the period 2017 – 2020, the Veterans' Advisory Board produced a report that recommended that a covenant relationship be recognised in law between the Government and veterans.

19. Other countries like the UK and Australia have this. I propose a covenant based closely on the Australian legislation:

"We, the people of [New Zealand], respect and give thanks to [those] who have served in our defence force and their families.

"We acknowledge the unique nature of military service and the sacrifice demanded of all who commit to defend our nation."

20. The proposal would provide a stand-alone Act that would:
a. acknowledge military service;

- b. confirm that those covered by its definition are considered to be veterans for the purpose of this new Act; and
- c. state that a covenant exists between the New Zealand people and veterans.

Definition of “veteran” in a new Veterans Recognition Act

21. I propose that the recognition threshold for “veterans” be the same as that for medallic recognition. This provides a rational basis for answering the question of where to draw the line to define “veterans”, given different experiences and periods of time that ex-NZDF personnel have in service.

22. Equating medallic recognition with veterans’ status would also provide certainty as to which ex-NZDF personnel are included in such definition. NZDF’s database provides a record of those who have qualified for the award of at least one medal.

23. If the definition of “veterans” proposed for this bill is adopted, medals that would qualify ex-NZDF personnel to be recognised as veterans would include:

- a. the New Zealand Defence Service Medal, being a medal that recognises NZDF service of at least 3 years’ duration, including to reserve force personnel
- b. campaign medals, whether or not such deployments constitute “qualifying operational service” under the Veterans Support Act;
- c. honours or decorations awarded through the royal honours system; and
- d. medals for bravery or excellence awarded by the New Zealand government.

24. Approximately 49,000 people have been released from the NZDF since 1990. Of those, more than 31,000 had completed three or more years of service and would have received (or be entitled to receive) the Defence Service Medal.

25. The definition in the new Act would not cover those still serving in the NZDF. That number was estimated to include 10,037 regular force personnel as of 30 June 2024. The vast majority of those people would be considered veterans on leaving service.

26. The legislation proposed in this paper – a Veterans’ Recognition Bill – would complement our Government’s update to the Anzac Day Act 1966. This will ensure that each year we acknowledge more recent situations of conflict than that legislation currently specifies.

A new Veterans Recognition Act – next steps

27. This paper seeks Cabinet approval for stand-alone legislation to be developed to recognise an extended number of those who have served in the NZDF. It **would**

- acknowledge and recognise military service; and
- confirm that those covered by it are considered to be veterans for the purposes of the new Act; and
- state that a covenant exists between the New Zealand Government and veterans;

and **would not**:

- extend the entitlements currently available under the Veterans' Support Act 2014 to recipients beyond those currently eligible for those benefits.

Veterans Recognition Awards ceremony

28. I propose to establish an annual Veterans Recognition Awards ceremony. The purpose of such an awards ceremony would be to recognise outstanding contributions made to improving veterans' welfare and also to recognise veterans who support fellow Kiwis in a manner related to their military service.

29. The awards could be determined by the Veterans Advisory Panel, in conjunction with the Royal New Zealand Returned and Services Association (RSA) and other veterans-supporting organisations. Awards could be made for various categories in the name of the Prime Minister, the Minister of Defence and the Minister for Veterans.

30. I propose to seek corporate sponsorship of such an awards ceremony to fund the costs associated with such an annual event. The venue of such an awards ceremony could be Parliament House, Defence House, an NZDF base or some other publicly available venue involving minimal cost. No Crown funding is being sought in relation to this proposal.

National "Veterans' Recognition" Day

31. A further opportunity for improving veterans' recognition in New Zealand is the establishment of a national day recognising veterans.

32. This is a proposal that the RSA has made. It is not a statutory public holiday and does not have wider implications for the Government and employers.

33. Such a national day could be established at least two months before or after 25 April, to keep it separate to ANZAC Day commemorations. Instead some other date that is significant to New Zealand veterans could be chosen, in consultation with the RSA and other veterans-supporting organisations.

Partnering with businesses

34. I am also exploring opportunities to partner with businesses to expand the range of concessions/discounts offered to veterans. This would help recognise the contribution of veterans to New Zealand without the cost to the Crown.

35. Currently, there are limited offerings available to veterans outside of the statutory entitlements. The Veterans Super Gold Card is currently available to veterans who are older than 65 years and eligible to receive entitlements under the Veterans Support Act. In practice, this card is the same as the standard Super Gold Card. There are also discounts available to current NZDF members and their families through the "Force for Families" program.

36. I am also exploring ways that the Government can partner with veteran-focused businesses. Businesses play a critical role in helping ex-NZDF personnel to make the sometimes-difficult transition to civilian life.

Cost-of-Living Implications

37. These proposals will have no impacts on the cost of living.

Financial Implications

38. No financial implications have been identified.

Legislative Implications

39. The proposed new legislation is not at present on the 2025 legislative timetable. I am recommending that approval be given to prepare the bill for introduction in the House in Q3 or Q4, 2025.

Regulatory Impact Statement

40. The Ministry for Regulation has advised that a RIS will not be required as the impact of the new legislation will be minimal.

Climate implications

41. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Population implications

42. It is assessed that a population of approximately 140,000 have served in the New Zealand Defence Force. The proposed legislation would define a significant number of those as veterans for the purpose of this Act.

Use of external resources

43. No external resources have been used in the preparation of this paper.

Consultation

44. This paper has been consulted with relevant Ministers.

Communications

45. No communication around this proposal is being considered at this early stage.

Proactive release

46. This paper will not be proactively released as the proposal is still at an early stage of consideration.

Compliance

47. To the best of my knowledge, nothing proposed in this paper is inconsistent with:

- 51.1 the principles of the Treaty of Waitangi;
- 51.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- 51.3 the principles and guidelines set out in the Privacy Act 2020; or
- 51.4 the relevant international standards and obligations; and

48. The Legislation Design and Advisory Committee has been offered an opportunity to consider the proposal in light of the Guidelines (2021).

Recommendations

49. I recommend that the Cabinet:

- a. **Note** that the legal definition of “veteran” in New Zealand, in the Veterans’ Support Act 2014, excludes a number of those who have served in the NZDF but who do not meet the criteria of the definition within the Act;
- b. **Note** that there is concern among many who have served that they are being denied recognition because they are not legally considered veterans according to the definition on the Veterans’ Support Act 2014;
- c. **Agree** to the Parliamentary Counsel Office drafting a Veterans’ Recognition Bill that would enable statutory recognition as veterans for a broader group of personnel who have served in the New Zealand armed forces; and
- d. **Agree** that the Veterans Recognition Bill should include the following key elements:
 - i. a definition of veterans, to include service personnel whose service qualified them to receive a medal and who have since left the New Zealand Defence Force; and
 - ii. a statement that a covenant relationship exists between those who served in NZDF and the New Zealand people, closely modelled on that within the Australian Veterans’ Recognition (Putting Veterans and Their Families First) Act 2019;
- e. **Agree** that the proposed Veterans’ Recognition Bill would not extend eligibility to the entitlements available under the Veterans’ Support Act to a broader group than those who currently have eligibility under the Veterans’ Support Act 2014;
- f. **Note** that other opportunities exist to improve recognition of New Zealand veterans in a way that do not require Crown funding, including:
 - i. the establishment of an annual Veterans Recognition Awards ceremony;
 - ii. the establishment of a national Veterans Recognition Day, which would not be a public holiday;
 - iii. partnering with businesses to expand the range of concessions offered to veterans.

Authorised for lodgement

Hon Chris Penk
Minister for Veterans

Date:

Appendix