



# Social Security (Income and Cash Assets Exemptions—Vietnam Veterans Ex Gratia Payments) Regulations 2007

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 23rd day of April 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 132 of the Social Security Act 1964, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### Regulations

- 1 Title**  
 These regulations are the Social Security (Income and Cash Assets Exemptions—Vietnam Veterans Ex Gratia Payments) Regulations 2007.

## **2 Commencement**

These regulations come into force on 27 April 2007.

## **3 Interpretation**

In these regulations, unless the context otherwise requires,—  
**Act** means the Social Security Act 1964

**MoU on measures related to veterans** means the memorandum of understanding—

- (a) signed on 6 December 2006 for and on behalf of the following (the **parties**):
  - (i) the Ex-Vietnam Services Association; and
  - (ii) the Royal New Zealand Returned and Services Association; and
  - (iii) the Crown; and
- (b) not intended to be legally binding on the parties, but recording their intentions on a package of measures related to Vietnam veterans and other veterans.

## **4 Specified item and income declared not to be income**

- (1) The item of income, and income from the source, specified in subclause (2) are not a person's income for the purposes of the Act.
- (2) The item of income and the source of income are—
  - (a) any ex gratia payment—
    - (i) made to the person, on or after 27 April 2007, by the Crown; and
    - (ii) made in accordance with the MoU on measures related to veterans; and
  - (b) any interest derived (directly or indirectly) by the person from the payment referred to in paragraph (a).

## **5 Specified item declared not to be cash assets**

- (1) The item of cash assets specified in subclause (2) is not a person's cash assets for the purposes of the Act.
- (2) The item of cash assets is any ex gratia payment—
  - (a) made to the person, on or after 27 April 2007, by the Crown; and
  - (b) made in accordance with the MoU on measures related to veterans.

Rebecca Kitteridge,  
for Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 27 April 2007, are made under the Social Security Act 1964 (the **Act**). They declare certain income and cash assets not to be a person's income or cash assets for the purposes of the Act.

The exempted income and cash assets are ex gratia payments, and income that is interest derived from ex gratia payments, made in accordance with a memorandum of understanding (**MoU**) on measures related to veterans. When these regulations were made, the MoU was available through the website of the Joint Working Group on Concerns of Viet Nam Veterans: [www.vietnamvetSWG.govt.nz](http://www.vietnamvetSWG.govt.nz).

The MoU is not intended to be legally binding on the parties to it, but records their intentions on a package of measures related to Vietnam veterans and other veterans. That package contemplates ex gratia payments for the following people:

- Vietnam veterans who suffer from 1 or more of the prescribed conditions (chronic lymphocytic leukaemia, soft tissue sarcoma, non-Hodgkin's lymphoma, Hodgkin's disease, and chloracne):
- spouses or partners (including former spouses or partners) of Vietnam veterans who appear to have died because of, and have not received an ex gratia payment because they suffered from, 1 or more of the prescribed conditions:
- people who are natural children of Vietnam veterans and who, as at 6 December 2006, suffered from 1 or more of the 5 accepted conditions (spina bifida, a cleft lip, a cleft palate, acute myeloid leukaemia, and adrenal gland cancer):
- the immediate families of people who are the natural children of Vietnam veterans, and who appear to have died because of 1 or more of the 5 accepted conditions (even if those children received an ex gratia payment because they suffered from 1 or more of those conditions).

The exempted payments are also—

- assets exempt from means assessment under Part 4 of the Act, because of the related exemption in regulation 10(1)(g) of the Social Security (Long-term Residential Care) Regulations 2005; and
- excluded from cash assets used in determining eligibility for temporary additional support, because of the related exclusion in regulation 8(3)(e) of the Social Security (Temporary Additional Support) Regulations 2005.

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These regulations are administered by the Ministry of Social Development.

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