

**Reprint  
as at 22 September 2011**



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

(SR 2007/98)

Social Security (Income and Cash Assets Exemptions—Vietnam Veterans Ex Gratia Payments) Regulations 2007: revoked, on 22 September 2011, by regulation 47 of the Social Security (Income and Cash Assets Exemptions) Regulations 2011 (SR 2011/287).

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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry of Social Development.**

## Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Specified item and income declared not to be income	2
5	Specified item declared not to be cash assets	3

## 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.

## **Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

## **Notes**

### **1 *General***

This is a reprint of the Social Security (Income and Cash Assets Exemptions—Vietnam Veterans Ex Gratia Payments) Regulations 2007. The reprint incorporates all the amendments to the regulations as at 22 September 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Social Security (Income and Cash Assets Exemptions) Regulations 2011  
(SR 2011/287): regulation 47

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